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by

PATRICK J. O'DONNELL, CLERK

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Patrick J. O'Donnell . . . . . Lincoln

# RULES OF THE NEBRASKA UNICAMERAL

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## RULE 1--OFFICERS AND EMPLOYEES

### A. Election of Officers

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

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

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

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

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

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

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

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

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

Section 7(c).

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

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

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

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

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

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

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

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

### B. Presiding Officer

**Sec. 5. President of the Legislature.** The Lieutenant Governor shall preside as President of the Legislature. The Speaker shall serve as acting President and preside when the Lieutenant Governor shall be absent, incapacitated, or shall be acting as Governor. All references

herein made to the President shall be construed as meaning also the Speaker whenever he or she may preside.

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

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

Chairperson of the Legislative Council
Chairperson of Committee on Committees
Chairperson of Committee on Judiciary
Chairperson of Committee on Government, Military and Veterans Affairs
Chairperson of Committee on Appropriations
Chairperson of Committee on Revenue
Chairperson of Committee on Education
Chairperson of Committee on Banking, Commerce and Insurance
Chairperson of Committee on Public Works
Chairperson of Committee on Agriculture and Environment
Chairperson of Committee on Public Health and Welfare
Chairperson of Committee on Miscellaneous Subjects
Chairperson of Committee on Business and Labor
Chairperson of Committee on Urban Affairs
Chairperson of Committee on Constitutional Revision and Recreation

*Emergency succession. RRS 50-503(7).*

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

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

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

**Sec. 9. Convening of Legislature, Quorum.** The President shall take the chair each legislative day at the hour to which the Legislature

shall have adjourned at the last sitting. He or she shall call the Legislature to order, and a quorum being present, shall proceed in the manner and order prescribed by these Rules. A majority of the members elected to the Legislature shall constitute a quorum.

*Const. Art. III, Sec. 10.*

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

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

*Consent to enter chamber. Rule 2, Section 3.*

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

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

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

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

*Const. Art. III, Sec. 10.*

### C. Speaker

**Sec. 15. Speaker, Presiding, Privilege.** The Speaker shall preside over

the Legislature at such times and circumstances as is above set forth. He or she shall be privileged to speak at any stage of proceedings at any time incident to the duties and responsibilities of his or her office.

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

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

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

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

### D. Clerk of the Legislature

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

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

*Preprinting of bills. Rule 5, Section 3.*

(c) The Clerk of the Legislature shall make a detailed and itemized report to the Legislature each month concerning the number of employees and the amount paid for their services, especially setting out the amount of regular time and overtime, and to whom paid.

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

(e) No communications or letters shall be read by the Clerk of the Legislature unless authorized by the Speaker or the Reference Committee.

*General duties. RRS 50-114.*
*Distribute material, when authorized. Rule 2, Section 3f.*
*Fiscal notes, attach to bills. Rule 5, Section 6d.*
*Lobby registration. RRS 50-308 through 50-318.*
*File administrative rules. RRS 84-904.*

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

*Order of business. Rule 7, Section 1b.*

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

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

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

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

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

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

(g) A verbatim record of all debate and questions on all bills and

resolutions, and amendments offered thereto, shall be made, transcribed, and preserved under the direction of the Clerk.

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

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

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

*RRS 50-115.*

## E. Other Offices

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

*RRS 50-116.*

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

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

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

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

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

Legislature for all temporary employee positions. Such salary schedule shall be considered adopted unless rejected or amended by a majority of the elected members. No further adjustments in individual salaries for temporary employees need to be submitted to the Legislature for that session.

*RRS 50-112.*

## RULE 2--RULES OF PROCEDURE

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

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

**Sec. 2. Rules, Suspension, Amendment.** These rules may only be suspended by a three-fifths majority of the elected members by a machine vote, and may be amended by a three-fifths majority vote of the members elected; Provided, any proposed amendment must first be referred to the Committee on Rules for consideration and report.

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

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

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

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

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

(d) No one shall be permitted to be seated beside members of the Legislature except members of their immediate families upon permission from the chair. When bills are being read on Final Reading, no one shall be permitted to be seated beside members of the Legislature.

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

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

(g) Members shall remain in their seats during the Final Reading of a bill and until the vote thereon has been announced, except when excused by the President.

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

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

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

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

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

*Const. Art. III, Sec. 10.*

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

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

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

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

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

**Sec. 11. Personal Privilege.** Personal privilege shall be, first, those affecting the rights, dignity, and integrity of the Legislature collectively; and second, the rights, reputation, and conduct of members individually. They shall have precedence over all other questions except motions to adjourn. Personal privilege shall not be used to permit any discussion or debate pertaining to any measure

pending before the Legislature. All questions of privilege shall be channeled through the presiding officer, who shall determine their order of consideration.

## RULE 3--COMMITTEES

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

(b) A committee's subject-matter jurisdiction extends to all matters specified in the act creating the committee, or to all matters reasonably comprehended in the name of the committee. A committee's particular jurisdiction extends to any bill, resolution, or other measure referred to it by the Legislature, until final report of the measure has been made by the committee to the Legislature.

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

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

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

**Sec. 2. Appointment of Committees.** (a) At the commencement of each session, the Legislature shall elect a Committee on Committees to consist of thirteen members, one at large who shall be chairperson, and three from District Number 1 consisting of legislative districts Numbers 1 through 3, 25 through 30, 32, 45, and 46; three from District Number 2 consisting of legislative districts Numbers 4 through 14, 20, and 31; three from District Number 3 consisting of legislative districts Numbers 15 through 19, 21 through 24, 34, 35, and 40; and three from District Number 4 consisting of legislative districts Numbers 33, 36 through 39, 41 through 44, and 47 through 49.

(b) The Committee on Committees, by a majority vote of all its members, shall recommend to the Legislature for its approval appointments to the standing and select committees, each with the number of members as hereinafter set forth, unless otherwise

provided for by rule or by statute.

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

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

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:

| | |
|---|---|
| Administrative Rules and Regulations Review | 7 members |
| Agriculture and Environment | 8 members |
| Appropriations | 9 members |
| Banking, Commerce and Insurance | 8 members |
| Business and Labor | 7 members |
| Constitutional Revision and Recreation | 7 members |
| Education | 8 members |
| Government, Military and Veterans Affairs | 8 members |
| Judiciary | 8 members |
| Miscellaneous Subjects | 8 members |
| Public Health and Welfare | 7 members |
| Public Works | 8 members |
| Revenue | 8 members |
| Urban Affairs | 8 members |

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

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

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

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

(c) Committee on Committees.

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

(d) Enrollment and Review.

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

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

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

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

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

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

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

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

(e) Reference Committee.

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

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

(f) Rules Committee.

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

(g) Investigating Committees.

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

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

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

Building and Maintenance. RRS 81-185 ..... 4 members

Education Commission of the States.
RRS 79-2504 ..... 4 members
Executive Board of the Legislative Council.
RRS 50-401.01 ..... 9 members
Intergovernmental Cooperation. RRS 81-816 ..... 5 members
Law Enforcement and Justice Advisory,
(Judiciary Committee). RRS 50-601 ..... 8 members
Nebraska Retirement Systems. RRS 50-416 ..... 6 members
Performance Review and Audit.
RRS 50-701.02 ..... 6 members
Telecommunications. RRS 50-424 ..... 8 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 alternate members to serve on such assignments as the chairperson shall direct.

(ii) Nebraska Retirement Systems Committee.

The Nebraska Retirement Systems Committee (RRS 50-416) shall have jurisdiction over all bills proposing new or amending existing retirement systems of the state and its political subdivisions.

**Sec. 6. Meeting Times.** (a) After consultation with the Speaker, the Committee on Committees shall publish a schedule of standing committee meetings, in such manner as to avoid, as far as possible, conflicts in the assignment of members to committees. Standing committees shall meet at 2:00 p.m. on weekdays, unless otherwise approved by the Legislature.

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

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

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

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

specified, by the Executive Board.

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

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

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

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

**Sec. 11. Temporary Appointments.** (a) When a member is unable to serve, the chairperson of the committee, after a majority vote of the remaining members, shall request that such vacancy be filled by the Committee on Committees. Such committee shall appoint either the Speaker or a member from a standing committee having eight members to fill each vacancy.

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

**Sec. 12. Consideration and Correlation of Bills and Resolutions.** (a) Committees shall consider and report without unnecessary delay all bills and resolutions referred to them. Committees shall be authorized to combine and to correlate the provisions of different bills and resolutions referred to them and related to the same subject under the number of one of the correlated bills or resolutions, and when

reported out under one bill or resolution number, the remaining bills or resolutions will be reported out as indefinitely postponed. Committees may, before taking final action on any bill or resolution, adopt amendments thereto, for the consideration of the Legislature.

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

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

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

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

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

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

(b) A report on a bill or resolution must be made to the Legislature within eight calendar days after the committee has taken final action upon the particular measure.

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

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

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

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

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

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

available to the public.

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

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

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

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

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

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

(A) Issuance of Subpoenas.

(i) A committee may, by a majority vote of all of its members taken at a meeting properly called, issue a subpoena requiring a person to appear before the committee and be examined in reference

to any matter within the scope of the inquiry or investigation being conducted by the committee, but only when the committee has received prior approval by a majority vote of the Executive Board to issue subpoenas in connection with the specific inquiry or investigation in question.

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

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

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

(B) Notice to Witnesses.

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

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

(C) Conduct of the Hearing.

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

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

Section 15(b) regarding closed meetings.

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

(D) Right to Counsel and Submission of Questions.

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

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

(E) Testimony.

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

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

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

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

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

testimony or other evidence may be released.

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

(F) Interested Persons.

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

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

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

(G) Contempt.

A person shall be in contempt if he or she:

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

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

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

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

(H) Penalties.

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

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

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

(I) Limitation of Rules.

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

## RULE 4--RESOLUTIONS

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

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

**Sec. 2. When Considered as a Bill.** Resolutions which propose amendments to the state constitution, propose the ratification or rejection of amendments to the federal Constitution, or memorialize the Congress with regard to amendments to the U.S. Constitution, or the rejection, change, alteration, amendment, or modification of rules under the provisions of Section 84-904, Reissue Revised Statutes of Nebraska, 1943, 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 Resolution.** Resolutions which propose that studies be made by the Legislative Council shall be first referred to the Executive Board of the Legislative Council, this Board to submit a report with each resolution recommending that the proposed study be made or rejected. The Executive Board of the Legislative Council shall determine the time and number of interim studies. All such studies authorized by the Legislature shall be referred to the appropriate permanent standing or special committee by the Executive Board. The chief introducer of a study resolution shall, if not otherwise a member of the committee to which the resolution is assigned, be an ex officio member of said committee, but such membership shall not extend beyond the convening of the next legislative session and shall be limited to a study of that resolution only.

*RRS 50-404.*

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

**Sec. 5. Vote Required for Adoption.** All resolutions shall be adopted by an affirmative vote of a majority of the elected members except for those specified in Section 2 which shall be considered and adopted in the same manner as bills.

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

**Sec. 7. Engrossed Resolutions.** Only those resolutions specified in Sections 2 and 3 of this rule shall be engrossed unless otherwise ordered by the Legislature or unless the Clerk determines the nature of the resolution is such that upon its adoption it must be engrossed to properly achieve the purpose for which it was presented. All resolutions which are engrossed shall be enrolled and signed by the Lt. 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 be referred to the Reference Committee for referencing to the appropriate committee upon the recommendation of the Speaker of the Legislature.

**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.

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

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

## RULE 5--BILLS--GENERAL PROVISIONS

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

**Sec. 2. Content and Form of Bills.** A 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.

**Sec. 3. Revisor Correctional Bills, Preprinting.** (a) Preceding each legislative session, the Chairperson or any member of the Executive Board of the Legislative Council, or if the Executive Board so requests, the senator who, in the preceding session served as Chairperson of the Judiciary Committee, shall sign as introducer the Revisor of Statutes' correctional bills. The Clerk of the Legislature shall number these bills consecutively beginning with number 1 and shall show the committee reference to be General File. The Clerk of the Legislature shall have these bills printed before the convening of the next regular session.

(b) In addition to causing to be printed the revisor bills, the Clerk

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

**Sec. 4. Introducers Signing Bills.** (a) Members shall introduce only such bills as they are willing to endorse and support personally. The last name and district shall be used, unless an initial or name is necessary to identify the introducer.

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

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

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

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

3. A special committee as created by the Executive Board on December 10, 1983, regarding the Commonwealth investigation and matters related thereto, may introduce bills at any time during the course of the 1984 Legislative Session. Said bills to be introduced must receive endorsement of a majority of the committee members whose names shall appear on the bill in order to fall within the purview of this section.

(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. 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 two of the committee's bills as priority bills.

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

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

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

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

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

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

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

**Sec. 6. Fiscal Analyst.** (a) A copy of every bill introduced shall be

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

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

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

(d) The fiscal note shall be delivered by the Legislative Fiscal Analyst to the Clerk within ten calendar days of receipt of a copy of the bill for analysis. 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 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 note shall contain a statement to that effect, setting forth the reasons why no dollar estimate can be given.

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

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

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

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

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

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

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

*Const. Art. III, Sec. 14.*

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

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

*Salaries of employees. Rule 1, Section 22.*

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

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

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

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

## RULE 6--BILLS--STAGES OF CONSIDERATION

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## GENERAL FILE

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

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

**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 which shall require a majority of the elected members.

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

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

(e) A motion to postpone indefinitely.

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

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

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

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

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

SELECT FILE

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

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

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

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

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

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

*Const. Art. III, Sec. 14.*

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

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

(b) To recommit the bill to the proper standing committee, with or

without instructions.

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

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

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

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

**FINAL READING**

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

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

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

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

shall be pending on Final Reading, and the question then shall be, "Shall the bill pass with the emergency clause stricken?"

*Const. Art. III, Sec. 27.*

**Sec. 11. Governor's Veto, Further Legislative Action.** 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. 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.*

**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 10, 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 overriden 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 overriden" and place thereon the date and his or her initials.

**Sec. 14. Appropriations Bills, Procedure After Veto.** (a) Whenever the Governor shall have vetoed more than one item in an appropriation

bill, the Appropriations Committee shall review said veto and the Chairperson of the Appropriations Committee shall report within one legislative day to the Legislature on it's fiscal implications, and affect on operations. If the Appropriations Committee by majority vote decides to recommend to the Legislature an override of the veto on any portion of such an appropriation bill, the Chairperson of the Appropriations Committee or his/her designee shall first be permitted an opportunity to move that the entire bill become law notwithstanding the line-item veto therein.

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

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

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

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

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

## RULE 7--PROCEEDINGS AND MOTIONS

### (A) Order of Business

**Section 1. Meeting Time, Restrictions.** (a) The Legislature shall meet annually at 10:00 a.m. on the first Wednesday after the first Monday in January of each year and thereafter on each legislative day at 9:00 a.m., and adjourn not later than 1:00 p.m., unless otherwise ordered by a majority vote of its members present and voting thereon. The Legislature shall in odd-numbered years, after the period allowed for the introduction of bills, recess for four (4) calendar days. During such recess committees shall prepare, for public distribution, a calendar of hearing dates. No committee hearings shall be held until after the recess provided for in this section. 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) When a bill shall have been made a special order for a definite time and an adjournment shall intervene for a time beyond the time fixed for such special order, then in that event the bill so made a

special order shall be placed in its order on General File. The unfinished business in which the Legislature was engaged at the adjournment of the last preceding sitting shall have preference in the special order of the day.

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

*Introduction of bills. Rule 6, Section 1.*

**(B) Voting Machine**

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

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

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

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

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

**(C) Motions**

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

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

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

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

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

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

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

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

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

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

(e) Any member may call for the division of a question, which shall be divided if it comprehends propositions in substance so distinct that, one being taken away, a substantive proposition shall remain for the decision of the Legislature. A motion to strike out and insert shall be deemed indivisible, but a motion to strike out being lost, shall not preclude an amendment or a motion to strike out or insert.

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

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

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

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

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

**Sec. 5. Call of the House.** A call of the House may be made by any

member in the manner following: "I move for a call of the House." The presiding officer shall direct that the board be cleared and the members shall then vote on placing themselves under call. If a majority of the senators present and voting, vote in favor of such a motion, then the Legislature shall be deemed to be under call. Each member present shall indicate his or her presence upon the electric roll call system and shall remain in his or her seat during the call. After the Clerk shall note the names of the absentees, proceedings under the call may be suspended at any time by a majority vote of the members then present, and when so suspended shall not again be ordered on the proposition pending, except by a majority vote of the members elected. If all absentees were to vote on one side of the question, and if their combined vote would be insufficient to change the result of the vote, the President shall declare the call raised.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## RULE 8--APPROPRIATIONS PROCESS

**Section 1. Purpose.** The purpose of this rule is to provide a procedure for the Legislature to develop appropriations for all state agencies, boards, and commissions. Such procedure shall consider the need to (1) continue the services and financial assistance provided by state agencies and programs, and (2) restrict the growth in state appropriations.

**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. Resolution, General Fund Appropriation.** Based upon the Appropriations Committee's report, the Legislature shall adopt a resolution which specifically recommends a maximum General Fund appropriation for each year of the following biennium. The Legislature shall consider such resolution no less than three legislative days after the Appropriations Committee report is distributed to members of the Legislature and the resolution is printed in the Legislative Journal. Any adoption of the resolution or amendment to the resolution which increases or decreases the maximum General Fund appropriation recommendation made under Section 2 of this rule shall require twenty-five votes for adoption.

**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 provided for in Section 4 of this rule 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 appropriation bills as reported to General File by the Appropriations Committee. 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 appropriation bills are passed by the Legislature. Provided the Appropriations Committee shall place appropriation 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 appropriation bills as introduced by the Governor. The appropriation 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. Such appropriation bills proposed by the Appropriations Committee plus the allocation for the funding of "A" bills, all bills resulting in the reduction of revenue to the General Fund, and all tax expenditure bills, shall not be in excess of the maximum General Fund appropriation adopted by resolution pursuant to Section 4 of this rule. The appropriation 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.

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| Restriction on, when set for hearing | 3 | 13 |

# FIRST DAY - JANUARY 9, 1985

## LEGISLATIVE JOURNAL

## EIGHTY-NINTH LEGISLATURE
## FIRST SESSION

## FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, January 9, 1985

Pursuant to the provisions of Section 10, Article III of the Constitution of Nebraska, the Eighty-Ninth Legislature, First Session of the Legislature of Nebraska, assembled in Legislative Hall of the Capitol Building at the hour of 10:00 a.m. on Wednesday, January 9, 1985, and was called to order by President McGinley.

## PRAYER

The prayer was offered by Dr. C. Rex Bevins, St. Paul's Methodist Church, Lincoln, Nebraska.

Presentation of colors by the Nebraska National Guard Ceremonial Unit.

## ROLL CALL

The roll was called and the following members were present

| | | |
|---|---|---|
| Abboud, Chris | Goll, James E. | Johnson, Vard R. |
| Baack, Dennis | Goodrich, Glenn A. | Labedz, Bernice |
| Barrett, William E. | Haberman, Rex | Lamb, Howard A. |
| Beutler, Chris | Hall, Tim | Landis, David |
| Beyer, Emil E., Jr. | Hannibal, Gary E. | Lundy, Ray E. |
| Carsten, Calvin F. | Harris, Bill | Lynch, Daniel C. |
| Chambers, Ernie | Hartnett, D. Paul | Marsh, Shirley |
| Chizek, Jerry | Hefner, Elroy M. | Miller, Jerry D. |
| Chronister, Harry B. | Higgins, Marge | Morehead, Patricia S. |
| Conway, Gerald A. | Hoagland, Peter | Nelson, Arlene B. |
| DeCamp, John W. | Johnson, Lowell C. | Nichol, William E. |
| Eret, Don | Johnson, Rod | Pappas, James E. |

| | | |
|---|---|---|
| Peterson, Richard | Rupp, Lee | Smith, Jacklyn |
| Pirsch, Carol McBride | Schmit, Loran | Vickers, Thomas |
| Remmers, R. Wiley | Scofield, Sandra K. | Warner, Jerome |
| Rogers, Carson | Sieck, Harold F. | Wesely, Donald |
| | | Withem, Ron |

**MOTION - Adopt Rules**

Mr. Nichol moved the Rules, as now in our possession, be adopted for today only, Wednesday, January 9, 1985.

The motion prevailed.

**MOTION - Temporary Clerk and Sergeant at Arms**

Mr. Carsten moved that we appoint Mr. Patrick J. O'Donnell as temporary Clerk of the Legislature and Mr. Norman J. Hubertus as temporary Sergeant at Arms.

The motion prevailed.

**MESSAGE FROM THE SECRETARY OF STATE**

January 9, 1985

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

Dear Mr. O'Donnell:

I hand you herewith the official appointment and oath of Jerry D. Miller as a Member of the Legislature from the Thirty-Seventh (37th) Legislative District for the unexpired term of Martin F. Kahle, deceased.

Sincerely,
(Signed) Allen J. Beermann
Secretary of State

AJB:mrh
Enclosures

**CERTIFICATE**

State of Nebraska
Department of State

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that Jerry D. Miller has been appointed as a Member of the Nebraska Unicameral Legislature from the Thirty-Seventh (37th) District for the unexpired term of Martin F. Kahle, deceased. The term beginning November 9, 1984 shall continue until January 8, 1985 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 Robert Kerrey under the authority granted by the Constitution and by Section 32-1042 of the Revised Statutes of Nebraska.

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

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

(SEAL) Allen J. Beermann, Secretary of State
Ralph Englert, Deputy

**GUBERNATORIAL APPOINTMENT**

KNOW ALL MEN BY THESE PRESENTS:

That I, Robert Kerrey, Governor of the State of Nebraska, do hereby appoint Jerry D. Miller of Minden as a member of the Nebraska State Legislature - 37th District. This appointment shall take effect on November 9, 1984 and continue until January 8, 1985 provided you shall satisfactorily perform all the duties imposed by law.

Said appointment succeeds Martin Kahle, deceased.

Done at Lincoln, Nebraska, this 9th day of November 1984.

(Signed) Robert Kerrey
Governor, State of Nebraska

**OFFICIAL OATH**

STATE OF NEBRASKA )
)ss.
COUNTY OF LANCASTER )

"I Jerry D. Miller, do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the State of Nebraska, and will faithfully discharge the duties of Member of the Legislature - District 37 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. Miller

Subscribed in my presence and sworn to before me this 9th day of November, 1984.

(Signed) Allen J. Beermann
Notary Public

(SEAL)
*Constitution of the State of Nebraska,
Article XV, Section One
Succeeds the Honorable Martin F. Kahle - Deceased

**RESIGNATION**

December 3, 1984

Patrick O'Donnell
Clerk of the Legislature
2018 State Capitol Building
Lincoln, NE 68509

Dear Pat:

I regret to inform you that I am resigning from the Legislature effective December 3, 1984.

Due to the increased workload and travel required for my employer, the State AFL-CIO between now and January 9, 1985, I am finding it increasingly difficult, if not impossible, to adequately represent the constituents of District 31.

I have enjoyed working with you and wish to thank you and your staff for all of the kindness and help that you have given me.

With best wishes and warm regards, I remain

Sincerely,
(Signed) Gordon L. McDonald

GLM:js

## MESSAGE FROM THE SECRETARY OF STATE

January 9, 1985

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

Dear Mr. O'Donnell:

I hand you herewith the official appointment and oath of Jerry E. Chizek as a Member of the Legislature from the Thirty-First (31st) Legislative District for the unexpired term of Gordon McDonald, resigned.

Sincerely,
(Signed) Allen J. Beermann
Secretary of State

AJB:mrh
Enclosures

## CERTIFICATE

State of Nebraska
Department of State

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that Jerry Chizek has been appointed as a Member of the Nebraska Unicameral Legislature from the Thirty-First (31st) District for the unexpired term of Gordon McDonald, resigned. The term beginning December, 1984 shall continue until January 8, 1985 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 Robert Kerrey under the authority granted by the Constitution and by Section 32-1042 of the Revised Statutes of Nebraska.

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

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

(SEAL) Allen J. Beermann, Secretary of State
Ralph Englert, Deputy

## GUBERNATORIAL APPOINTMENT

KNOW ALL MEN BY THESE PRESENTS:

That I, Robert Kerrey, Governor of the State of Nebraska, do hereby appoint Jerry E. Chizek of Omaha as a member of the Nebraska State Legislature - 31st District. This appointment shall take effect on December 4, 1984 and continue until January 8, 1985 provided you shall satisfactorily perform all the duties imposed by law.

Said appointment succeeds Gordon McDonald, resigned.

Done at Lincoln, Nebraska, this 4th day of December 1984.

(Signed) Robert Kerrey
Governor, State of Nebraska

## OFFICIAL OATH

STATE OF NEBRASKA )
)ss.
COUNTY OF DOUGLAS )

"I Jerry Chizek, do solemnly swear (or affirm) that I will support the Constitution of the Unites States, and the Constitution of the State of Nebraska, and will faithfully discharge the duties of Member of the Legislature - District 31 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 Chizek

Subscribed in my presence and sworn to before me this 4th day of December, 1984.

(Signed) Steve Wiitala
Notary Public

(SEAL)
*Constitution of the State of Nebraska,
Article XV, Section One
*Succeeds Honorable Gordon McDonald - Resigned.

**MOTION - Committee on Credentials**

Mr. Warner moved that we proceed to the election of five (5) persons to serve as the Committee on Credentials, who will forthwith report to the Legislature on the credentials of those claiming to be elected to the Legislature in the General Election in November, 1984.

The motion prevailed.

Mr. Wesely nominated Messrs. Warner, Carsten, Schmit, DeCamp, and Chambers.

The Chair declared the nominations closed.

The motion for the nominees prevailed.

## REPORT OF COMMITTEE ON CREDENTIALS

State of Nebraska
Department of State

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that the attached is a true and correct copy of the Official Roster of Members of the Nebraska Unicameral Legislature elected or appointed to serve in the Eighty-ninth Legislature, First Session (Regular), 1985.

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 Eighty-ninth Legislature, First Session (Regular), 1985.

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

(SEAL) Allen J. Beermann, Secretary of State
Ralph Englert, Deputy

| DISTRICT | NAME | ELECTED |
|---|---|---|
| 1 | R. Wiley Remmers | November 6, 1984 |
| 2 | Calvin F. Carsten | November 2, 1982 |
| 3 | Emil E. Beyer, Jr. | November 6, 1984 |
| 4 | Gary E. Hannibal | Nobember 2, 1982 |
| 5 | Bernice Labedz | November 6, 1984 |
| 6 | Peter Hoagland | November 2, 1982 |
| 7 | *Tim Hall (Appointed, Elected) | November 6, 1984 |
| 8 | Vard Johnson | November 2, 1982 |
| 9 | Marge Higgins | November 6, 1984 |
| 10 | Carol McBride Pirsch | November 2, 1982 |
| 11 | Ernie Chambers | November 6, 1984 |
| 12 | Chris Abboud | November 2, 1982 |
| 13 | Daniel C. Lynch | November 6, 1984 |
| 14 | **Ron Withem (Appointed, Elected) | November 6, 1984 |
| 15 | Lowell C. Johnson | November 6, 1984 |
| 16 | James E. Goll | November 2, 1982 |
| 17 | Gerald A. Conway | November 6, 1984 |
| 18 | Harry B. Chronister | November 2. 1982 |
| 19 | Elroy M. Hefner | November 6, 1984 |
| 20 | Glenn A. Goodrich | November 2, 1982 |
| 21 | Richard Peterson | November 6, 1984 |
| 22 | Lee Rupp | November 2, 1982 |
| 23 | Loran Schmit | November 6, 1984 |
| 24 | Harold F. Sieck | November 2, 1982 |
| 25 | Jerome Warner | November 6, 1984 |
| 26 | Don Wesely | November 2, 1982 |
| 27 | ***Bill Harris (Appointed, Elected) | November 6, 1984 |
| 28 | Chris Beutler | November 2, 1982 |

| | | |
|---|---|---|
| 29 | Shirley Marsh | November 6, 1984 |
| 30 | Patricia S. Morehead | November 2, 1982 |
| 31 | ****Jerry Chizek (Appointed, Elected) | November 6, 1984 |
| 32 | Donald Eret | November 2, 1982 |
| 33 | Jacklyn Smith | November 6, 1984 |
| 34 | Rod Johnson | November 2, 1982 |
| 35 | Arlene B. Nelson | November 6, 1984 |
| 36 | Ray Lundy | November 2, 1982 |
| 37 | *****Jerry D. Miller (Appointed, Elected) | November 6, 1984 |
| 38 | Tom Vickers | November 2, 1982 |
| 39 | William E. Barrett | November 6, 1984 |
| 40 | John W. DeCamp | November 2, 1982 |
| 41 | Carson Rogers | November 6, 1984 |
| 42 | James E. Pappas | November 2, 1982 |
| 43 | Howard Lamb | November 6, 1984 |
| 44 | Rex Haberman | November 2, 1982 |
| 45 | D. Paul Hartnett | November 6, 1984 |
| 46 | David Landis | November 2, 1982 |
| 47 | Dennis Baack | November 6, 1984 |
| 48 | William E. Nichol | November 2, 1982 |
| 49 | ******Sandra K. Scofield (Appt., Elected) | November 6, 1984 |

*Appointed August 9, 1984 to complete term of Karen Kilgarin, resigned.
**Appointed March 30, 1983 to succeed Thomas D. Doyle, resigned.
***Appointed May 27, 1983 to succeed Steve Fowler, resigned.
****Appointed December 4, 1984 to succeed Gordon McDonald, resigned.
*****Appointed November 9, 1984 to succeed Martin F. Kahle, deceased.
******Appointed November 21, 1983 to succeed Samual Cullan, resigned.

Mr. Warner moved your Committee on Credentials unanimously move that the roster of members in the Clerk's hands which is the same as appears on the voting board be certified and seated as members of this legislative session.

The motion prevailed.

**MOTION - Escort Chief Justice**

Mr. R. Johnson moved that a Committee of 5 members be appointed to escort the Chief Justice of the Supreme Court to the Legislative

Chamber for the purpose of administering the oath of office to the members of the Legislature.

The motion prevailed.

The Chair appointed Messrs. Nichol, Vickers, L. Johnson, V. Johnson, and Mrs. Labedz to serve on said Committee.

## EASE

The Legislature was at ease from 10:18 a.m. until 10:20 a.m.

The Committee escorted Chief Justice Norman Krivosha to the rostrum to administer the Oath of Office to the newly elected members.

## MEMBERS' OATH OF OFFICE

STATE OF NEBRASKA )
)ss
LANCASTER COUNTY )

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

Dennis Baack
Emil E. Beyer, Jr.
Jerry Chizek
Tim Hall
D. Paul Hartnett
Marge Higgins
Bernice Labedz
Daniel C. Lynch
Jerry D. Miller
Richard Peterson
Carson Rogers
Sandra K. Scofield
Jerome Warner
William E. Barrett
Ernie Chambers
Gerald A. Conway
Bill Harris
Elroy M. Hefner
Lowell C. Johnson
Howard Lamb
Shirley Marsh
Arlene B. Nelson
R. Wiley Remmers
Loran Schmit
Jacklyn Smith

Subscribed in my presence and sworn to before me this ninth day of January, 1985.

(Signed) Norman Krivosha
Chief Justice

The Committee escorted the Chief Justice from the Chamber.

**EASE**

The Legislature was at ease from 10:25 a.m. until 10:27 a.m.

**MOTION - Election of Officers**

Mr. V. Johnson moved that the following officers recommended by the Executive Board be approved for this Eighty-Ninth Legislature, First Session:

Clerk of the Legislature ..... Patrick J. O'Donnell
Assistant Clerk of the Legislature ..... Richard Brown
Sergeant at Arms ..... Norman J. Hubertus
Chaplain Coordinator ..... Robert Palmer

The motion prevailed with 46 ayes, 1 nay, and 2 not voting.

**MOTION - Election of Speaker**

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

The motion prevailed.

Mr. Goodrich nominated Mrs. Labedz.

Mr. Nichol placed his name in nomination.

The Chair declared the nominations closed.

The Chair appointed Messrs. Barrett, Conway, and Mrs. Nelson as tellers.

| | |
|---|---|
| Labedz | 24 |
| Nichol | 24 |
| | 48 |

The Chair announced that a second ballot would be cast between Senators Labedz and Nichol.

| | |
|---|---|
| Labedz | 24 |
| Nichol | 24 |
| | 48 |

The Chair announced that a third ballot would be cast between Senators Labedz and Nichol.

| | |
|---|---|
| Labedz | 24 |
| Nichol | 23 |
| | 47 |

The Chair announced that a fourth ballot would be cast between Senators Labedz and Nichol.

| | |
|---|---|
| Labedz | 24 |
| Nichol | 23 |
| | 47 |

The Chair announced that a fifth ballot would be cast between Senators Labedz and Nichol.

| | |
|---|---|
| Labedz | 24 |
| Nichol | 24 |
| | 48 |

The Chair announced that a sixth ballot would be cast between Senators Labedz and Nichol.

| | |
|---|---|
| Labedz | 24 |
| Nichol | 22 |
| | 46 |

The Chair announced that a seventh ballot would be cast between Senators Labedz and Nichol.

| | |
|---|---|
| Labedz | 24 |
| Nichol | 24 |
| | 48 |

The Chair announced that an eighth ballot would be cast between Senators Labedz and Nichol.

| | |
|---|---|
| Labedz | 23 |
| Nichol | 25 |
| | 48 |

The Chair declared Mr. Nichol duly elected Speaker of the Legislature.

**MOTION - Escort Chief Justice**

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

The motion prevailed.

The President appointed Messrs. Nichol, Vickers, Chambers, Mrs. Labedz, and Ms. Scofield to serve on said Committee.

**EASE**

The Legislature was at ease from 11:34 a.m. until 11:37 a.m.

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

**OFFICERS OATH OF OFFICE**

STATE OF NEBRASKA )
)ss
LANCASTER COUNTY )

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

Speaker ..... William E. Nichol
Clerk ..... Patrick J. O'Donnell
Assistant Clerk ..... Richard K. Brown
Sergeant at Arms ..... Norman J. Hubertus

The Committee escorted the Chief Justice from the Chamber.

**EASE**

The Legislature was at ease from 11:42 a.m. until 11:43 a.m.

**MOTION - Committee on Committees Chairperson**

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

The motion prevailed.

Mr. Barrett nominated Mr. Chronister.

The Chair moved to cease nominations and to cast a unanimous vote for Mr. Chronister.

The motion prevailed.

Mr. Chronister was duly elected Chairperson of the Committee on Committees.

**MOTION - Chairperson of Executive Board**

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

The motion prevailed.

Mr. Vickers nominated Mr. Beutler.

Mr. L. Johnson nominated Mr. Beyer.

The Chair declared the nominations closed.

The Chair appointed Mesdames Pirsch, Smith, and Mr. Lynch as tellers.

| | |
|---|---|
| Beutler | 34 |
| Beyer | 14 |
| | 48 |

The Chair declared Mr. Beutler duly elected Chairperson of the Executive Board.

**MOTION - Vice Chairperson of Executive Board**

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

The motion prevailed.

Mr. Warner nominated Mrs. Marsh.

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

The motion prevailed.

Mrs. Marsh was duly elected Vice Chairperson of the Executive Board.

**MOTION - Executive Board Members**

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

The motion prevailed.

Mrs. Morehead and Mr. Schmit were nominated from District 1.

Mrs. Pirsch and Mr. Chambers were nominated from District 2.

Messrs. Barrett and DeCamp were nominated from District 3.

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

The motion prevailed.

The Chair declared the nominees duly elected.

**MOTION - Committee on Committees Members**

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

Legislative body to serve on the Committee on Committees.

The motion prevailed.

District 1
Wesely
Hartnett
Morehead

District 2
Higgins
Lynch
Chizek

District 3
L. Johnson
Sieck
DeCamp

District 4
Vickers
Scofield
Pappas

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

The motion prevailed.

The Chair declared the nominees duly elected.

**MOTION - Director of Research**

Mr. Beutler moved that Dick Hargesheimer be elected as Director of Research of the Legislative Council, as outlined in 50-111.

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

**MOTION - Committee Chairperson**

Mr. Lamb moved to proceed to the election of the Committee Chairpersons, by secret ballot, in accordance with Rule 3, Sec. 2c.

The motion prevailed.

CHAIRPERSON - Administrative Rules & Regulations Review

Mr. Barrett nominated Mr. Hannibal.

Mrs. Higgins placed her name in nomination.

The Chair declared the nominations closed.

The Chair appointed Messrs. Lundy, Lamb, and Rogers as tellers.

| | |
|---|---|
| Hannibal | 24 |
| Higgins | 24 |
| | 48 |

The Chair announced that a second ballot would be cast between Senators Hannibal and Higgins.

| | |
|---|---|
| Hannibal | 25 |
| Higgins | 23 |
| | 48 |

Mr. Hannibal was duly elected Chairperson of Administrative Rules and Regulations Review Committee.

CHAIRPERSON - Agriculture & Environment

Mr. Sieck placed his name in nomination.

Mr. Rogers nominated Mr. Pappas.

Mr. R. Johnson placed his name in nomination.

The Chair declared the nominations closed.

The Chair appointed Messrs. Miller, Chambers, and Remmers as tellers.

| | |
|---|---|
| R. Johnson | 21 |
| Sieck | 5 |
| Pappas | 22 |
| | 48 |

The Chair announced that a second ballot would be cast between Senators R. Johnson and Pappas.

| | |
|---|---|
| R. Johnson | 25 |
| Pappas | 23 |
| | 48 |

Mr. R. Johnson was duly elected Chairperson of the Agriculture and Environment Committee.

CHAIRPERSON - Appropriations

Mr. Carsten nominated Mr. Warner.

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

The motion prevailed.

Mr. Warner was duly elected Chairperson of Appropriations Committee.

CHAIRPERSON - Banking, Commerce & Insurance

Mr. Remmers placed his name in nomination.

Mr. DeCamp placed his name in nomination.

The Chair declared the nominations closed.

The Chair appointed Messrs. Hannibal, Sieck, and Chizek as tellers.

| | |
|---|---|
| Remmers | 19 |
| DeCamp | 29 |
| | 48 |

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

CHAIRPERSON - Business & Labor

Mr. Warner nominated Mr. Barrett.

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

The motion prevailed.

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

CHAIRPERSON - Constitutional Revision & Recreation

Mr. Schmit nominated Mr. Rupp.

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

The motion prevailed.

Mr. Rupp was duly elected Chairperson of the Constitutional Revision and Recreation Committee.

CHAIRPERSON - Education

Mr. Beutler nominated Mr. Vickers.

Mr. Beutler moved to cease nominations and to cast a unanimous vote for Mr. Vickers.

The motion prevailed.

Mr. Vickers was duly elected Chairperson of the Education Committee.

CHAIRPERSON - Government, Military and Veterans Affairs

Mr. Lundy nominated Mr. Landis.

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

The motion prevailed.

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

CHAIRPERSON - Judiciary

Mr. V. Johnson nominated Mr. Hoagland.

Mr. Chambers placed his name in nomination.

The Chair declared the nominations closed.

The Chair appointed Messrs. Eret, Harris, and Hartnett as tellers.

| | |
|---|---|
| Hoagland | 26 |
| Chambers | 22 |
| | 48 |

Mr. Hoagland was duly elected Chairperson of Judiciary Committee.

CHAIRPERSON - Miscellaneous Subjects

Mr. Landis nominated Mr. Haberman.

Mr. Chronister nominated Mr. Hefner.

The Chair declared the nominations closed.

The Chair appointed Mesdames Smith, Morehead, and Mr. Hall as tellers.

| | |
|---|---|
| Haberman | 22 |
| Hefner | 26 |
| | 48 |

Mr. Hefner was duly elected Chairperson of Miscellaneous Subjects Committee.

CHAIRPERSON - Public Health & Welfare

Mr. Warner nominated Mr. Wesely.

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

The motion prevailed.

Mr. Wesely was duly elected Chairperson of Public Health and Welfare Committee.

CHAIRPERSON - Public Works

Mr. Lamb nominated Mr. Schmit.

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

for Mr. Schmit.

The motion prevailed.

Mr. Schmit was duly elected Chairperson of Public Works Committee.

CHAIRPERSON - Revenue

Mr. Warner nominated Mr. Carsten.

Mr. V. Johnson placed his name in nomination.

The Chair declared the nominations closed.

The Chair appointed Messrs. Warner, Baack, and Withem as tellers.

| | |
|---|---|
| Carsten | 24 |
| V. Johnson | 25 |
| | 49 |

Mr. V. Johnson was duly elected Chairperson of Revenue Committee.

CHAIRPERSON - Urban Affairs

Mr. Wesely nominated Mr. Withem.

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

The motion prevailed.

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

**MOTION - Special and Select Committees**

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

The motion prevailed.

CHAIRPERSON - Intergovernmental Cooperation

Mrs. Pirsch placed her name in nomination.

The Chair declared the nominations closed and to cast a unanimous vote for Mrs. Pirsch.

The motion prevailed.

Mrs. Pirsch was duly elected Chairperson of Intergovernmental Cooperation Committee.

CHAIRPERSON - Rules

Mr. Beutler nominated Mrs. Morehead.

Mr. Peterson nominated Mr. Abboud.

The Chair declared the nominations closed.

The Chair appointed Messrs. Haberman, Hall, and Eret as tellers.

| | |
|---|---|
| Morehead | 22 |
| Abboud | 23 |
| | 45 |

Mr. Lamb moved for a call of the house. The motion prevailed with 35 ayes, 0 nays, and 14 not voting.

The Chair announced that a second ballot would be cast between Senators Morehead and Abboud.

| | |
|---|---|
| Morehead | 26 |
| Abboud | 22 |
| | 48 |

Mrs. Morehead was duly elected Chairperson of Rules Committee.

CHAIRPERSON - Enrollment and Review

Mr. Wesely nominated Mr. Hall.

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

The motion prevailed.

Mr. Hall was duly elected Chairperson of Enrollment and Reveiw Committee.

**MOTION - Election Returns**

Ms. Scofield moved that a Committee of three be appointed to escort the Secretary of State to the Chamber to deliver the election returns of the General Election of 1984.

The motion prevailed.

The Chair appointed Messrs. Peterson, Abboud, and Baack to serve on said Committee.

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

REPORT FROM THE SECRETARY OF STATE

January 9, 1985

Speaker of the Legislature
Eighty-ninth Legislature
First Session (Regular) 1985
State Capitol
Lincoln, Nebraska

Honorable Speaker:

In accordance with Article IV, Section 4 of the Constitution of the State of Nebraska, I have the honor of herewith delivering to you, under Seal, the abstract of votes cast in Douglas County of the State of Nebraska at the General Election held on November 6, 1984, for the office of the Public Service Commission; which votes are required by law to be canvassed by the Nebraska State Legislature, pursuant to Section 32-4110, R.S. 1943, Reissue of 1984 as submitted to me for delivery to the Honorable Speaker of the Legislature.

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

The original abstract sheet containing the tabulation of votes for these candidates for Douglas County, covering the General Election of November 6, 1984, which constitutes a part of the official record of the State Board of Canvassers, is submitted for your examination.

In as much as this sheet is part of the records of the Office of the

Secretary of State, we respectfully request that it be returned to our office files immediately upon the completion of your official canvass.

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

Enclosures

## CERTIFICATE

State of Nebraska
Department of State

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that the attached is a true and correct list of the candidates for the office of Member of the Public Service Commission, receiving the highest number of votes cast at the General Election in the State of Nebraska held on November 6, 1984.

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

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

(SEAL) Allen J. Beermann, Secretary of State
Ralph Englert, Deputy

STATE OFFICIALS ELECTED
AT THE 1984 GENERAL ELECTION

Public Service Commission (Second District)
James F. Munnelly

## MESSAGE FROM THE SECRETARY OF STATE

January 10, 1985

Speaker of the Legislature
Eighty-ninth Legislature
First Session (Regular) 1985
State Capitol
Lincoln, Nebraska

Honorable Speaker:

We are submitting to you a certificate stating that the bond and oath

for the following elected official, for the term beginning the tenth day of January, 1985, and ending on the first Thursday after the first Tuesday in January, 1991, are on file in the office of the Secretary of State:

James F. Munnelly, Public Service Commission
District Two, term ending January 1991

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

AJB:mrh
Enclosure

**CERTIFICATE**

State of Nebraska .
Department of State

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that James F. Munnelly, Public Service Commission, Second District has filed his bond and oath with the Secretary of State as required by law.

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

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

(SEAL) Allen J. Beermann, Secretary of State
Ralph Englert, Deputy

The Secretary of State was escorted from the Chamber.

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

The motion prevailed.

**MOTION - Notify Governor**

Mr. Vickers moved that a Committee of five be appointed to call upon the Governor and advise him that the Legislature is organized

and ready for the transaction of business, and to report back to the Legislature with any message he may have.

The motion prevailed.

The Chair appointed Messrs. DeCamp, R. Johnson, Rupp, V. Johnson, and Schmit to serve on said Committee.

The Committee escorted Governor Robert Kerrey to the rostrum where he spoke to the members briefly.

The Committee escorted Governor Kerrey from the Chamber.

## MOTION - Bills and Journals

Mr. Beyer moved to provide weekly mailing of all bills and journals without cost to County Clerks and provide boxes to the State Agencies without cost.

The motion prevailed.

## PROPOSED RULE CHANGES

Mr. Warner offered the following proposed rule change:

1. That Rule 8, Section 4 be repealed.
2. That Rule 8, Section 5 be amended to read as follows:

"Sec. ~~5~~ 4. Bills, Held on Final Reading. The report of the Appropriations Committee shall include a recommended dollar amount of the General Fund biennium appropriation ~~provided for in Sec. 4 of this Rule~~ 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. 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 appropriation bills are passed by the Legislature. Provided the Appropriations Committee shall place appropriation 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 appropriation bills as introduced by the Governor. The appropriation 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. ~~Such appropriation bills proposed by the Appropriations Committee plus the allocation for the funding of "A" bills, all bills resulting in the reduction of revenue to the General Fund, and all tax expenditure bills, shall not be in excess of the maximum General Fund appropriation adopted by resolution pursuant to Sec. 4 of this Rule.~~ The appropriation providing for in an "A" bill shall be for not less than two fiscal years.

Laid over.

Mr. Beutler and Mrs. Morehead offered the following proposed rule change:

I move to amend Rule 2, Section 1 to read as follows:

Section 1. Rules, Matters Not Covered. These rules shall be adopted at the commencement of each regular session ~~in odd-numbered years~~ and, as amended from time to time, shall govern the Legislature for a period of ~~two years.~~ 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.

Laid over.

## RESOLUTION

**LEGISLATIVE RESOLUTION 1.**

Introduced by Lundy, 36th District.

WHEREAS, Senator Martin F. Kahle of Kearney served the people of the State of Nebraska as a member of the Nebraska Legislature; and

WHEREAS, during his two terms of office he was an active and vocal spokesman for agricultural interests; and

WHEREAS, Senator Kahle's public service was cut short by his death on Tuesday, October 2, 1984; and

WHEREAS, Senator Kahle has a record of meritorious and noble service to the people of the State of Nebraska, which deserves praise.

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

1. That the Legislature extend deepest sympathy to the family of Senator Martin Kahle.

2. That a copy of this resolution be presented to the family of Senator Martin Kahle as an expression of sorrow for his passing.

Laid over.

## ANNOUNCEMENT

Mr. Chronister announced the Committee on Committees will meet at 4:00 p.m. today in room 1520.

## VISITORS

Visitors to the Chamber were Mr. and Mrs. Nicholas J. Lamme, Bill Lamme, and Alex Lamme from Fremont; Dr. and Mrs. Duane Krause, Michael Krause, and Paul Krause from Fremont; Dr. Mark C. Johnson from North Bend; Olga and Freeman Davis from Lincoln; 70 fifth graders and teachers from Belmont School, Lincoln.

## ADJOURNMENT

At 2:54 p.m., on a motion by Speaker Nichol, the Legislature adjourned until 9:30 a.m., Thursday, January 10, 1985.

Patrick J. O'Donnell
Clerk of the Legislature

## SECOND DAY - JANUARY 10, 1985

## LEGISLATIVE JOURNAL

## EIGHTY-NINTH LEGISLATURE
## FIRST SESSION

## SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, January 10, 1985

Pursuant to adjournment, the Legislature met at 9:33 a.m., President McGinley presiding.

## PRAYER

The prayer was offered by Dr. Al Nordon, Former campus pastor at University Lutheran Chapel, Lincoln, Nebraska.

## ROLL CALL

The roll was called and all members were present except Messrs. Withem and V. Johnson who were excused; and Messrs. DeCamp, Hoagland, Vickers, Mesdames Marsh, and Pirsch who were excused until they arrive.

## CORRECTIONS FOR THE JOURNAL

Page 10, line 38, insert "Ron Withem" after Jerome Warner.
The Journal for the First Day was approved as corrected.

## MOTION - Adopt Rules

Mrs. Morehead moved to adopt the Rules as now in our possession for today only.

The motion prevailed.

## MESSAGES FROM THE GOVERNOR

August 27, 1984

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

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the State Personnel Board, requiring legislative confirmation:

Appointee:
Jerry L. Sellentin, 2325 St. Thomas, Lincoln, NE 68502, 423-0489(h), Term: 8/27/84 to 8/4/89, Succeeds: is reappointed.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) ROBERT KERREY
Governor

September 10, 1984

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

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the State Parole Board, requiring legislative confirmation:

Appointee:
Mary Wieseman, 530 Ridge Street, Osceola, NE 68651, 747-4821(h), Term: 9/9/84 to 9/9/90, Succeeds: Wayne Schreures, term expired.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) ROBERT KERREY
Governor

September 14, 1984

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

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Game and Parks Commission, requiring legislative confirmation:

Appointee:
Wayne Ziebarth, Route 1, Wilcox, NE 68982, (308)478-5255, Term: 9/14/84 to 9/7/89, Succeeds: Earl C. Hultman, term expired.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) ROBERT KERREY
Governor

September 27, 1984

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

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointments to the Foster Care Review Board, requiring legislative confirmation:

Appointees:
Burrell Williams, 3819 Jones, Omaha, NE 68105, 453-9328(h), 978-7320(o), Term: 9/27/84 to 7/15/87, Succeeds: John P. Murray, term expired.
Margaret R. Conneally, 1860 Dakota, Lincoln, NE 68502, 423-3193, Term: 9/27/84 to 7/15/87, Succeeds: Nancy O'Brien, term expired.

Shirley Vickers, Farnam, NE 69029, (308)569-2494, Term: 9/27/84 to 7/15/87, Succeeds: Grace Burney, term expired.

These appointments are respectfully submitted for your consideration.

Sincerely,
(Signed) ROBERT KERREY
Governor

October 5, 1984

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

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Investment Council, requiring legislative confirmation:

Appointee:
James A. Beltzer, Attorney at Law, 104 North Wheeler Street, Grand Island, NE 68801, (308)382-1930(w), (308)382-8152(h), Term: 10/5/84 to 9/18/89, Succeeds: Cal Coulter, term expired.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) ROBERT KERREY
Governor

October 11, 1984

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

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointments to the Nebraska Coordinating

Commission on Postsecondary Education, requiring legislative confirmation:

Appointees:
Florene Langford, 6308 North 51st Avenue, Omaha, NE 68104, 422-8323(w), 451-7334(h), Term: 10/5/84 to 6/3/90, Succeeds: Robert Berkshire, term expired.
Dr. Charles S. Wilson, 7430 N. Hampton Road, Lincoln, NE 68502 489-0333(w), 488-9181(h), Term: 10/5/84 to 6/3/88, Succeeds: LeRoy Trofholtz, resigned.

These appointments are respectfully submitted for your consideration.

Sincerely,
(Signed) ROBERT KERREY
Governor

October 22, 1984

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

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointments to the Nebraska Arts Council, requiring legislative confirmation:

Appointees:
Lucy M. Buntain, 6201 Andrew Court, Lincoln, NE 68512, 423-2396, Term: 10/22/84 to 9/2/87, Reappointed.
H. Hod Kosman, Route 1, Box 119 A1, Scottsbluff, NE 69361, (308)632-3440(h), (308)632-2155(w), Term: 10/22/84 to 9/2/87, Reappointed.
David Catalan, c/o Union Pacific Railroad, 14th @ Dodge Street, Omaha, NE 68102, (402)271-5000, Term: 10/22/84 to 9/2/87, Succeeds: Calvin Solem, term expired.
Elizabeth A. Planner, 1810 Avenue C, Scottsbluff, NE 69361, (308)632-8908(h), (308)635-8203(w), Term: 10/22/84 to 9/2/87, Succeeds: Joan Nelson, Lincoln.
Michael Shonsey, Bassett Feeding Inc., P.O. Box 68, Bassett, NE 68714, (402)273-4425, Term: 10/22/84 to 9/2/87, Succeeds: Sam

Davidson, Lincoln.

These appointments are respectfully submitted for your consideration.

Sincerely,
(Signed) ROBERT KERREY
Governor

November 1, 1984

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

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the State Parole Board, requiring legislative confirmation:

Appointee:
Murrell McNeil, 2550 South 39th Street, Lincoln, NE 68502, (402)489-4890, Term: 11/1/84 to 9/9/88, Succeeds: Mary Wieseman, resigned.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) ROBERT KERREY
Governor

November 21, 1984

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

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Board of Educational Lands and Funds, requiring legislative confirmation.

Appointee:
M. Jane Keller, 308 West Highway 20, Bassett, NE 68714, (402)684-3565, Term: 11/21/84 to 10/1/89, Succeeds: Gene Moody, term expired.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) ROBERT KERREY
Governor

November 30, 1984

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

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointments to the Public Employees Retirement Board, requiring legislative confirmation:

Appointees:
Steve Williams, Department of Economic Development, 4th Floor, State Office Building, Lincoln, NE 68509, 471-3782(o), Term: 11/30/84 to 1/1/85, Succeeds: Everett Green, resigned.
Leslie McFerren, 4914 Dodge Street, Omaha, NE 68131, 399-1500(o), Term: 11/30/84 to 1/1/87, Succeeds: Tamara Brandt, resigned.

These appointments are respectfully submitted for your consideration.

Sincerely,
(Signed) ROBERT KERREY
Governor

## ATTORNEY GENERAL'S OPINIONS

Opinion No. 228
October 5, 1984

Dear Senator Haberman:

You have asked whether the recent decision in the case of Kearney Convention Center, Inc. v. Buffalo County Board of Equalization, 216 Neb. 292, ___ N.W.2d ___ (1984), negates or overrides the so-called Green Belt laws, Neb.Rev.Stat. §77-1344, et seq. (Reissue 1981).

It is important to understand that the decision in Kearney Convention Center case was based upon the particular evidence, or lack of evidence, in the record before the Supreme Court and thus is of limited precedential value. In essence, that decision merely applied the general constitutional requirement that "Taxes shall be levied by valuation uniformly and proportionately upon all tangible property and franchises,' to the evidence in the record.

The Green Belt laws, on the other hand, rely upon additional constitutional language in Article VIII, Section 1, of the Constitution which is a specific exception to the above principle. This exception provides as follows:

> The Legislature may enact laws to provide that the value of land actively devoted to agricultural or horticultural use shall, for property tax purposes, be that value which such land has for agricultural or horticultural use without regard to any value which such land might have for other purposes or uses, and prescribe standards and methods for the determination of the value of real or other tangible property at uniform and proportionate values.

Thus, the Kearney case would have no impact on the present Green Belt laws.

Sincerely,
PAUL L. DOUGLAS
Attorney General
(Signed) John Boehm
Assistant Attorney General

JB:ejg
cc: Patrick J. O'Donnell
Clerk of the Legislature

October 9, 1984

Dear Senator DeCamp:

We have received your letter of September 13, 1984, requesting us to review our conclusion in Opinion No. 226 that Legislative Resolution 1, introduced at this year's special session, was beyond the scope of the Governor's call. While we have reviewed and considered

the memorandum addressing this issue which accompanied your letter, we nevertheless believe the conclusion reached in our earlier Opinion was correct.

In discussing the limitation upon the power of the Legislature to act at special sessions imposed by Article IV, Section 8 of the Nebraska Constitution, the Nebraska Supreme Court, in Arrow Club, Inc. v. Nebraska Liquor Control Commission, 177 Neb. 686, 131 N.W.2d 134 (1964), stated:

> It is well established that the Legislature while in special session can transact no business except that for which it was called together. Chicago, B. & Q. R. R. Co. v. Wolfe, 61 Neb. 502, 86 N.W. 441. The proclamation may state the purpose for which the Legislature is convened in broad, general terms or it may limit the consideration to a specified phase of a general subject. The Legislature is free to determine in what manner the purpose shall be accomplished, but it must confine itself to the matters submitted to it by the proclamation. (Emphasis added).

The Court in Arrow Club, supra, quoted at length from a decision construing a similar provision in the Pennsylvania Constitution, Commonwealth ex rel. Schnader v. Liveright, 308 Pa 35, 161 A. 697 (1932), including the following language:

> This constitutional provision contemplates that there shall first exist in the executive mind a definite conception of the public emergency which demands an extraordinary session. His mental attitude or intention is expressed in his proclamation, the purpose of which is to inform the members of the legislature of subjects for legislation, and to advise the public generally that objections may be presented if desired. It is not only a guide or chart with respect to which the Legislature may act, but also a check restricting its actions so that rights may not be affected without notice. The proclamation may contain many or few subjects according to the governor's conception of the public need. While the subjects may be stated broadly or in general terms, the special business, as related to the general subject on which legislation is desired, should be designated by imposing qualifying matter to reduce or restrict. 177 Neb. at 689, 131 N.W.2d at 137 (Emphasis added).

The Governor's call contained only two subjects which arguably included LR 1 within their scope. The first subject proposed submitting to the electorate an amendment to Article VIII, Section 1 of the Nebraska Constitution to authorize the Legislature to classify, for purposes of ad valorem taxation, land used solely for agricultural or horticultural purposes. The second subject proposed submitting to the electorate an amendment to Article VIII, Section 2 of the Nebraska Constitution to authorize the Legislature to exempt, in whole or in part, for purposes of ad valorem taxation, land used

solely for agricultural or horticultural purposes. LR 1 proposed submitting to the electorate an amendment to repeal the uniformity provisions contained in Article VIII, Section 1 of the Nebraska Constitution.

The call clearly limited the constitutional amendments to be proposed to the specific question of the classification or exemption of agricultural or horticultural land for purposes of ad valorem taxation. In contrast, LR 1 proposed a much broader and more general amendment which clearly went beyond the specific subjects of the Governor's call. As the Supreme Court stated in Arrow Club, supra, the proclamation stating the purpose for which the Legislature is called "may limit the consideration to a specified phase of a general subject," and the Legislature "must confine itself to the matters submitted to it by the proclamation." 177 Neb. at 689, 131 N.W.2d at 137.

We recognize your concern that an unduly restrictive interpretation of the limitation imposed by Article IV, Section 8, may hinder the Legislature's ability to deal effectively and comprehensively with issues in future special sessions. The determination of whether a proposal will be within the call for a special session of necessity must rest on the facts as they exist in any particular situation. Such a determination can only be made on a case-by-case basis. In our opinion, the broad proposal contained in LR 1 simply went beyond the subjects of the Governor's call in this instance.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) L. Jay Bartel
Assistant Attorney General

LJB:bmh
cc: Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 229
October 12, 1984

Re: Nebraska Constitution,
Article XII, Section 8.

Dear Senator DeCamp:

In an effort to determine if any legislative action is needed, you have asked if, considering the provisions of Article XII, Section 8 of

the Constitution of Nebraska, a family corporation, owner of a large feedlot, may contract with a nonfamily corporation to feed cattle owned by the latter.

In answer to your question, it is necessary to first examine the legal rights of each of the parties.

With regard to both corporations in your example, the first paragraph of Article XII, Section 8 provides: "(1) No corporation or syndicate shall acquire, or otherwise obtain an interest, whether legal, beneficial, or otherwise, in any title to real estate used for farming or ranching in this state, or engage in farming or ranching." (Emphasis added.)

After defining corporation, farming, and syndicate, Section 8 goes on to provide that the above restrictions shall not apply to "(A) A family farm or ranch corporation", which Section 8 defines as one "in which the majority of the voting stock is held by members of a family, or a trust created for the benefit of a member of that family, related to one another within the fourth degree of kindred."

With regard to the nonfamily farm corporation in your example, we again point out that the first sentence of Section 8 provides that corporations may not "engage in farming or ranching." Following this prohibition, farming or ranching is defined as including "(ii) the ownership . . . of animals for the production of livestock or livestock products."

We are not aware of any judicial determinations of language similar to that of Article XII, Section 8 of our Constitution. Therefore, considering the plain meaning of its provisions and the history of its adoption, it is our conclusion that as to the family farm corporation it is exempt from the provisions which would prevent all other corporations from farming, which would include the feeding of cattle whether its own or those of someone else.

As for the nonfamily farm corporation, for the same reasons it is our conclusion that Article XII, Section 8 prohibits it from farming or ranching, which includes the "ownership, keeping or feeding of animals for the production of livestock or livestock products."

In essence we are saying that in the situation you describe, the question is not the right of the two corporations to contract with each other but is instead the rights of each to engage in owning and feeding cattle. In the one instance the family farm corporation may engage in all aspects of farming, and in the other instance a nonfamily farm corporation may not engage in any aspect of farming or ranching, which includes the ownership of livestock.

Very truly yours,
PAUL L. DOUGLAS
Attorney General

(Signed) Bernard L. Packett
Assistant Attorney General

BLP:pjs
cc: Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 230
October 17, 1984

Dear Senator Peterson:

In considering possible new legislation to regulate physicians' assistants you have asked whether the supervising physician must be physically present in several situations when the physician's assistant renders medical services: (1) in a hospital, with the approval of the governing board of such hospital, where the physician to whom he is assigned is a member of the staff, (2) on calls outside the physician's primary practice site on the direct order of the physician or (3) in the physician's primary place of practice if the supervising physician is temporarily absent from such place.

Each of these locations is listed in Neb.Rev.Stat. §71-1,107.17 (1), (3) or (4) (Reissue 1981) as a place where a physician's assistant may perform the medical services for which he is certified "under the supervision of a licensed physician or group of physicians approved by the board." "Supervision" is defined in cases of emergency, to "require availability or physical presence of the licensed physician for consultation and direction of the actions of the physician's assistant." (Emphasis added.)

Thus the physical presence of the supervising physician is not required in any of the locations about which you inquire if such physician is easily available for consultation and direction of the actions of the physician's assistant. However, the supervising physician cannot be physically remote as we discussed in our letter to Dr. Gregg Wright, dated January 31, 1984. If an emergency occurs in such locations when the supervising physician is temporarily absent, even such easy availability for consultation and direction is not required.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Marilyn B. Hutchinson
Assistant Attorney General

MBH:ejg
cc: Patrick J. O'Donnell

Clerk of the Legislature

Opinion No. 231
October 16, 1984

Dear Senator Sieck:

You have requested an opinion from our office regarding whether a project involving the construction of an egg production facility would fall within the definition of agriculture or agricultural enterprise under the Nebraska Investment Finance Authority Act. The specific project which you have described for us involves the construction of two egg laying buildings, collection, packaging and cooling buildings, and a building in which chicken manure will be subjected to composting. The facility will house approximately 180,000 laying hens. The hens will not be owned by the enterprise, but will be fed on a contract basis.

Initially, while your question does not raise the issue, we note that the provisions of Article XII, Section 8 of the Nebraska Constitution, which prohibits any corporation or syndicate from obtaining title to or acquiring any interest in real estate used for farming or ranching in this state, could apply to bar the entity described in your letter from acquiring interest in the land necessary to engage in this operation. We have inquired into the organizational status of the entity behind this project, however, and have determined that its certificate reveals it is organized as a general partnership, to which the provisions of Article XII, Section 8 of the Nebraska Constitution would not apply. We therefore express no opinion as to whether a project of this nature would fall within the prohibitions of this constitutional provision if it were organized as a corporation or syndicate as defined in Article XII, Section 8.

The Nebraska Investment Finance Authority Act is contained in Neb.Rev.Stat. §§58-201 to 58-272 (Supp. 1983) (the Act.) The purpose of the Act, which was passed by the Legislature in 1983, was to establish a quasi-governmental body to encourage private investment and provide public funds to finance investments in three general areas: Housing, Agriculture, and Business or Industrial Activities. Neb.Rev.Stat. §58-203 (Supp. 1983). To accomplish this goal, three entities, the Nebraska Mortgage Finance Fund, the Nebraska Development Fund, and the Agricultural Development Corporation, were consolidated into a single body, the Nebraska Investment Finance Authority. Neb.Rev.Stat. §58-205 (Supp. 1983).

The definition of agriculture or agricultural enterprise is found in §58-208 of the Act, which provides:

Agriculture or agricultural enterprise shall mean and include the

real and personal property constituting farms and ranches.

Section 58-219, which defines what types of projects fall within the Act's coverage, provides, in pertinent part:

> Project shall mean one or more of the following: . . .
>
> (2) Agriculture or agricultural enterprise; and
>
> (3) Any land, building, or other improvement, any real or personal property, or any equipment, and any undivided or other interest in any of the foregoing, whether or not in existence, suitable or used for or in connection with any of the following revenue-producing enterprises or two or more such enterprises engaged or to be engaged in:
>
> (a) In all areas of the state, manufacturing or industrial enterprises including assembling, fabricating, mixing, processing, warehousing, distributing, or transporting any products of agriculture, . . . .

The final sentence of subsection (3) of §58-219 further provides that:

> Nothing in subdivision (3) of this section shall be construed to include any rental or residential housing, residential energy conservation device, or agriculture or agricultural enterprise.

The clear intent of the language found in the last sentence of subsection (3) of §58-129 is to separate the classification of the three categories listed, including agriculture or agricultural enterprises, from the provisions relating to business or industrial projects. LB 626 (1983), Transcript of Floor Debates, May 18, 1983, pp. 5489-90 (statement of Senator Beutler). The question you have raised thus turns on whether the particular project you have described, which was approved under the industrial or commercial provision of the Act, in reality should have been classified as an agricultural enterprise.

"One of the fundamental principles of statutory construction is to attempt to ascertain the legislative intent and to give effect to that intent." Spence v. Terry, 215 Neb. 810, 340 N.W.2d 884 (1983). "The legislative intention is to be determined from the statute taken as a whole, and the courts may properly consider the history of its passage." State v. Parmer, 210 Neb. 92, 313 N.W.2d 237 (1981).

As was noted, the definition of agriculture or agricultural enterprise in §58-208 provides these terms "shall mean and include the real and personal property constituting farms and ranches." In construing the Act as a whole, it is evident the Legislature intended the provisions relating to financial assistance for agriculture or agricultural enterprises to apply only to the so-called "family farm." Section 58-203(1) (b) provides one of the purposes of the Act is to "{E}ncourage the investment of private capital to provide financing to farmers and other agricultural enterprises of usual and customary size. . . ." (Emphasis added). Furthermore, a review of the

legislative history behind the original creation of the Agricultural Development Corporation reveals the intent of this legislation was to provide a means of obtaining financing to preserve the family farm. LB 384 (1981), Transcript of Agriculture Committee Hearings, February 27, 1981, p.2 (statement of Senator DeCamp).

Analyzing the particular project which you have described to us in your letter, it is apparent that this egg production facility cannot be characterized as resembling a family farm or farming or ranching operation of "usual and customary size." This project involves construction of an extensive facility which will include buildings for egg laying, collection, packaging, and cooling. In addition, a building in which chicken manure will be subjected to composting will be constructed. Given the extensive nature of this facility, and the various processes which it will undertake to perform, we believe it properly qualifies under §58-219(3) (a) as an industrial enterprise engaged in the assembling, processing, and warehousing of "any products of agriculture."

Based on the foregoing analysis, it is our opinion that this egg production facility may properly be included as a commercial or industrial project under the present provisions of the Nebraska Investment Finance Authority Act. We wish to point out that our opinion is based upon the particular characteristics you have presented to us in describing this project, and is limited to a determination that this facility, as described, can be classified as a commercial or industrial project under the present definitions contained in the Nebraska Investment Finance Authority Act.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) L. Jay Bartel
Assistant Attorney General

LJB:bae
cc: Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 235
November 13, 1984

Dear Senator Vard Johnson:

You have requested our opinion regarding certain changes you wish to make in the provisions of your proposed legislation to create a high-risk pregnancy support program to be administered by the Department of Health. Specifically, you have presented us two

approaches which would alter both the definition of high-risk pregnancy and the procedures which could be employed to treat such a condition and funded under this bill. The question you have raised concerns whether either of these approaches would constitute an unlawful delegation of legislative authority to the Department of Health, or whether one or both would provide proper statutory guidance for the implementation of the high-risk pregnancy support program.

As a general rule, the Legislature cannot delegate legislative authority to an administrative body. State v. Sprague, 213 Neb. 581, 330 N.W.2d 739 (1983). The Legislature may, however, grant general powers to an administrative agency and delegate to the agency the power to enact rules and regulations concerning the details of the legislative purpose. Gillette Dairy, Inc. v. Nebraska Dairy Products Board, 192 Neb. 89, 219 N.W.2d 214 (1974). While the Legislature may authorize an administrative agency to make rules and regulations to carry out the expressed legislative purpose of an act, the act must contain sufficient standards to guide the agency in the exercise of such powers. State v. Cutright, 193 Neb. 303, 226 N.W.2d 771 (1975).

In State ex rel. Douglas v. Nebraska Mortgage Finance Fund, 204 Neb. 445, 283 N.W.2d 12 (1979), the Nebraska Supreme Court, discussing the requirement that the Legislature provide sufficient standards to guide the exercise of powers granted to an administrative agency, stated:

> The question of how far the Legislature should go in filling in the details of the standards which an administrative agency is to apply raises large issues of policy in which the Legislature has a wide discretion, and the court should be reluctant to interfere with such discretion. Such standards in conferring discretionary power upon an administrative agency must be reasonably adequate, sufficient, and definite for the guidance of the agency and the exercise of the power conferred upon it and must also be sufficient to enable those affected to know their rights and obligations. 1 Am.Jur.2d, Administrative Law, §117, p. 923. 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 economic and governmental conditions increases. 1 Am.Jur.2d, Administrative Law, §118, p. 925.

In accordance with the modern trend to liberally permit grants of discretion to administrative agencies, courts have upheld extremely broad and general grants of authority as providing sufficient standards to guide agency action. See Diefenthal v. Civil Aeronautics Board, 681 F.2d 1039 (5th Cir. 1982), cert. denied 459 U.S. 1107

(1983); Upholstered Furniture Action Council v. California Bureau of Home Furnishings, 442 F.Supp. 565 (E.D.Cal. 1977); Department of Insurance v. Southeast Volusia Hospital District, 438 So.2d 815 (Fla. 1983).

As you noted in your letter, high-risk pregnancy is a complex medical condition with respect to both the determination the condition exists and the procedures necessary for treatment of this condition. Given the complexities and need for flexibility in establishing standards within which the Department may carry out the purposes of the act, we feel a legislative determination to utilize broad guidelines would be sufficient, and appropriate, under the circumstances.

Applying the principles, we believe your first proposed amendment, which would replace the specific definition of a high-risk pregnancy or condition with a general and broader definition, would provide sufficient guidance for the Department to implement the program. Furthermore, the first proposals change from the specific provisions concerning what payments associated with this condition would be covered under the act, to a broader provision providing for payment of fees or costs directly related to high-risk pregnancies, would also establish a sufficient standard for the Department to follow in administrating the program.

Your second proposed amendment would add a provision allowing the Department to include within the definition of high-risk pregnancy conditions not specifically enumerated in subsection (2) of Section 3 of the bill. While the listing of certain specific conditions in the manner proposed arguably provides sufficient legislative guidance for agency action, we believe the addition of a general definition, coupled with such specific conditions, would provide a standard which would eliminate our concern regarding the potentially improper delegation of legislative authority presented by this portion of your second proposed amendment. If you choose to adopt this alternative, we suggest that subsections (a) through (g) of Section 2 be retained, and the introductory language in Section 2 be amended in the following manner:

> (2) For purposes of this section, a high-risk pregnancy or condition shall mean a condition related to pregnancy which places the life or health of the pregnant woman or unborn child in danger to a degree beyond that which normally occurs due to pregnancy, including, but not limited to: . . . .

We believe the addition of language in your second proposal to include, in addition to the payments specifically covered, other necessary services and procedures relating to high-risk pregnancies, would provide sufficient guidance for the Department to determine what procedures and services associated with treatment of this

condition could be paid for under the act.

Based on the foregoing analysis, it is our opinion that either your first proposed amendment to the bill establishing the high-risk pregnancy support program, or your second proposal, modified as we have suggested, would provide adequate standards to guide the Department of Health in the administration of the program, and therefore would not constitute an unlawful delegation of legislative authority to the Department.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) L. Jay Bartel
Assistant Attorney General

LJB:bmh
cc: Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 236
November 14, 1984

Dear Senator Withem:

You have requested an opinion from our office on three questions regarding proposed legislation which would affect the retirement system for deputy sheriffs employed by counties in the State of Nebraska. In your letter, you indicate that your concern is whether you may accomplish the proposed changes in the deputy sheriffs retirement system under the present provisions of the County Employees Retirement Act, Neb.Rev.Stat. §§23-2301 to 23-2331 (Reissue 1983), or whether it will be necessary to enact enabling legislation to allow separate provisions to be made for deputy sheriffs.

Your initial question concerns whether, under the general provisions of the County Employees Retirement Act, it is possible for a group of employees now covered under the act to negotiate a separate agreement with the county board for additional retirement benefits.

It is fundamental that the number, nature, and duration of the powers conferred upon a county rests in the absolute discretion of the state. City of Grand Island v. Hall County, 196 Neb. 282, 242 N.W.2d 858 (1976). Counties and county boards can exercise only such powers as are expressly granted to them by the Legislature, and such grants of powers must be strictly construed. State ex rel. Agricultural Extension Service of Gage County v. Miller, 182 Neb. 285, 154 N.W.2d 469 (1967); Board of County Commissioners of

Sarpy County v. McNally, 168 Neb. 23, 95 N.W.2d 153 (1959).

Section 23-2329 of the County Employees Retirement Act provides: "The provisions of sections 23-2301 to 23-2331 shall become effective for each county upon their adoption by the county board." The definition of employees covered under the act is contained in §23-2301(1) which provides:

> Employees shall mean all persons or officers who are employed by a county of the State of Nebraska devoting twenty or more hours per week to such employment, all elected officers of a county, and such other persons or officers as are classified from time to time as permanent employees by the county board of the county by whom they are employed, except that the term shall not include judges, persons making contributions to the School Retirement System of the State of Nebraska, or nonelected employees and nonelected officials of any county having a population in excess of one hundred fifty thousand inhabitants; . . . . (Emphasis added).

Section 23-2306 further provides:

> The membership of the retirement system shall be composed of all employees who have been employees for a period of twelve continuous months and who have attained the age of twenty-five, except that elected officials shall be eligible for membership on taking office. (Emphasis added).

Based on the above statutory provisions, we believe it is clear the County Employees Retirement Act only grants to county boards the power to join a retirement system applicable to all county employees as defined in the act, unless specifically excepted from the act's provisions. There is no statutory authority for a county or county board to negotiate or establish a separate agreement for any particular group of employees who are within the definition contained in the act. It is therefore our opinion that a county board would not have the authority to negotiate a separate agreement to provide deputy sheriffs with retirement benefits in addition to those provided other employees covered by the act.

Your second question concerns whether a different percentage contribution ratio could be established to provide deputy sheriffs with greater retirement benefits than are provided for other county employees.

The amount of an employee's contribution to their retirement account, and the percentage of the county's contribution to such account, is established by §§23-2307 and 23-2308 of the County Employees Retirement Act. Section 23-2307 provides, "Each employee who is a member of the retirement system shall pay to the county a sum equal to three and two-tenths per cent of his or her salary for each pay period." Section 23-2308 further provides, "The

county clerk shall pay to the carrier an amount equal to two hundred fifty per cent of the amounts deducted from the salaries of employees, in accordance with the provisions of section 23-2307."

Sections 23-2307 and 23-2308 establish the contribution ratio for all employees within the act's definition. Again, we believe it is clear that a county or county board would have no authority to establish a different percentage contribution ratio for a particular group of employees who are covered under the provisions of the act.

Your final question concerns whether the provisions of the County Employees Retirement Act would allow for the establishment of a separate retirement system for a group of employees, such as deputy sheriffs, based on certain requirements unique to their employment, including mandatory early retirement and hazardous duty.

As we indicated in our response to your first question, the County Employees Retirement Act applies to all employees as defined in the act, unless a specific exception is provided. The act contains no exception for employees based on certain requirements which are unique to their employment. Therefore, we believe a county or county board would not have the authority to establish a separate retirement system for deputy sheriffs based on certain requirements unique to their employment.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) L. Jay Bartel
Assistant Attorney General

LJB:bae
cc: Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 238
November 30, 1984

Dear Senator DeCamp:

This is in response to your letter of November 26, 1984, concerning the passage of legislation to implement Amendment 4 to the Constitution of the State of Nebraska. Amendment 4 permits the Legislature to make a separate classification of agricultural land, which in turn was intended to allow agricultural land to be valued in a different fashion than other property.

Your question concerns the potential failure of the legislature to implement such legislation prior to April 1, 1985. Under the current statutory scheme for property taxation in Nebraska, the actual

valuation and assessment process must be completed no later than April 1. Under Neb.Rev.Stat. §77-1315 (Supp. 1984) The county assessor shall complete his revision of the assessment rolls and file them with the county clerk as of this date. In addition the statute also requires that notice be sent to all property owners whose values have been increased for that year, prior to April 1. Any legislation which would change the values of agricultural land for the 1985 tax year would thus have to be effective prior to April 1, 1985, and as a practical matter, if the new method of valuation is to be implemented so as to actually be placed on the tax rolls by April 1, the assessor must have some time in which to perform this function prior to April 1. Likewise, if the Legislature also requires certain actions to be taken by the Department of Revenue for the implementation of this legislation, then time must be allowed for this function as well. In this regard, your interpretation of the present law is correct.

Your specific question is what values would the assessors be required to use for agricultural land should the Legislature fail to pass such legislation implementing Amendment 4 prior to April 1, 1985. The answer to this question will be based upon the presumption that the Legislature in turn does not enact legislation changing the current schedule of dates for property taxation in the State of Nebraska.

All property in the state is presently required to be valued at actual value or as interpreted by the Supreme Court, market value. Kearney Convention Center v. Board of Equalization, 216 Neb. 292, 344 N.W.2d 629 (1984), and the assessors would thus be required to value agricultural land accordingly. Presently Neb.Rev.Stat §77-1330 (Supp. 1984) requires the assessors to use the various guides prepared by the Tax Commissioner in the performance of their duties. Assuming that the Tax Commissioner has prepared and actually issued such a guide concerning agricultural land values for 1985, as has been done in the past and as you have indicated in your letter has been done for 1985, then the assessors would be required to use these guides in valuing agricultural land.

Sincerely,
PAUL L. DOUGLAS
Attorney General
(Signed) John Boehm
Assistant Attorney General

JB:bae
cc: Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 241
December 12, 1984

Dear Senator DeCamp:

You have requested our opinion as to whether the provisions of Neb.Rev.Stat. §8-1401 (Reissue 1983) (Laws 1977, LB 384) prevent an institution included within that statute from voluntarily delivering to a legislative committee the financial records of one or more of its customers. In our opinion §8-1401 leaves the decision as to whether to provide a customer's financial records to any third party solely within the discretion of that institution.

Section 8-1401 states, in pertinent part:

> No {person, business or institution} . . . shall be required to disclose any information, financial or otherwise, that it deems confidential, concerning its affairs or the affairs of any person or corporation with which it is doing business to any person, party, agency, or organization unless there shall first be presented to such person, corporation or association a court order of a court of competent jurisdiction setting forth the exact nature and limits of such required disclosure and a showing that all persons or organizations to be affected by such order have had reasonable notice and an opportunity to be heard upon the merits of such order.

(Emphasis added.)

Although there appears to have been some confusion among the senators on this question during floor debate, the clear language of the statute leaves to the discretion of the institution in question both the determination of whether any particular item of information requested by a third party is to be deemed "confidential," and the determination of whether information, even if deemed "confidential," will be delivered to a requesting third party. Perhaps the most concise statement of the purpose and focus of LB 384 came from Senator DeCamp.

> This just says if {the person responsible for the institution in question} does for some reason or other say, no, I am afraid I am going to get sued if I turn this over, {the person responsible for the institution in question} can refuse until somebody lays on his desk some order saying, yes, you have got to turn it over.

(Floor Debate, LB 384, Legislative Journal, p. 3308, April 22, 1977.)

In our opinion, §8-1401 places no restrictions upon a third party's ability to obtain a citizen's financial records from a designated institution unless that institution chooses not to deliver such records to the third party. Thus, if one of these institutions has no objections to transferring the requested records to a legislative committee, §8-1401 would not require the committee to obtain a court order permitting acquisition of that information. The propriety of that

disclosure, insofar as the relationship between the customer and the institution is concerned, is not addressed by §8-1401. If, on the other hand, the institution chooses to deem the requested records "confidential" and not deliver them, any third party desiring those records (including a legislative committee) would be required to abide by the notice and procedural requirements of §8-1401 and seek a court order directing the delivery of the records in question.

Yours truly,
PAUL L. DOUGLAS
Attorney General
(Signed) J. Kirk Brown
Assistant Attorney General

JKB:cw
cc: Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 242
December 13, 1984

Dear Senator Sieck:

You have requested our opinion regarding two questions relating to the powers of the Nebraska Investment Finance Authority.

Initially, you ask whether the Authority is statutorily permitted to issue bonds to enable a corporation to obtain a lower interest rate where no new facilities will be constructed and no new employees will be hired as a result of the bond issue. Specifically, you state the purpose of such an issuance would be to substitute bonds authorized by the Authority for existing industrial development bonds which have already been utilized by the entity.

The statutory provisions pertaining to the issuance of industrial development bonds by counties or municipalities are contained in Neb.Rev.Stat. §§18-1614 to 18-1623 (Reissue 1983). Section 18-1616 provides industrial development bonds issued by counties and municipalities constitute limited obligations, and allows the governing body of a county or municipality to sell bonds at public or private sales at such time they deem to be most advantageous.

The powers granted the Nebraska Investment Finance Authority are enumerated in Neb.Rev.Stat. §58-239 (Reissue 1984). Subsection (18) of §58-239 provides the Authority has the power:

> To issue bonds for the purpose of paying the cost of financing any project or projects, and to secure the payment of such bonds as provided in the Nebraska Investment Finance Authority Act; . . . . (Emphasis added).

The definition of "project" relating to the industrial or commercial arm of the Authority is found in §58-219, which provides, in pertinent part:

Project shall mean one or more of the following: . . .

(3) Any land, building, or other improvement, any real or personal property, or any equipment, and any undivided or other interest in any of the foregoing, whether or not in existence, suitable or used for or in connection with any of the following revenue-producing enterprises or two or more such enterprises engaged or to be engaged in:

(a) In all areas of the state, manufacturing or industrial enterprises including assembling, fabricating, mixing, processing, warehousing, distributing, or transporting any products of agriculture, forestry, mining, industry, or manufacturing; pollution control facilities; facilities incident to the development of industrial sites including land costs and the costs of site improvements thereon, such as drainage, water, storm, and sanitary sewers, grading, streets, and other facilities and structures incidental to the use of such sites for manufacturing or industrial enterprises;

(b) In all areas of the state, commercial or service enterprises if (i) such facilities constitute new construction or rehabilitation including hotels or motels, sports and recreation facilities available for use by members of the general public either as participants or spectators, and convention or trade show facilities and (ii) such facilities do not or will not derive a significant portion of their gross receipts from retail sales or utilize a significant portion of their total area for retail sales;

(c) In blighted areas of the state, commercial, service, and business enterprises if such facilities constitute new construction, acquisition, or rehabilitation, including, but not limited to, those enterprises specified in subdivision (3) (b) of this section, office buildings, and retail businesses; and

(d) In all areas of the state, any land, building, or other improvement and all real or personal property, including furniture and equipment, and any undivided or other interest in any such property, whether or not in existence, suitable or used for or in connection with any hospital, nursing home, and any facilities related and subordinate thereto; and

(4) Any land, building, or other improvement, any real or personal property, or any equipment, and any undivided or other interest in any of the foregoing, whether or not in existence, used by any business as an office building, but only if (a) the principal long-term occupant or occupants thereof initially employ at least fifty people, (b) the office building will be used by the principal long-term occupant or occupants as a national, regional, or

divisional office, (c) the principal long-term occupant or occupants are engaged in a multistate operation, and (d) the authority makes the findings specified in subdivision (1) of section 58-251. . . . (Emphasis added).

We believe the language of §58-239(18), providing the Authority with the power "to issue bonds for the purpose of paying the cost of financing any project," clearly indicates a legislative intent to limit the Authority's power to issue bonds to use only for the financing of projects within the Act's coverage. Subsections (3) and (4) of §58-219 specifically define what projects come within the scope of the Act's provisions for the financing of industrial or commercial enterprises and activities. Section 58-219 restricts the definition of such projects to "any land, building, or other improvement, any real or personal property, or any equipment, and any undivided or other interest" in any industrial or business activity authorized to be financed under the Act. This language indicates the Authority's power to finance projects is limited to the construction or acquisition by an entity of real or personal property. We believe the issuance of refinancing bonds would not constitute a project within the intent and purposes of the Act. It is therefore our opinion that the definitions in §58-219 would not cover the issuance of Authority bonds to replace existing industrial development bonds issued under §§18-1614 to 18-1623.

Your second question concerns whether the Board of the Nebraska Investment Finance Authority is required to approve a bond issue if independent bond counsel states the bond issue meets legal requirements, or whether the Board can deny the issuance of bonds if it finds such issuance would not be in the general public interest or would not be within the general public purposes of the legislation creating the Authority.

Neb.Rev.Stat. §58-234 (Reissue 1984) empowers the Authority to employ various personnel, including legal counsel. The powers of the Authority are further enumerated in §58-239, which provides, in pertinent part:

> The authority is hereby granted all powers necessary or appropriate to carry out and effectuate its public and corporate purposes, including but not limited to, the following: . . .
>
> (7) To employ architects, engineers, attorneys, inspectors, accountants, building contractors, financial experts, and such other advisors, consultants, and agents as may be necessary in its judgment, and to fix their compensation; . . .
>
> (9) To borrow money and issue bonds as provided by the Nebraska Investment Finance Authority Act; . . . .

The provisions relating to the sale of bonds by the Authority are contained in Neb.Rev.Stat. §§58-252 to 58-262 (Reissue 1984). Clearly, no statutory provision exists which requires the Board to

approve a bond issue merely because the bond counsel hired by the Authority renders its opinion that an issue meets all legal requirements. Neb.Rev.Stat. §58-251 (Reissue 1984) requires the Authority to make certain specific findings relating to the public purposes to be served prior to financing a development project under the Act. Section 58-251 provides:

> Prior to providing financing for a development project as defined by subdivision (3) of section 58-219, the authority shall make specific findings relating to the public purposes to be effectuated thereby, including but not limited to (1) with respect to a project as defined in subdivision (3) (a), (3) (b), or (3) (c) of section 58-219, the project's effect on the economic base, the tax base, tax revenue, and employment opportunities, and (2) with respect to a project as defined in subdivision (3) (d) of section 58-219, the project's effect on the provision, including the continued provision, of health care and related services.

Based on the foregoing, it is our opinion that the Board of the Nebraska Investment Finance Authority is not required to approve a bond issue which its independent bond counsel has stated meets all legal requirements. The Board has discretion to deny the issuance of development bonds if it finds their issuance would not be in the general public interest or would not effectuate the public purposes outlined in §58-251.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) L. Jay Bartel
Assistant Attorney General

LJB:bae
cc: Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 243
December 24, 1984

SUBJECT: Proposed legislative bill relating to tort claims against the State of Nebraska (REQ01SS/DG-11-08)
REQUESTED BY: Senator John DeCamp
OPINION BY: Edwin C. Perry, Special Assistant Attorney General
QUESTION: Would the proposed legislative bill(ROUGH DRAFT, REQ01SS/DG-11-08) be constitutional?
CONCLUSION: The proposed bill, in our opinion, is constitutionally suspect as special legislation.

The proposed bill in Section 2 creates a separate and limited class

of tort claims allowable against the State of Nebraska. It applies in very limited circumstances and only to claims:

(a) Arising from the Department of Banking and Finance's supervision, regulation or control;

(b) Involving only financial institutions specified in Section 8-102;

(c) Involving only financial institutions existing under Section 8-102 which have been declared insolvent under Sections 8-194 and 8-195;

(d) Only where the aggregate sum of the claim being made is at least $10,000,000; and

(e) If a separate legislative bill is signed by at least ten (10) members of the Legislature.

In addition to dramatically altering the procedural aspects of tort claims within this limited class, the law changes the substantive rules applicable to such claims. In particular as to this limited group of claims, the exemptions under the State Tort Claims Act which are set forth in Section 81-8,219, R.R.S. Nebraska, would not be applicable. Thus, the State's existing immunity from liability for discretionary acts, misrepresentation and deceit would not be available as to claims in this classification. A substantive change of this nature on a retroactive basis may or may not be valid.

The letter requesting the opinion refers to the Commonwealth matter. This proposed Act does not refer to Section 8-416, R.R.S. Nebraska, which specifically authorizes the Department of Banking to take over industrial loan and investment companies. The sections referred to in the proposed bill deal with declarations of insolvency of commercial banks. It is suggested that the bill should be redrafted to include Section 8-416, R.R.S. Nebraska, and alleviate any possible ambiguity in this regard.

The bill is further ambiguous as to the rights of depositors who either have filed claims or legal actions against the State or who may wish to do so. It is recommended that this aspect of the bill be reviewed and clarified.

In any event, Article III, section 18, of the Nebraska Constitution specifically prohibits the passage of special legislation or the granting to any corporation, association or individual any special or exclusive privileges, immunity or franchise whatsoever. It further provides that where a general law can be made applicable, no special law shall be enacted.

This proposed legislative bill attempts the very specific classification of tort feasors and victims entitled to relief. It applies only to limited actions by the Department of Banking and Finance and would not include acts or omissions of any other agencies or units of state government. In addition, it would not include any other

claims of victims against other agencies or units of state government. It further classifies by limiting its application only to situations in which the regulated financial institution had been declared insolvent under certain laws, and further attempts to split the designated class into a further class by making it applicable only to situations involving an aggregate claim of at least $10,000,000.

Our opinion after review of this constitutional provision as it has been construed by the Nebraska Supreme Court is that this proposed bill is constitutionally suspect as impermissible special legislation. See, United Community Services V. The Omaha Nat. Bank, 162 Neb. 786, 77 N.W.2d 576 (1956); Cox v. State, 134 Neb. 751, 279 N.W. 482 (1938); Brody v. State, 142 Neb. 714, 7 N.W.2d 632 (1943); and Campbell v. City of Lincoln, 195 Neb. 703, 240 N.W.2d 339 (1976).

In Weaver v. Koehn, 120 Neb. 115, 231 N.W. 703 (1930), the Supreme Court of Nebraska was confronted with a legislative appropriation of some $260,000 to repay depositors in failed banks (or such of their money as was deposited by them therein while the banks were closed and were being operated by the Guarantee Fund Commission). The Court held that the appropriation was constitutionally invalid. This decision may also adversely affect the constitutionality of this proposed legislation.

Respectfully submitted,
Edwin C. Perry
Special Assistant
Attorney General

ECP:ljg

Opinion No. 1
January 2, 1985

Dear Senator Abboud:

We have received your letter of December 27, 1984, in which you request us to reconsider our earlier Opinion Number 242, issues on December 19, 1984. In that opinion, we concluded, in part, that the Nebraska Investment Finance Authority was not statutorily permitted to substitute bonds authorized by the Authority for existing industrial development bonds issued by counties or municipalities.

In requesting us to review our opinion in this regard, you have provided us with a specific factual setting in which you ask whether the Authority may accomplish a refinancing of this nature. The question posed in your letter focuses on the potential refinancing, through the issuance of Authority bonds, of several grain elevators

located in various areas of the state. The funds for constructing these grain elevators were originally obtained from financing provided by the issuance of industrial development bonds by counties and municipalities.

In our earlier opinion, we focused on the power granted to the Nebraska Investment Finance Authority under Neb.Rev.Stat. §58-239 (18) (Reissue 1984), which provides the Authority with the power "{T}o issue bonds for the purposes of paying the cost of financing any project or projects," and the definitions of "project" contained in §58-219. Based on the language in subsection (18) of §58-239, providing the authority with the power to issue bonds to finance projects as defined in §58-219, we concluded the Authority had no power to issue bonds to refinance existing industrial development bonds issued by counties or municipalities under Neb.Rev.Stat. §§18-1614 to 18-1623 (Reissue 1983), as such refinancing would not involve the construction or acquisition by an entity of real or personal property constituting a "project."

Upon reconsideration, we have analyzed various arguments which have been advanced to support the conclusion that the Authority has the power to issue bonds to effect a refinancing under these circumstances. While we recognize such arguments represent a reasonable interpretation of the powers granted to the Authority, we cannot affirmatively conclude the Authority is statutorily empowered to issue bonds to refinance or refund existing industrial development bonds issued by counties or municipalities.

The general powers granted the Nebraska Investment Finance Authority are enumerated in Neb.Rev.Stat. §58-239 (Reissue 1984). Subsection (9) of §58-239 provides the Authority has the power "{T}o borrow money and issue bonds as provided by the Nebraska Investment Finance Authority Act." Section 58-253, which grants the Authority the power to make issuances to renew or refund bonds, provides, in pertinent part:

> The authority shall have the power to issue from time to time bonds to renew or to pay bonds, including the interest on such bonds, and whenever it deems refunding expedient, to refund any bonds by the issuance of new bonds, whether the bonds to be refunded have or have not matured, and to issue bonds partly to refund outstanding bonds and partly for any other of its corporate purposes.

The definition of "bonds" is contained in §58-210, which provides "{B}onds shall mean any bonds, notes, debentures, interim certificates, bond anticipation notes, or other evidences of financial indebtedness."

The Legislature, by virtue of §58-253, clearly provided the Nebraska Investment Finance Authority with the power to issue

bonds for refunding or refinancing purposes. Furthermore, the definition of bonds in §58-210 is not specifically limited to bonds issued by the Nebraska Investment Finance Authority.

Arguably, based on the above statutory provisions, the Authority could have the power to issue bonds to refinance existing industrial development bonds originally issued by counties or municipalities, which provided funds for the construction of certain grain elevators in the state, provided the Authority determined such an issuance would effectuate a proper public purpose under the Act. Specifically, with respect to the proposed issuance of development bonds under the industrial or commercial arm of the Act, this would require the Authority to make the specific findings relating to the public purposes to be served by such issuance outlined in §58-251, which provides:

> Prior to providing financing for a development project as defined by subdivision (3) of section 58-219, the authority shall make specific findings relating to the public purposes to be effectuated thereby, including but not limited to (1) with respect to a project as defined in subdivision (3) (a), (3) (b), or (3) (c) of section 58-219, the project's effect on the economic base, the tax base, tax revenue, and employment opportunities, . . . .

A further argument in support of the position that the Authority may properly engage in such refinancings is based on §58-239(22), which grants the Authority the power

> To enter into financing agreements with others with respect to one or more projects to provide financing for such projects upon such terms and conditions as the authority may deem advisable to effectuate the public purposes of the Nebraska Investment Finance Authority Act, which projects shall be located within the state.

While the term "financing" is not specifically defined in the Act, the phrase "financing agreement" is defined in §58-211, in part, as follows:

> Financing agreement shall mean any contractual obligation between the authority and another entity with respect to the financing, which shall include without limitation refinancing, of a project or projects, and shall include, without limitation, a lease agreement, loan agreement, sale contract, take or pay contract, or user agreement. . . . The financing agreement shall also contain provisions with respect to the acquisition, construction, rehabilitation, improvement, or refinancing of a project to effectuate the public purposes of the Nebraska Investment Finance Authority Act. . . . (Emphasis added).

The use of the word financing in the first sentence of §58-211, together with the following phrase which provides the word "shall include without limitation refinancing," recognizes the power of the Authority to engage in refinancings. The last sentence of §58-211

further provides the financing agreement shall contain provisions which include, among other things, the "refinancing of a project to effectuate the public purposes of the Nebraska Investment Finance Authority Act."

Under these statutory provisions, the Authority arguably has the power to issue bonds and enter into a financing agreement with respect to the refinancing of industrial development bonds which were originally issued to finance a facility, such as the grain elevators discussed in your question, which would have qualified as a "project" under the Nebraska Investment Finance Authority Act, provided the Authority determined a proper public purpose would be served by the refinancing in question.

While we recognize the above interpretations do not represent an unreasonable construction of the statutory provisions outlining the powers of the Authority, we note that the refinancing or refunding of industrial development bonds issued by counties or municipalities is specifically provided for under Neb.Rev.Stat. §18-1619 (Reissue 1983), which provides, in part:

> Any bonds issued under the provisions of sections 18-1614 to 18-1623 and at any time outstanding may at any time and from time to time be refunded by a municipality or county by the issuance of its refunding bonds in such amount as the governing body may deem necessary but not exceeding an amount sufficient to refund the principal of the bonds to be so refunded, together with any unpaid interest thereon and any premiums and commission necessary to be paid in connection therewith.

Under §18-1619, the Legislature has provided a clear means by which an entity can seek a refinancing or refunding of industrial development bonds issued by a county or municipality. In contrast, the statutory powers granted the Nebraska Investment Finance Authority do not clearly and unambiguously provide the Authority with the power to issue bonds to refinance industrial development bonds issued under §§18-1614 to 18-1623.

It is axiomatic that the Authority, being a creature of statute, is authorized to exercise only such powers as provided by the Legislature. Based on the absence of any clear statutory authority granting the Authority the power to issue bonds to refinance or refund industrial development bonds issued by counties or municipalities, coupled with the specific and clear authority to accomplish this result under §18-1619, we cannot conclude the Authority has the power to effect a refinancing of this nature. Although we feel the arguments advanced to support the position that the Authority has such powers are not unreasonable, we do not believe that the Authority may issue bonds to refinance industrial development bonds initially issued by counties or municipalities to

finance the construction of grain elevator facilities in the state. To the extent that you feel the Authority should be vested with such power, we would recommend that you propose legislation which would clearly grant the Authority the power to engage in refinancings of this nature.

Very truly yours,
PATRICK T. O'BRIEN
Deputy Attorney General
(Signed) L. Jay Bartel
Assistant Attorney General

LJB:bae
cc: Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 2
January 2, 1985

Dear Senator Vickers:

This is in response to your letter concerning Neb.Rev.Stat. §17-307 (Reissue 1983) and Neb.Rev.Stat. §17-311 (1984 Supp.), and the need for possible legislative clarification as to the statutes. Your question is whether the requirements of §17-311 are mandatory in spite of the language therein that would appear to create an exception under §17-307.

Section 17-311 provides in its pertinent part that:

(1) Except as provided in §17-307, whenever any village increases in population until it has a population of more than eight hundred inhabitants but less than five thousand inhabitants, as ascertained and officially promulgated by the census, enumeration, and return taken by the United States, by the State of Nebraska, or by the authority of the village board of such village, the village board shall certify such fact to the Secretary of State who, upon the filing of such a certificate, shall by proclamation so declare and shall declare such village to have become a city of the second class. Thereafter such city shall be governed by the laws of this state applicable to cities of the second class.

Section 17-307 provides in part that:

(1) Whenever any village shall attain a population exceeding eight hundred inhabitants and one-fourth of the legal voters, but not less than one hundred registered legal voters, therein shall petition the board of trustees of such village, the board of trustees shall cause to be published for at least thirty days a notice stating that the question of retaining a village form of government will be

submitted at the next regularly scheduled election or at a special election announced in such notice. Thereupon there shall be submitted by the board of trustees at such election the question of retaining a village form of government. Such election shall be conducted in the manner provided for cities of the second class. The form of the ballot at such election shall be For retention of village government, and Against retention of village government. If the majority of the votes cast are for retention of village government, then such village shall remain a village and be governed under the provisions of the law relating to villages, unless it shall, at some future election, adopt a city government in the manner provided herein for the adoption of a village government.

Section 17-307 was not specifically repealed in the legislation enacting §17-311, and §17-311 makes a specific reference to §17-307. Thus in order to give meaning to both statutes, it would appear that a proper interpretation of §17-311 is that it is mandatory any time the specific requirements contained therein are met, unless the citizens of that village have petitioned the board of trustees for an election at which the question of retention of the village form of government will be decided pursuant to §17-307. You may, nevertheless, wish to sponsor a clarifying amendment in order to avoid any future disputes and disagreements.

Sincerely,
PATRICK T. O'BRIEN
Deputy Attorney General
(Signed) John Boehm
Assistant Attorney General

JB:ccb
cc: Patrick J. O'Donnell
Clerk of the Legislature

## APPRECIATION

Received notes of appreciation from the Martin Kahle family.

## NATURAL RESOURCE DISTRICT REPORT

In compliance with Section 2-3262 (R.R.S. 1943) a summary of all fees paid to date during calendar year 1984 to attorneys, lobbyists, and public relations representatives is indicated below by individual and by amount paid thereto.

DISTRICT FEE
Natural Resources Commission

| | |
|---|---|
| None | |
| Central Platte | |
| Cook & Kopf, P.C. | 21,395.15 |
| Baylor, Evnen, Curtiss, Grimit & Witt | 824.60 |
| Lewis & Clark | |
| James P. Sheldon | 2,000.00 |
| Reed and Pavel, PA | 650.00 |
| Little Blue NRD | |
| Baird & Griess | 1,500.00 |
| Crosby, Guenzel, Davis, Kessner & Kuester | 35,908.80 |
| Lower Big Blue | |
| Everson, Noble, Wullschleger, Sutter, Sharp, Korslund | 960.00 |
| Lower Elkhorn | |
| Jewell, Otte, Gatz & Collins | 5,811.42 |
| Lower Niobrara | |
| Crosby, Guenzel, Davis, Kessner, Kuester | 23,184.36 |
| Peebles, Smith, Farrell | 9,348.46 |
| Lower Platte North NRD | |
| Sidner, Svoboda, et al | 65,223.81 |
| Crosby, Guenzel, Davis | 1,825.59 |
| Lower Republican | |
| McKelvie & McNally Law Offices | 169.90 |
| Middle Missouri Tribs | |
| Golby C. Uhlir | 5,283.96 |
| Middle Niobrara | |
| Crosby, Guenzel, Davis, Kessner, & Kuester | 65.00 |
| Middle Republican | |
| Schroeder Law Office-Curtis | 408.00 |
| North Platte | |
| Holtorf, Kovarik, Nuttlemen & Ellison, P.C. | 250.00 |
| Papio | |
| Taylor, Hornstein, Peters & Kluver | 18,812.17 |
| South Platte | |
| Van Steenberg, Myers & Burke | 4,508.73 |
| Tri-Basin | |
| Anderson, Strasburger, Klein, Peterson & Swan | 70.00 |
| Little Blue NRD | 1,278.27 |
| Twin Platte | |
| Nielsen & Birch | 6,847.50 |

| | |
|---|---|
| Richard Kopf | 1,139.00 |
| Upper Elkhorn | |
| Lobbyists | 1,500.00 |
| Public Relations Representative | 1,200.00 |
| Upper Loup | |
| None | |
| Upper Niobrara-White NRD | |
| None | |
| Upper Republican | |
| Terry E. Savage | 3,801.70 |
| Alvin R. Wall | 100.00 |
| Lower Platte South | |
| Attorneys | 16,195.94 |
| Lower Loup | |
| J. Marvin Weems, P.C. | 360.00 |

## COMMUNICATIONS

Received copy of House Concurrent Resolution Number 12 and Senator Concurrent Resolution Number 7 from the State of Texas regarding federal legislation preempting state authority over public pension systems.

Received copies of three Traffic Safety Resolutions adopted by the National Sheriffs' Association at the 44th Annual Informative Conference.

## REPORTS

The following reports were received by the Legislature:

Statement of deposits to the Highway Cash Fund and Road Operation Cash Fund for the calendar months of July through November, 1984 from the Nebraska Department of Roads in compliance with Section 66-476, R.S. Supp. 1980.

Proposed lease contracts from State Building Division for the State Fire Marshal at City Hall in Albion, Water Resources in Norfolk, Department of Health, Terminal Building in Lincoln, Department of Labor, Division of Employment in Falls City, and Nebraska Beef Board in Gibbon.

Minutes of the Board of Public Roads Classifications and Standards for July, September, October, and November.

Quarterly reports from the Nebraska Department of Roads for the Nebraska State Highway Commission for June and September, 1984.

Bylaws of the Board of Regents of the University of Nebraska.

Annual Report and Plan of Work for the Nebraska State Water Planning and Review Process from the Natural Resources Commission pursuant to Section 2-3289.

Biennial report of the Nebraska Resources Development Fund by the Natural Resources Commission pursuant to Section 2-1588 R.R.S. (Reissue 1983).

Letter from the Auditor of Public Accounts in regard to bidding on the "single audit" of the Department of Social Services.

Audit reports from the Auditor of Public Accounts for the following: State Fire Marshal, Nebraska Technical Community College Areas, Circular A-102 Attachment P - Department of Education, Nebraska Department of Revenue, Nebraska Arts Council, Department of Roads, Department of Insurance, and Statement of Federal Land Payments - State of Nebraska.

Third biennial report from the Nebraska Power Review Board.

Investment Performance Review report and letter from Callan Associates, Inc., of a Supplemental Report segregating the fixed and equity investments.

Report from the Policy Research Office of the review of county and municipal land use regulations under Laws 1975, LB 317 during 1983 and 1984 pursuant to Section 84-156, R.R.S. 1943.

Report from the Nebraska Department of Education describing the progress of the State Level Technology Consortium in accordance with Section 18 of LB 994.

Annual report from the Nebraska Municipal Power Pool/Municipal Energy Agency of Nebraska.

Report from the Department of Roads by the Game and Parks Commission, submitting a one year and long-range five year plan of scheduled design, construction and improvement for all exterior access roads and interior service roads pursuant to Section 39-1392 R.R.S. 1943.

Annual report from the Nebraska Investment Finance Authority pursuant to Section 58-270.

Annual report from the Nebraska Investment Finance Authority.

Biennial report from the Nebraska Indian Commission.

## BILLS ON FIRST READING

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

**LEGISLATIVE BILL 1.** By Executive Board: Beutler, 28th District, Chairperson.

A BILL FOR AN ACT relating to the Department of Social Services; to amend sections 43-654 and 68-1207, Reissue Revised Statutes of Nebraska, 1943; to repeal provisions relating to the Division of Social Services within the Department of Social Services; to harmonize provisions; to provide duties of the department and director; and to repeal the original sections, and also section 68-1201, Reissue Revised Statutes of Nebraska, 1943.

**LEGISLATIVE BILL 2.** By Executive Board: Beutler, 28th District, Chairperson.

A BILL FOR AN ACT relating to internal references; to amend sections 14-1005, 44-1525, 70-601, and 81-187, Reissue Revised Statutes of Nebraska, 1943, and sections 28-318 and 70-619, Revised Statutes Supplement, 1984; to correct references to statutes which have been repealed; and to repeal the original sections.

**LEGISLATIVE BILL 3.** By Executive Board: Beutler, 28th District, Chairperson.

A BILL FOR AN ACT relating to retirement; to amend sections 16-1012, 16-1032, and 18-1723, Reissue Revised Statutes of Nebraska, 1943; to correct erroneous internal references; and to repeal the original sections.

**LEGISLATIVE BILL 4.** By Executive Board: Beutler, 28th District, Chairperson.

A BILL FOR AN ACT relating to the Nebraska Commission on Aging; to repeal provisions governing the substitution of certain

terms to be made after July 17, 1982; and to repeal section 68-1111, Revised Statutes Supplement, 1984.

**LEGISLATIVE BILL 5.** By Executive Board: Beutler, 28th District, Chairperson.

A BILL FOR AN ACT relating to the Department of Water Resources; to delete provisions governing a transfer of powers, duties, and property on September 20, 1957; and to repeal sections 46-705 and 46-706, Reissue Revised Statutes of Nebraska, 1943.

**LEGISLATIVE BILL 6.** By Executive Board: Beutler, 28th District, Chairperson.

A BILL FOR AN ACT relating to the Political Subdivision Budget Limit Act of 1979; to amend sections 16-1041, 79-1371, 79-1373, and 79-1374, Reissue Revised Statutes of Nebraska, 1943, and sections 81-1633 and 81-1634, Revised Statutes Supplement, 1984; to repeal provisions which terminated December 31, 1984; to repeal related provisions; to harmonize provisions; and to repeal the original sections, and also sections 77-3412 to 77-3423, 77-3424 to 77-3432.04, and 77-3433 to 77-3435, Reissue Revised Statutes of Nebraska, 1943, and sections 77-3423.01, 77-3432.05 to 77-3432.12, and 77-3436, Revised Statutes Supplement, 1984.

**LEGISLATIVE BILL 7.** By Executive Board: Beutler, 28th District, Chairperson.

A BILL FOR AN ACT relating to the Secretary of State; to repeal a provision governing the transfer of certain property on October 23, 1967; and to repeal section 11-101.04, Reissue Revised Statutes of Nebraska, 1943.

**LEGISLATIVE BILL 8.** By Executive Board: Beutler, 28th District, Chairperson.

A BILL FOR AN ACT relating to the Nebraska American Revolution Bicentennial Commission; to eliminate the commission which terminated June 30, 1984; and to repeal sections 81-8,272 to 81-8,275, Reissue Revised Statutes of Nebraska, 1943.

**LEGISLATIVE BILL 9.** By Executive Board: Beutler, 28th District, Chairperson.

A BILL FOR AN ACT relating to the Nebraska Postsecondary

Education Advisory Committee; to delete provisions relating to the committee which ceased to exist on July 1, 1978; and to repeal sections 50-801 to 50-808, Reissue Revised Statutes of Nebraska, 1943.

**LEGISLATIVE BILL 10.** By Executive Board: Beutler, 28th District, Chairperson.

A BILL FOR AN ACT relating to game, parks, and forestation; to eliminate obsolete language relating to the Game, Parks and Forestation Commission; and to repeal sections 85-163.07 and 85-163.08, Reissue Revised Statutes of Nebraska, 1943.

**LEGISLATIVE BILL 11.** By Executive Board: Beutler, 28th District, Chairperson.

A BILL FOR AN ACT relating to state buildings; to eliminate a provision relating to the renovation of certain buildings and the preparation of a plan by July 1, 1982; and to repeal section 81-176, Reissue Revised Statutes of Nebraska, 1943.

**LEGISLATIVE BILL 12.** By Executive Board: Beutler, 28th District, Chairperson.

A BILL FOR AN ACT relating to administrative services; to eliminate obsolete language relating to the transfer in 1965 of certain functions, powers, and duties; and to repeal sections 81-1123 to 81-1125, Reissue Revised Statutes of Nebraska, 1943.

**LEGISLATIVE BILL 13.** By Executive Board: Beutler, 28th District, Chairperson.

A BILL FOR AN ACT relating to the Nebraska Center for Children and Youth Fund; to eliminate obsolete language relating to the change in 1971 of the name of the fund; and to repeal section 43-912, Reissue Revised Statutes of Nebraska, 1943.

**LEGISLATIVE BILL 14.** By Executive Board: Beutler, 28th District, Chairperson.

A BILL FOR AN ACT relating to motor vehicle registration; to repeal provisions governing license plate renewal tabs which terminated May 1, 1984; and to repeal sections 60-311.22 to 60-311.24, Reissue Revised Statutes of Nebraska, 1943.

**LEGISLATIVE BILL 15.** By Executive Board: Beutler, 28th

District, Chairperson.

A BILL FOR AN ACT relating to county judges; to repeal a provision governing an election in 1972; and to repeal section 24-592, Reissue Revised Statutes of Nebraska, 1943.

**LEGISLATIVE BILL 16.** By Executive Board: Beutler, 28th District, Chairperson.

A BILL FOR AN ACT relating to livestock; to repeal a section governing the transfer of certain property on July 1, 1975; and to repeal section 54-141.01, Reissue Revised Statutes of Nebraska, 1943.

**LEGISLATIVE BILL 17.** By Executive Board: Beutler, 28th District, Chairperson.

A BILL FOR AN ACT relating to elections; to eliminate a statute which provided an operative date; and to repeal section 32-202.01, Reissue Revised Statutes of Nebraska, 1943.

**LEGISLATIVE BILL 18.** By Executive Board: Beutler, 28th District, Chairperson.

A BILL FOR AN ACT relating to natural resources; to eliminate a statute which governed substitution of terms for a commission and committee; and to repeal section 2-3260, Reissue Revised Statutes of Nebraska, 1943.

**LEGISLATIVE BILL 19.** By Executive Board: Beutler, 28th District, Chairperson.

A BILL FOR AN ACT relating to criminal procedure; to amend sections 28-801, 29-422, 29-424, 29-428, and 29-435, Reissue Revised Statutes of Nebraska, 1943; to eliminate an obsolete statute which provided operative dates for certain provisions; to harmonize provisions; and to repeal the original sections, and also section 29-430, Reissue Revised Statutes of Nebraska, 1943.

**LEGISLATIVE BILL 20.** By Executive Board: Beutler, 28th District, Chairperson.

A BILL FOR AN ACT relating to adoption; to eliminate a statute which applied to certain cases pending on March 1, 1971; and to repeal section 43-104.01, Reissue Revised Statutes of Nebraska, 1943.

**LEGISLATIVE BILL 21.** By Executive Board: Beutler, 28th District, Chairperson.

A BILL FOR AN ACT relating to the Department of Motor Vehicles; to repeal obsolete provisions governing a transfer of duties and substitution of names; and to repeal sections 60-1505, 60-1507, 60-1508, and 60-1510 to 60-1512, Reissue Revised Statutes of Nebraska, 1943.

**LEGISLATIVE BILL 22.** By Executive Board: Beutler, 28th District, Chairperson.

A BILL FOR AN ACT relating to revenue and taxation; to delete a provision governing taxation for 1981; and to repeal section 77-1357, Reissue Revised Statutes of Nebraska, 1943.

**LEGISLATIVE BILL 23.** By Executive Board: Beutler, 28th District, Chairperson.

A BILL FOR AN ACT relating to livestock; to delete definitions which applied to sections which have been repealed; and to repeal sections 54-726.01 and 54-726.03, Reissue Revised Statutes of Nebraska, 1943.

**LEGISLATIVE BILL 24.** By Executive Board: Beutler, 28th District, Chairperson.

A BILL FOR AN ACT relating to insurance; to delete a statute which mandated a study to be completed no later than January 1, 1984; and to repeal section 44-1639, Reissue Revised Statutes of Nebraska, 1943.

**LEGISLATIVE BILL 25.** By Executive Board: Beutler, 28th District, Chairperson.

A BILL FOR AN ACT relating to roads; to amend sections 39-2508 and 39-2509, Reissue Revised Statutes of Nebraska, 1943; to delete a provision governing the amount of money to be allocated to each county for road purposes in 1970 and 1971; to harmonize provisions; and to repeal the original sections, and also section 39-2506, Reissue Revised Statutes of Nebraska, 1943.

**LEGISLATIVE BILL 26.** By Executive Board: Beutler, 28th District, Chairperson.

A BILL FOR AN ACT relating to the Nebraska Center for Children and Youth; to repeal a directive governing substitution of certain terms; and to repeal section 43-901.01, Reissue Revised Statutes of Nebraska, 1943.

**LEGISLATIVE BILL 27.** By Executive Board: Beutler, 28th District, Chairperson.

A BILL FOR AN ACT relating to energy audits; to delete provisions which have expired; and to repeal sections 81-1629 to 81-1631, Reissue Revised Statutes of Nebraska, 1943, and sections 81-1627 and 81-1628, Revised Statutes Supplement, 1984.

**LEGISLATIVE BILL 28.** By Marsh, 29th District.

A BILL FOR AN ACT relating to the University of Nebraska; to amend section 85-107, Reissue Revised Statutes of Nebraska, 1943; to provide for the establishment of a college of journalism; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 29.** By Marsh, 29th District.

A BILL FOR AN ACT relating to storage of flammable and combustible liquids; to provide requirements as specified; and to provide a penalty.

**LEGISLATIVE BILL 30.** By Carsten, 2nd District.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-201, Reissue Revised Statutes of Nebraska, 1943; to provide for the valuation of agricultural and horticultural land for purposes of property taxation; to provide an operative date; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 31.** By Warner, 25th District.

A BILL FOR AN ACT relating to appropriations; to amend section 81-137, Revised Statutes Supplement, 1984; to change provisions relating to the Governor's appropriation bill; and to repeal the original section.

**LEGISLATIVE BILL 32.** By Warner, 25th District.

A BILL FOR AN ACT relating to fees; to amend section 33-117, Reissue Revised Statutes of Nebraska, 1943; to change certain fees

charged by sheriffs as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 33.** By Warner, 25th District.

A BILL FOR AN ACT relating to specific conveyances; to authorize the State Board of Agriculture to convey a permanent easement.

**LEGISLATIVE BILL 34.** By Warner, 25th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 2-1503.01, 2-1577, 19-3909, 23-362, 37-428, 43-611, 43-646.02, 43-648, 60-409, 60-409.02, 68-1106, 71-1628, 71-5010, 71-5027, 79-4,160, 79-1103.05, 79-1332, 81-1533, 83-1,143.03, and 84-147, Reissue Revised Statutes of Nebraska, 1943, and sections 2-1587, 2-15,117, 77-2715.01, 77-27,132, 77-27,136, 77-27,137, 77-27,137.01, 77-27,137.02, 77-3523, 77-3525, 79-445, 79-4,140.04, 79-4,140.05, 79-1332.01, 79-1333, and 79-2651, Revised Statutes Supplement, 1984; to create the Sales Tax Fund, the Sales Tax Refund Fund, and the Driver Education Fund; to provide for the transfer of funds; to provide that certain sales and use tax revenue be deposited in the Sales Tax Fund; to change the fund from which certain appropriations are made; to provide duties; to provide for refunds; to harmonize provisions; to repeal the Air and Water Pollution Control Tax Refund Act; to provide operative dates; to repeal the original sections, and also sections 77-27,149 to 77-27,155, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

**LEGISLATIVE BILL 35.** By Warner, 25th District.

A BILL FOR AN ACT relating to funds; to amend sections 19-3909.01, 39-847.01, 39-1323.01, 39-1804, 39-2215, 39-2401, 60-302, 60-326.01, 66-421, 66-424, 66-473, 66-479, 66-480, 66-605, and 66-605.02, Reissue Revised Statutes of Nebraska, 1943, and section 77-27,132, Revised Statutes Supplement, 1984; to change provisions relating to deposits and allocations to and transfers from the Highway Trust Fund, Highway Allocation Fund, and Highway Cash Fund; to create the Highway Cash Fund; to eliminate the City and County Road Fund; to harmonize provisions; to provide duties for the Revisor of Statutes; to provide an operative date; and to repeal the original sections, and also sections 39-2402 and 39-2403, Reissue Revised Statutes of Nebraska, 1943.

**LEGISLATIVE BILL 36.** By Warner, 25th District.

A BILL FOR AN ACT relating to eminent domain; to amend section 76-719.01, Reissue Revised Statutes of Nebraska, 1943, and section 76-711, Revised Statutes Supplement, 1984; to provide for the deposit of certain funds in a depository designated by the condemner; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 37.** By Lamb, 43rd District.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-101, Reissue Revised Statutes of Nebraska, 1943, and section 77-1701, Revised Statutes Supplement, 1984; to define terms; to create a fund; to provide for distribution; to provide a penalty; to change provisions regarding tax statements; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 38.** By Lamb, 43rd District.

A BILL FOR AN ACT relating to property taxes; to provide rebates for property tax payments; to define terms; to provide duties for counties and the Department of Revenue; and to declare an emergency.

**LEGISLATIVE BILL 39.** By Harris, 27th District.

A BILL FOR AN ACT relating to facilities operated by an educational institution; to amend sections 77-2702 and 81-1247, Revised Statutes Supplement, 1984; to redefine terms; and to repeal the original sections.

**LEGISLATIVE BILL 40.** By Beutler, 28th District.

A BILL FOR AN ACT relating to fire regulations; to amend section 81-538, Reissue Revised Statutes of Nebraska, 1943; to eliminate certain requirements relating to buildings; to harmonize provisions; and to repeal the original section, and also sections 81-532, 81-533, and 81-535 to 81-537, Reissue Revised Statutes of Nebraska, 1943.

## RESOLUTIONS

**LEGISLATIVE RESOLUTION 2.**

Introduced by Baack, 47th District; Barrett, 39th District; Beutler, 28th District; Beyer, 3rd District; Carsten, 2nd District; Chizek, 31st District; Chronister, 18th District; Conway, 17th District; DeCamp, 40th District; Eret, 32nd District; Goll, 16th District; Goodrich, 20th

District; Haberman, 44th District; Hall, 7th District; Harris, 27th District; Hartnett, 45th District; Hefner, 19th District; Hoagland, 6th District; L. Johnson, 15th District; R. Johnson, 34th District; V. Johnson, 8th District; Labedz, 5th District; Lamb, 43rd District; Landis, 46th District; Lundy, 36th District; Lynch, 13th District; Marsh, 29th District; Miller, 37th District; Morehead, 30th District; Nelson, 35th District; Nichol, 48th District; Pappas, 42nd District; Peterson, 21st District; Pirsch, 10th District; Remmers, 1st District; Rogers, 41st District; Rupp, 22nd District; Schmit, 23rd District; Scofield, 49th District; Sieck, 24th District; Smith, 33rd District; Vickers, 38th District; Warner, 25th District; Wesely, 26th District; Withem, 14th District.

WHEREAS, the State of Nebraska's economic prosperity is closely linked with the vitality of the agriculture industry; and

WHEREAS, currently the agriculture industry is in the worst economic slump in recent years because of stresses created by a combination of scarce credit, high interest rates, falling land and equipment values, and low prices; and

WHEREAS, a single state government can do little to protect its farmers and ranchers from such conditions because the problems in agriculture exist nationwide; and

WHEREAS, agricultural policy for the nation is determined in Washington, D.C., by the administration, the Congress, and the Department of Agriculture; and

WHEREAS, the nation's farmers and ranchers have not shared in the benefits of the recovery that other sectors of the nation's economy have enjoyed; and

WHEREAS, the agricultural policymakers in the federal government have not developed effective solutions to the problems of scarce credit, high interest rates, falling values, and low prices to effect a recovery in the agriculture industry.

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

1. That the Legislature's Committee on Committees select twenty members of the Legislature to go to Washington, D.C., to speak with federal officials to alert them to the severity of agriculture's problems.

2. That the Legislature recess until after the selected delegation returns from Washington, D.C., and can report its findings to the other members of the Legislature.

3. That an invitation be issued to members of the legislatures of the states of Colorado, Illinois, Indiana, Iowa, Kansas, Minnesota, Missouri, North Dakota, South Dakota, and Wisconsin to join the delegation from Nebraska in Washington, D.C., to add their voices

to ours, and to work together to find a solution to our common problems.

4. That this assembly of concerned state legislators demand that the federal government take action to relieve the economic stresses that burden this nation's farmers and ranchers.

Laid over.

**LEGISLATIVE RESOLUTION 3.**

Introduced by Abboud, 12th District; Baack, 47th District; Barrett, 39th District; Beutler, 28th District; Beyer, 3rd District; Carsten, 2nd District; Chambers, 11th District; Chizek, 31st District; Chronister, 18th District; Conway, 17th District; Eret, 32nd District; Goll, 16th District; Goodrich, 20th District; Haberman, 44th District; Hall, 7th District; Hannibal, 4th District; Harris, 27th District; Hartnett, 45th District; Hefner, 19th District; Higgins, 9th District; Hoagland, 6th District; L. Johnson, 15th District; R. Johnson, 34th District; V. Johnson, 8th District; Labedz, 5th District; Lamb, 43rd District; Landis, 46th District; Lundy, 36th District; Lynch, 13th District; Marsh, 29th District; Miller, 37th District; Morehead, 30th District; Nelson, 35th District; Nichol, 48th District; Pappas, 42nd District; Peterson, 21st District; Pirsch, 10th District; Remmers, 1st District; Rogers, 41st District; Rupp, 22nd District; Schmit, 23rd District; Scofield, 49th District; Sieck, 24th District; Smith, 33rd District; Vickers, 38th District; Warner, 25th District; Wesely, 26th District; Withem, 14th District.

WHEREAS, Bernard Wishnow served the Nebraska Accountability and Disclosure Commission faithfully and with dedication for seven years commencing in 1977 and continuing until his untimely death November 8, 1984, at the age of fifty-one; and

WHEREAS, he served as the commission's first general counsel and also as acting director; and

WHEREAS, Bernard Wishow's intelligence, good humor, enthusiasm, understanding, and his distinguished demeanor were an inspiration to all who knew him; and

WHEREAS, Bernard Wishow was an extraordinary human being, an unusually dedicated and principled state employee, and the embodiment of the highest ideals of public service; and

WHEREAS, Bernard Wishnow exhibited these qualities throughout his life of service to his profession, the state and his community; and

WHEREAS, he was married to Gail Katskee, and together they raised their three children, Edward, Janice, and Barbara in Lincoln,

Nebraska; and

WHEREAS, the Nebraska Legislature wishes to share with his family the profound sorrow they feel in losing him.

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

1. That the Legislature extend deepest sympathy to the family of Bernard Wishnow.

2. That a copy of this resolution be presented to the family of Bernard Wishnow as an expression of sorrow for his passing.

Laid over.

**LEGISLATIVE RESOLUTION 1.** Read. Considered.

All senators asked unanimous consent to add their names. No objections. So ordered.

LR 1 was adopted with 42 ayes, 0 nays, and 7 not voting.

## UNANIMOUS CONSENT - Member Excused

Messrs. Sieck, Lundy, Peterson, Hefner, Conway, and Baack asked unanimous consent to be excused until they return. No objections. So ordered.

## EASE

The Legislature was at ease from 10:00 a.m. until 10:26 a.m.

## UNANIMOUS CONSENT - Member Excused

Mr. Pappas asked unanimous consent to be excused. No objections. So ordered.

## BILLS ON FIRST READING

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

**LEGISLATIVE BILL 41.** By Beutler, 28th District.

A BILL FOR AN ACT relating to criminal procedure; to eliminate the requirement of a reward for the arrest of certain persons; to repeal

sections 29-2529 to 29-2531, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

**LEGISLATIVE BILL 42.** By Miller, 37th District.

A BILL FOR AN ACT relating to vital statistics; to amend sections 23-394, 71-604, 71-605, 71-606, 71-611, 71-636, and 71-644, Reissue Revised Statutes of Nebraska, 1943, and section 71-612, Revised Statutes Supplement, 1984; to change provisions relating to birth certificates, death certificates, transit permits, and disinterment permits; to harmonize provisions; to provide for cremation permits; to modify powers and duties of the Department of Health; to provide an exemption from filing requirements; to authorize a petty cash fund; to adopt the Delayed Birth Registration Act; to eliminate provisions relating to local registrars; to repeal the Delayed Birth Registration Law; to provide operative dates; and to repeal the original sections, and also sections 71-602, 71-603, 71-605.03, 71-608, 71-617 to 71-622, 71-624, and 71-625, Reissue Revised Statutes of Nebraska, 1943, and section 71-623, Revised Statutes Supplement, 1984.

**LEGISLATIVE BILL 43.** By Warner, 25th District.

A BILL FOR AN ACT relating to constitutional officers; to amend sections 84-201.01 and 84-721, Reissue Revised Statutes of Nebraska, 1943, and sections 24-201.01 and 75-104, Revised Statutes Supplement, 1984; to change the salaries of constitutional officers as prescribed; and to repeal the original sections.

**LEGISLATIVE BILL 44.** By Barrett, 39th District.

A BILL FOR AN ACT relating to firefighters; to amend section 35-107, Reissue Revised Statutes of Nebraska, 1943; to limit the liability of emergency medical technicians when administering first aid as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 45.** By Warner, 25th District.

A BILL FOR AN ACT relating to elections; to amend section 32-517, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to objections to certificates of nomination as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 46.** By Warner, 25th District.

A BILL FOR AN ACT relating to handicapped persons; to amend sections 18-1738, 18-1740, and 60-311.14, Reissue Revised Statutes of Nebraska, 1943, and section 18-1739, Revised Statutes Supplement, 1984; to provide for issuance of handicapped parking permits to persons with temporary physical handicaps; and to repeal the original sections.

**LEGISLATIVE BILL 47.** By Warner, 25th District.

A BILL FOR AN ACT relating to real property; to amend sections 25-1292, 76-502, 76-504, 76-505, 76-510 to 76-515, 76-518, 76-519, 76-521 to 76-530, and 76-532, Reissue Revised Statutes of Nebraska, 1943; to adopt the Abstracters Act; to harmonize provisions; to provide a penalty; and to repeal the original sections, and also sections 76-501, 76-506 to 76-508, 76-517, 76-520, 76-531, 76-533, and 76-534, Reissue Revised Statutes of Nebraska, 1943.

**LEGISLATIVE BILL 48.** By Barrett, 39th District.

A BILL FOR AN ACT relating to insurance; to amend section 44-3903 and 44-3904, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to continuing education requirements for licensees; and to repeal the original sections.

**LEGISLATIVE BILL 49.** By Hefner, 19th District.

A BILL FOR AN ACT relating to veterans; to amend sections 80-401.01 and 80-401.03, Reissue Revised Statutes of Nebraska, 1943; to define terms; to harmonize provisions with previous legislative acts; and to repeal the original sections.

**LEGISLATIVE BILL 50.** By Rogers, 41st District.

A BILL FOR AN ACT relating to school districts; to amend sections 21-1903 and 79-4,154, Reissue Revised Statutes of Nebraska, 1943; to prohibit school districts from performing certain activities; and to repeal the original sections.

**LEGISLATIVE BILL 51.** By Chronister, 18th District.

A BILL FOR AN ACT relating to change of boundaries; to amend section 17-419, Reissue Revised Statutes of Nebraska, 1943; to change a provision relating to vacation of a plat; and to repeal the original section.

**LEGISLATIVE BILL 52.** By Lynch, 13th District.

A BILL FOR AN ACT relating to community development; to amend section 18-2107, Reissue Revised Statutes of Nebraska, 1943; to provide additional powers; and to repeal the original section.

**LEGISLATIVE BILL 53.** By Sieck, 24th District.

A BILL FOR AN ACT relating to county government; to amend section 23-148, Reissue Revised Statutes of Nebraska, 1943; to provide that all counties with two hundred thousand inhabitants or less may choose county commissioners as provided; and to repeal the original section.

**LEGISLATIVE BILL 54.** By Sieck, 24th District.

A BILL FOR AN ACT relating to schools; to amend sections 57-705, 72-1237.01, 79-1331, 79-1333.02, 79-1368, and 79-1369, Reissue Revised Statutes of Nebraska, 1943, and section 79-4,102, Revised Statutes Supplement, 1984; to adopt the Public Education Income Tax Act; to eliminate the School Foundation and Equalization Fund; to eliminate provisions relating to equalization aid; to harmonize provisions; to provide operative dates; and to repeal the original sections, and also sections 79-1330, 79-1332, 79-1334 to 79-1340, and 79-1342 to 79-1344.01, Reissue Revised Statutes of Nebraska, 1943, and sections 79-1332.01, 79-1333, and 79-1333.01, Revised Statutes Supplement, 1984.

**LEGISLATIVE BILL 55.** By Pappas, 42nd District.

A BILL FOR AN ACT relating to property; to adopt the Nebraska Marital Property Act; to provide an operative date; and to provide severability.

**LEGISLATIVE BILL 56.** By Pappas, 42nd District.

A BILL FOR AN ACT relating to the Department of Agriculture; to amend section 81-2,147.02, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the labeling of seeds; and to repeal the original section.

**LEGISLATIVE BILL 57.** By Pappas, 42nd District.

A BILL FOR AN ACT relating to schools; to amend section 79-201, Revised Statutes Supplement, 1984; to restrict school term opening

and closing dates; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 58.** By Pappas, 42nd District.

A BILL FOR AN ACT relating to motor vehicle fuels; to adopt the Motor Fuel Marketing Act; and to provide severability.

**LEGISLATIVE BILL 59.** By Pappas, 42nd District.

A BILL FOR AN ACT relating to state agencies; to amend sections 81-1111.01 and 81-1111.02, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to agency accounts payable; to allow creditors of state agencies to charge interest as prescribed; to provide for reporting of interest charged; and to repeal the original sections.

**LEGISLATIVE BILL 60.** By Pappas, 42nd District; Rogers, 41st District.

A BILL FOR AN ACT relating to agriculture; to amend sections 2-2321, 2-3311, 2-3622, 2-4011, and 54-2112, Reissue Revised Statutes of Nebraska, 1943; to change a restriction on the use of funds; and to repeal the original sections.

**LEGISLATIVE BILL 61.** By Pappas, 42nd District.

A BILL FOR AN ACT relating to health care; to state intent; to define terms; to authorize public hospitals to enter into cooperative ventures and similar undertakings; and to provide powers, duties, and restrictions.

**LEGISLATIVE BILL 62.** By Schmit, 23rd District; Pappas, 42nd District; Lynch, 13th District; Rogers, 41st District.

A BILL FOR AN ACT relating to public health and welfare; to adopt the Nebraska Credentialing Act.

**LEGISLATIVE BILL 63.** By Eret, 32nd District; DeCamp, 40th District.

A BILL FOR AN ACT relating to banks; to amend section 8-187, Reissue Revised Statutes of Nebraska, 1943; to provide a criterion to be used in determining if a bank is in an unsafe or unsound condition; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 64.** By R. Johnson, 34th District.

A BILL FOR AN ACT relating to appropriations; to authorize an appropriation to the Nebraska Coordinating Committee for Postsecondary Education; and to declare an emergency.

**LEGISLATIVE BILL 65.** By R. Johnson, 34th District.

A BILL FOR AN ACT relating to schools; to state intent; to define a term; to appropriate funds; to provide duties; to create a fund; and to provide additional services for gifted children as prescribed.

**LEGISLATIVE BILL 66.** By Pappas, 42nd District; Haberman, 44th District.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 39-602, 60-108, 60-117, 60-301, 60-305.04, 60-310, 60-311, 60-311.02, 60-311.04, 60-311.05, 60-311.07, 60-311.11 to 60-311.14, 60-311.16, 60-311.17, 60-311.21, 60-315, 60-315.01, 60-320, 60-323, 60-324, 60-331, 60-331.03, 60-334, 60-335, 60-345, 60-501, 60-1901 to 60-1903, 60-1908, 60-2003, 60-2005, 60-2010.01, and 81-2005, Reissue Revised Statutes of Nebraska, 1943; to require one license plate for motor vehicles; to require one license plate for snowmobiles; to change provisions regarding renewal tabs; to change provisions regarding In Transit decals; to harmonize provisions; to provide an operative date; and to repeal the original sections, and also sections 60-311.22 to 60-311.24, Reissue Revised Statutes of Nebraska, 1943.

**LEGISLATIVE BILL 67.** By Landis, 46th District.

A BILL FOR AN ACT relating to musical compositions; to eliminate a provision relating to the unlawful disposition of a copyrighted musical composition; and to repeal section 59-1402, Reissue Revised Statutes of Nebraska 1943.

**LEGISLATIVE BILL 68.** By Landis, 46th District.

A BILL FOR AN ACT relating to schools; to amend section 79-444, Reissue Revised Statutes of Nebraska, 1943; to authorize local support of before and after school services as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 69.** By Landis, 46th District; Pirsch, 10th District; Lundy, 36th District.

A BILL FOR AN ACT relating to crimes and punishment; to amend sections 28-919 and 29-1301, Reissue Revised Statutes of Nebraska, 1943, and section 28-101, Revised Statutes Supplement, 1984; to prohibit the intimidation of victims and witnesses of crime; to redefine an offense; to change provisions relating to venue; to harmonize provisions; to provide penalties; and to repeal the original sections.

**LEGISLATIVE BILL 70.** By Chambers, 11th District.

A BILL FOR AN ACT relating to crimes and punishments; to amend sections 28-105, 28-303, 83-1,107, and 83-1,107.01, Reissue Revised Statutes of Nebraska, 1943, and section 24-342, Revised Statutes Supplement, 1984; to eliminate the death penalty; to repeal sections relating to special procedures in cases of homicide; to provide when this act shall apply; to limit provisions relating to parole and discharge from custody; to harmonize provisions; and to repeal the original sections, and also sections 29-2519 to 29-2521.04, 29-2523 to 29-2524.02, 29-2527, 29-2529 to 29-2538, and 29-2540 to 29-2546, Reissue Revised Statutes of Nebraska, 1943, and sections 29-2522, 29-2525, 29-2528, and 29-2539, Revised Statutes Supplement, 1984.

**LEGISLATIVE BILL 71.** By Chambers, 11th District.

A BILL FOR AN ACT relating to rules of the road; to amend sections 39-662 and 39-666, Reissue Revised Statutes of Nebraska, 1943; to change the speed limitations on freeways; and to repeal the original sections.

**LEGISLATIVE BILL 72.** By Chambers, 11th District.

A BILL FOR AN ACT relating to gambling; to amend section 2-219, Reissue Revised Statutes of Nebraska, 1943, and sections 28-1101, 28-1105, and 28-1113, Revised Statutes Supplement, 1984; to adopt the Sports Wagering Act; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 73.** By Chambers, 11th District.

A BILL FOR AN ACT relating to attorneys at law; to prescribe maximum fees for certain services.

**LEGISLATIVE BILL 74.** By Pappas, 42nd District.

A BILL FOR AN ACT relating to group insurance; to amend section 44-1620, Reissue Revised Statutes of Nebraska, 1943; to change the age for an insurance option for certain retired state employees; and to repeal the original section.

**LEGISLATIVE BILL 75.** By Lamb, 43rd District.

A BILL FOR AN ACT relating to public power districts; to amend section 70-624.02, Revised Statutes Supplement, 1984; to change provisions relating to the compensation of directors; and to repeal the original section.

**LEGISLATIVE BILL 76.** By Vickers, 38th District.

A BILL FOR AN ACT relating to insurance; to amend section 44-710.04, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to cancellation of sickness and accident insurance; and to repeal the original section.

**LEGISLATIVE BILL 77.** By Vickers, 38th District.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 71-125, 71-175, 71-179, 71-193.04, 71-195, 71-1,104, 71-1,135, 71-1,139, 71-1,158, 71-1,190, 71-1327, 71-2705, 71-2706, 71-2713, 71-2803, and 71-3705, Reissue Revised Statutes of Nebraska, 1943, and sections 71-185, 71-1,145, and 71-1,212, Revised Statutes Supplement, 1984; to eliminate certain requirements for professional and occupational licenses; to change provisions relating to when an application may be filed or an examination may be taken; and to repeal the original sections, and also section 71-103, Reissue Revised Statutes of Nebraska, 1943.

**LEGISLATIVE BILL 78.** By Pappas, 42nd District; Rupp, 22nd District; Chronister, 18th District; DeCamp, 40th District.

A BILL FOR AN ACT relating to regional development; to amend section 81-829.46, Reissue Revised Statutes of Nebraska, 1943; to define terms; to provide for regional councils; to provide for distribution of funds; to provide powers and duties; to harmonize provisions; and to repeal the original section, and also sections 84-142 to 84-150, Reissue Revised Statutes of Nebraska, 1943.

**LEGISLATIVE BILL 79.** By Marsh, 29th District.

A BILL FOR AN ACT relating to parental support and paternity;

to amend sections 43-1406 and 43-1412, Reissue Revised Statutes of Nebraska, 1943; to provide for the award of court costs and attorney's fees in child support orders as prescribed; and to repeal the original sections.

**LEGISLATIVE BILL 80.** By Marsh, 29th District.

A BILL FOR AN ACT relating to jails; to provide for the issuance of and payment for medical assistance as prescribed.

**LEGISLATIVE BILL 81.** By Marsh, 29th District.

A BILL FOR AN ACT relating to railroads; to amend sections 74-1307 and 74-1309, Reissue Revised Statutes of Nebraska, 1943; to change a provision relating to the issuance of bonds by Railroad Transportation Safety Districts; to change a provision relating to the termination of such districts; and to repeal the original sections.

## UNANIMOUS CONSENT - Member Excused

Mr. Remmers asked unanimous consent to be excused. No objections. So ordered.

## RESOLUTIONS

**LEGISLATIVE RESOLUTION 4CA.**

Introduced by Warner, 25th District.

A Resolution to propose an amendment to Article III, sections 6 and 10, of the Constitution of Nebraska.

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

Section 1. That at the general election in November 1986 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article III, sections 6 and 10, of the Constitution of Nebraska, which is hereby proposed by the Legislature:

"Sec. 6. The Legislature shall consist of not more than fifty members and not less than thirty members. The sessions of the Legislature shall be ~~annual~~ biennial except as otherwise provided by this constitution or as may be otherwise provided by law.

Sec. 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.~~ Beginning with the year 1987, the Legislature shall meet in regular session at 10 a.m. on the first Wednesday after the first Monday in January in odd-numbered years. 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 Article XVI, section 1, of the Constitution of Nebraska. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

"A constitutional amendment to provide for biennial legislative sessions to be held in odd-numbered years.

For

Against".

Sec. 3. That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.

Referred to the Reference Committee.

**LEGISLATIVE RESOLUTION 5CA.**

Introduced by Warner, 25th District.

A Resolution to propose an amendment to Article III, section 22, of the Constitution of Nebraska.

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

Section 1. That at the general election in November 1986 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article III, section 22, of the Constitution of Nebraska, which is hereby proposed by the Legislature:

"Sec. 22. ~~Each~~ The Legislature shall, during the session held each odd-numbered year, 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. Appropriations for new programs may be made for the four succeeding years. 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.".

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by Article XVI, section 1, of the Constitution of Nebraska. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

"A constitutional amendment to provide for biennial appropriations and to permit four-year appropriations for new programs.

For

Against".

Sec. 3. That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.

Referred to the Reference Committee.

## UNANIMOUS CONSENT - Member Excused

Mr. Goodrich 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 82.** By Lynch, 13th District.

A BILL FOR AN ACT relating to hospitals; to amend section 83-306, Reissue Revised Statutes of Nebraska, 1943; to expand the definition of a term as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 83.** By Lynch, 13th District.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-412, Reissue Revised Statutes of Nebraska, 1943; to increase the fee for an abstract of a person's operating record; and to repeal the original section.

**LEGISLATIVE BILL 84.** By Wesely, 26th District.

A BILL FOR AN ACT relating to Class IV school districts; to amend sections 79-908 to 79-912, Reissue Revised Statutes of Nebraska, 1943; to provide for an associate superintendent of instruction and a school district treasurer; to eliminate the elections of certain officials; to eliminate election by ballot for certain officials; to harmonize provisions; to eliminate a duty of the city treasurer; and to repeal the original sections.

**LEGISLATIVE BILL 85.** By Wesely, 26th District.

A BILL FOR AN ACT relating to elections; to amend section 32-216, Reissue Revised Statutes of Nebraska, 1943; to provide for the registration of voters on election day as prescribed; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 86.** By Wesely, 26th District.

A BILL FOR AN ACT relating to loans; to amend sections 45-190, 45-192, and 45-193, Reissue Revised Statutes of Nebraska, 1943; to redefine a term; to change provisions relating to cease and desist orders; to provide powers; to change a penalty; and to repeal the original sections.

**LEGISLATIVE BILL 87.** By Wesely, 26th District.

A BILL FOR AN ACT relating to public assistance; to amend sections 68-1506 and 68-1512, Reissue Revised Statutes of Nebraska, 1943; to delete an eligibility requirement for certain disabled persons; to reduce gross income in determining eligibility; and to repeal the original sections, and also section 68-1520, Reissue Revised Statutes of Nebraska, 1943.

**LEGISLATIVE BILL 88.** By Nichol, 48th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2704, Revised Statutes Supplement, 1984; to provide a sales and use tax exemption for nonprofit voluntary health organizations; and to repeal the original section.

**LEGISLATIVE BILL 89.** By Marsh, 29th District.

A BILL FOR AN ACT relating to crimes and punishments; to amend section 28-703, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to incest; to provide penalties; and to repeal the original section.

**LEGISLATIVE BILL 90.** By Scofield, 49th District.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-1905, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to certain depositions; and to repeal the original section.

**LEGISLATIVE BILL 91.** By Goodrich, 20th District.

A BILL FOR AN ACT relating to education; to authorize the Nebraska Coordinating Commission for Postsecondary Education to provide matching funds; to provide for an appropriation; and to declare an emergency.

**LEGISLATIVE BILL 92.** By Schmit, 23rd District.

A BILL FOR AN ACT relating to the judges' retirement system; to amend section 24-706, Reissue Revised Statutes of Nebraska, 1943, and sections 24-701, 24-703, 24-707, 24-710, and 24-710.01, Revised Statutes Supplement, 1984; to redefine a term; to change provisions relating to certain contributions; to eliminate certain funds as prescribed; to change provisions relating to termination of service; to change provisions relating to certain retirement annuities as prescribed; to harmonize provisions; and to repeal the original

sections.

**LEGISLATIVE BILL 93.** By Schmit, 23rd District.

A BILL FOR AN ACT relating to the judges' retirement system; to amend section 24-706, Reissue Revised Statutes of Nebraska, 1943, and sections 24-701, 24-703, 24-707, 24-708, 24-710, and 24-710.01, Revised Statutes Supplement, 1984; to redefine terms; to change provisions relating to certain contributions; to eliminate certain funds as prescribed; to change provisions relating to termination of service; to provide an additional provision for voluntary retirement; to change provisions relating to certain retirement annuities as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 94.** By Rupp, 22nd District.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 39-6,104, 39-6,104.04, 60-505, and 60-507, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the reporting of accidents; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 95.** By Rupp, 22nd District; Marsh, 29th District.

A BILL FOR AN ACT relating to the state; to adopt an official state fish.

**LEGISLATIVE BILL 96.** By Rupp, 22nd District.

A BILL FOR AN ACT relating to public power and irrigation districts; to amend section 70-604.03, Revised Statutes Supplement, 1984; to change a voting rights request procedure as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 97.** By Schmit, 23rd District.

A BILL FOR AN ACT relating to livestock auction markets; to amend sections 54-1165, 54-1171, and 54-1186, Reissue Revised Statutes of Nebraska, 1943; to provide for license termination as prescribed; to harmonize provisions; and to repeal the original sections.

## ANNOUNCEMENT

Mr. Warner announced the Appropriations Committee will be met in Executive Session on Friday, January 11, 1985, in Room 1003, upon adjournment.

**MOTION - Approve Committee on Committees Report**

Mr. Chronister moved to adopt the Committee on Committees Report.

Agriculture & Environment - R. Johnson, Chairperson

| | |
|---|---|
| Barrett | Chizek |
| Eret | Pirsch |
| Remmers | Sieck |
| Vickers | |

Appropriations - Warner, Chairperson

| | |
|---|---|
| Carsten | Goll |
| Goodrich | Hannibal |
| L. Johnson | Lundy |
| Marsh | Scofield |

Banking, Commerce & Insurance - DeCamp, Chairperson

| | |
|---|---|
| Beyer | Haberman |
| Harris | Higgins |
| Labedz | Pappas |
| Schmit | |

Business & Labor - Barrett, Chairperson

| | |
|---|---|
| Chronister | Eret |
| Hall | Labedz |
| Vickers | Wesely |

Constitutional Revision & Recreation - Rupp, Chairperson

| | |
|---|---|
| Beutler | Hall |
| Labedz | Miller |
| Nelson | Wesely |

Education - Vickers, Chairperson

Baack
Barrett
Eret
R. Johnson
Lamb
Morehead
Nelson

Government, Military & Veterans Affairs - Landis, Chairperson

Abboud
Chambers
Chronister
Hoagland
R. Peterson
Rogers
Withem

Judiciary - Hoagland, Chairperson

Abboud
Beutler
Chambers
Chizek
Conway
Remmers
Rupp

Miscellaneous Subjects - Hefner, Chairperson

Conway
Haberman
Hartnett
Higgins
V. Johnson
Morehead
Pappas

Public Health and Welfare - Wesely, Chairperson

Chronister
Hall
Lynch
R. Peterson
Smith
Withem

Public Works - Schmit, Chairperson

Baack
Beyer
DeCamp
Harris
Lamb
Lynch
Smith

Revenue - V. Johnson, Chairperson

Hartnett
Hefner
Landis
Miller
Pirsch
Rogers
Sieck

Urban Affairs - Withem, Chairperson

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|---|---|
| Haberman | Higgins |
| R. Johnson | Morehead |
| Nelson | Pappas |
| R. Peterson | |

Admin. Rules & Regulations Review - Hannibal, Chairperson

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|---|---|
| Eret | Higgins |
| Lundy | R. Peterson |
| Rogers | Sieck |

Rules - Morehead, Chairperson

| | |
|---|---|
| Beutler | Chizek |
| L. Johnson | Vickers |

Intergovernmental Cooperation - Pirsch, Chairperson

| | |
|---|---|
| Eret | Haberman |
| Marsh | R. Peterson |

Laid over.

**MOTION - Adopt Rules**

Mrs. Morehead moved to adopt the permanent rules.

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

Mrs. Morehead and Mr. Beutler renewed their pending rule change found in the Journal on page 27.

Mr. Beutler moved for a call of the house. The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Beutler requested a roll call vote on the proposed rule change.

Voting in the affirmative, 27:

| | | | | |
|---|---|---|---|---|
| Barrett | Chronister | Eret | Hall | Higgins |
| Beutler | Conway | Goodrich | Harris | Hoagland |
| Chizek | DeCamp | Haberman | Hartnett | Labedz |

| | | | | |
|---|---|---|---|---|
| Landis | Lynch | Morehead | Rogers | Scofield |
| Lundy | Marsh | Nelson | Schmit | Smith |
| | | | | Vickers |
| | | | | Wesely |

Voting in the negative, 16:

| | | | | |
|---|---|---|---|---|
| Abboud | Carsten | Hefner | Lamb | Peterson |
| Baack | Goll | Johnson, L. | Miller | Pirsch |
| Beyer | Hannibal | Johnson, R. | Nichol | Rupp |
| | | | | Sieck |

Present and not voting, 1:

Chambers

Excused and not voting, 5:

| | | | | |
|---|---|---|---|---|
| Johnson, V. | Pappas | Remmers | Warner | Withem |

The Morehead-Beutler rule change was adopted with 27 ayes, 16 nays, 1 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Mr. Abboud offered the following rules change:

To amend Rule 3 Section 2 (b) as follows:

(b) The Committee on Committees by a majority vote of all its members, shall recommend to the Legislature for its approval appointments to the standing and select committees, each with the number of members as hereinafter set forth, unless otherwise provided for by rule or by statute. Committee assignments shall be made on a seniority basis. Seniority shall be determined by the length of continuous service as a member of this legislative body. Those members with the greater seniority shall receive their preferential committee choices over those members with lesser seniority.

Mr. DeCamp offered the following amendment to the Abboud rule change:

", and all chairmanships shall be determined on the basis of seniority"

Mr. Chambers requested a record vote on the DeCamp amendment.

Voting in the affirmative, 10:

| | | | | |
|---|---|---|---|---|
| Carsten | DeCamp | Haberman | Hartnett | Scofield |
| Chambers | Goodrich | Hall | Landis | Sieck |

Voting in the negative, 31:

| | | | | |
|---|---|---|---|---|
| Abboud | Chronister | Hefner | Lundy | Nichol |
| Baack | Conway | Higgins | Lynch | Pirsch |
| Barrett | Eret | Johnson, L. | Marsh | Rogers |
| Beutler | Goll | Johnson, R. | Miller | Schmit |
| Beyer | Hannibal | Labedz | Morehead | Smith |
| Chizek | Harris | Lamb | Nelson | Vickers |
| | | | | Wesely |

Present and not voting, 3:

| | | |
|---|---|---|
| Hoagland | Peterson | Rupp |

Excused and not voting, 5:

| | | | | |
|---|---|---|---|---|
| Johnson, V. | Pappas | Remmers | Warner | Withem |

The DeCamp amendment lost with 10 ayes, 31 nays, 3 present and not voting, and 5 excused and not voting.

Mr. Abboud requested a record vote on his rule change.

Voting in the affirmative, 9:

| | | | | |
|---|---|---|---|---|
| Abboud | Chambers | Goodrich | Peterson | Scofield |
| Carsten | DeCamp | Hefner | Pirsch | |

Voting in the negative, 33:

| | | | | |
|---|---|---|---|---|
| Baack | Eret | Higgins | Lynch | Schmit |
| Barrett | Goll | Johnson, L. | Miller | Sieck |
| Beutler | Haberman | Johnson, R. | Morehead | Smith |
| Beyer | Hall | Labedz | Nelson | Vickers |
| Chizek | Hannibal | Lamb | Nichol | Wesely |
| Chronister | Harris | Landis | Rogers | |
| Conway | Hartnett | Lundy | Rupp | |

Present and not voting, 3:

Hoagland Marsh Warner

Excused and not voting, 4:

Johnson, V. Pappas Remmers Withem

The Abboud rule change lost with 9 ayes, 33 nays, 3 present and not voting, and 4 excused and not voting.

## PROPOSED RULE CHANGES

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

Rule 9
Code of Official Conduct

There is hereby established the following code of conduct, to be known as the "Code of Official Conduct":

1. A Member of the legislature shall conduct himself or herself at all times in a manner which shall reflect creditably on the legislature.
2. A Member of the legislature shall adhere to the spirit and the letter of the Rules of the legislature and to the rules of duly constituted committees thereof.
3. A Member of the legislature shall receive no compensation nor shall he or she permit any compensation to accrue to his or her beneficial interest from any source, the receipt of which would occur by virtue of influence improperly exerted from his or her position in the legislature.
4. A Member of the legislature shall not accept gifts (other than personal hospitality of an individual at his or her home and other than personal hospitality of a non-profit organization when such hospitality is also extended to the general membership of such organization), from any person or organization (other than from a relative) having a direct interest in legislation before the legislature. Any person registered under the Nebraska Political Accountability and Disclosure Act (or any successor statute), any principal of such registered person, and any person retained by registered person, for the purpose of influencing legislation before the legislature shall be deemed to have a direct interest in legislation before the legislature.

The term "gift" means and includes the definitions set out in the Nebraska Political Accountability and Disclosure Act. (or any successor statute)

If a Member of the legislature, after exercising reasonable diligence to obtain the information necessary to comply with this rule, unknowingly accepts a gift as defined by the Nebraska Political Accountability and Disclosure Act, such Member shall, upon learning of the nature of the gift and its source, return the gift or, if it is not possible to return the gift, reimburse the donor for the value of the gift.

5. A Member of the legislature shall accept no honorarium for a speech, writing for publication, or other similar activity, from any person, organization, or corporation in excess of the usual and customary value for such services.

6. A Member of the legislature shall retain no one in his or her hire who does not perform duties commensurate with the compensation he or she receives.

7. A Member of the legislature shall not discharge or refuse to hire any individual, or otherwise discriminate against any individual with respect to compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, sex, age or national origin.

8. A Member of the legislature shall hire no relative for a paid position in the legislature.

For purposes of paragraph 4 and 8 of this Code of Official Conduct the term "relative" means, with respect to any Member of the legislature, an individual who is related as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister or any person who is the grandfather or grandmother of the spouse of the member.

9. A Member of the legislature shall not knowingly solicit campaign contributions from persons he or she has employed to work in the legislature.

10. A Member of the legislature, if he or she becomes a registered lobbyist under the Nebraska Accountability and Disclosure Act, or any successor statute, or is employed or retained by such registered lobbyist for the purpose of influencing legislation, shall not lobby Members of the legislature, officers, or employees of the legislature for a period of one year after leaving legislative office.

11. A Member of the legislature or an individual who is a candidate for nomination for election to the legislature or any other office may not use the mail privilege afforded to the Members for constituent contact within sixty days immediately before the date of any primary or general election (whether regular, special, or runoff)

in which the Member of individual is a candidate for any public office.

Nothing in this rule shall apply to any mailing under the legislative privilege which is (a) in direct response to inquiries or requests from persons to whom the matter is mailed; (b) addressed to colleagues in the legislature or to government officials (whether Federal, state, or local), (c) consists entirely of news releases to the communications media, or (d) consists of less than 30 pieces of mail.

12. ENFORCEMENT

Any violations of the Code of Official Conduct shall be under the jurisdiction of the Committee on Rules of the Legislature, which committee shall have authority after notice and a public hearing to prescribe and publish such regulations as its members believe are necessary to implement the Code of Official Conduct.

Laid over.

Messrs. Warner and Beutler asked unanimous consent to print the following proposed rules change. No objections. So ordered.

I move to amend Rule 8, Section 5 to read as follows:

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 provided for in Sec. 4 of this Rule which shall be allocated for the funding "A" bills, bills that result in the net reduction of revenue to the General Fund, tax expenditure bills, and amendments to the appropriation bills as reported to General File by the Appropriations committee. 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 appropriation bills are passed by the Legislature~~.~~, except that any appropriation bill that results from a claim filed by the Receiver of Commonwealth Savings Company may be considered at any time during the Eighty-ninth Legislature, First Session. Provided the Appropriations Committee shall place appropriation 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 appropriation bills as introduced by the governor. The appropriation 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. Such appropriation bills proposed by the Appropriations Committee plus the allocation for the funding of "A" bills, all bills

resulting in the reduction of revenue to the General Fund, and all tax expenditure bills, shall not be in excess of the maximum General Fund appropriation adopted by resolution pursuant to Sec. 4 of this rule. The appropriation provided for in an "A" bill shall be for not less than two fiscal years.

Mr. Vickers asked unanimous consent to print the following proposed rule change. No objections. So ordered.

That Rule 8 be amended to include a new section "6"
(6) 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."

Mr. DeCamp asked unanimous consent to print the following proposed rule change. No objections. So ordered.

(1)

To amend Rule 1, Sec. 16 as follows:
(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. His orders as approved are final unless changed by a ~~three-fifths~~ majority vote of the elected members of the Legislature. General appropriation bills shall be given precedence over all other bills.

(2)

To amend Rule 5, Section 5(c) to read as follows: (c) The ~~Speaker~~ Executive Board may designate up to 25 additional priority bills.; and to amend Rule 5(e) to read as follows: (e) A senator or committee may withdraw a priority designation at any time, but will not be allowed another bill as a priority bill in its place. ~~The Speaker may withdraw a priority designation made by the Speaker.~~

(3)

To amend Rule 1, Section 16 to add a new subsection (b) to Rule 15 to read as follows: (b) Any member who is elected to the office of Speaker shall only serve one two-year term.

## RESOLUTION

**LEGISLATIVE RESOLUTION 6.**

Introduced by Peterson, 21st District; Hefner, 19th District; Sieck, 24th District; Vickers, 38th District; Smith, 33rd District; Baack, 47th

District; Scofield, 49th District; Lamb, 43rd District; DeCamp, 40th District; Nelson, 35th District; Schmit, 23rd District.

WHEREAS, the State of Nebraska, as well as other Midwestern states, is experiencing and has experienced an unprecedented number of bank and Production Credit Association failures; and

WHEREAS, these failed institutions have been placed under the receivership of the Federal Deposit Insurance Corporation; and

WHEREAS, the failure of these financial institutions has restricted the credit available to otherwise credit worthy farm producers who were members or customers of these failed institutions; and

WHEREAS, the crisis created by these failed institutions and the lack of adequate production credit has created a crisis which demands an immediate solution; and

WHEREAS, any failure to address the production credit problems of credit worthy farm operators will result in another cycle of farm failures; and

WHEREAS, only the President and the Farmers Home Administrator have the existing authority to immediately intercede to break this cycle of farm and financial failures.

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

1. That, by Executive Order, the Farmers Home Administration be authorized to:

A. Declare an emergency in order to reallocate and pool unobligated or unused funds within FmHA as authorized at the discretion of the Administrator.

B. Release a portion of the Reserve on Operation Loans, which reserve is estimated to total approximately $96 million, and exercise the Administrator's discretionary powers to reallocate these funds to any state or FmHA office by reallocating these funds to those areas impacted by the failure of financial institutions.

C. Release a portion of the Farm Ownership reserve funds, which reserve is estimated to total approximately $26 million, and reallocate these funds to those areas impacted by the failure of financial lending institutions.

D. Extend the highest loan processing priority to farm borrowers of failed agricultural lending institutions who apply for operating loans from FmHA.

E. Reallocate unobligated, unused, and reserve FmHA funds to give priority to the crisis situation faced by credit worthy farm producers who are otherwise unable to secure credit after being served by a failed financial lending institution.

F. Extend loan guarantee programs to include and give priority

to those financial institutions which extend operating credit to farm operators previously served by a failed financial lending institution.

G. Cooperate, to the fullest extent possible, with solvent lending institutions in the approval of guarantee loan programs.

H. Urge Congress to renew the FmHA Economic Emergency Loan Authority and to target emergency loans to financially distressed areas previously served by failed financial lending institutions.

I. Suspend, for one year, FmHA sponsored farm ownership loan collections upon a showing that such collections would reduce the availability of operating capitol for farm operators who had secured such loans from a failed financial lending institution.

2. That, by Executive Order, the Federal Depository Insurance Corporation, as receiver, and the Farmers Home Authority be ordered to cooperate in identifying those farm producers who can survive in their community if they can find a new lender, and to secure operating capitol for these producers prior to the production season.

3. That this resolution be forwarded to the President of the United States.

4. That copies of this resolution be directed to the Secretary of Agriculture, the Farmers Home Administrator, the Chairman and the Director of the Federal Deposit Insurance Corporation, and to the Nebraska's congressional delegation.

Laid over.

## BILLS ON FIRST READING

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

**LEGISLATIVE BILL 98.** By DeCamp, 40th District.

A BILL FOR AN ACT relating to interest, loans, and debt; to amend section 45-104.01, Reissue Revised Statutes of Nebraska, 1943; to reduce an interest rate; and to repeal the original section.

**LEGISLATIVE BILL 99.** By DeCamp, 40th District.

A BILL FOR AN ACT relating to state agencies; to amend section 81-1111.01, Reissue Revised Statutes of Nebraska, 1943; to allow creditors of state agencies to charge interest as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 100.** By Pappas, 42nd District.

A BILL FOR AN ACT relating to parimutuel wagering; to amend section 2-1208.01, Revised Statutes Supplement, 1984; to change provisions relating to the parimutuel wagering tax; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 101.** By Goodrich, 20th District.

A BILL FOR AN ACT relating to real estate; to amend sections 81-198, 81-199, and 81-885.47, Revised Statutes Supplement, 1984; to provide for the reestablishment of the State Real Estate Commission; to define terms; to provide education requirements for real estate brokers and salespersons; to provide duties for the State Real Estate Commission; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 102.** By Schmit, 23rd District; Beyer, 3rd District; Lamb, 43rd District; DeCamp, 40th District.

A BILL FOR AN ACT relating to natural resources; to amend sections 46-2,108 to 46-2,110 and 46-2,114 to 46-2,117, Reissue Revised Statutes of Nebraska, 1943, and sections 2-1504.03, 2-1588, 2-1594, 2-15,113, 2-15,114, 2-15,116, 2-4501, 2-4502, 2-4513, 2-4515, 2-4517, and 2-4518, Revised Statutes Supplement, 1984; to change provisions relating to the appointment of the Director of Natural Resources; to change provisions relating to the funding and advocacy of certain projects; to provide for adoption, review, and modification of state goals for water resource use; to restate intent; to provide additional powers and duties relating to water project revenue bonds; to change provisions relating to instream appropriations; to harmonize provisions; to eliminate the Public Advisory Board; to eliminate certain duties relating to instream appropriations; to provide an operative date; to repeal the original sections, and also sections 2-15,102 and 46-2,111 to 46-2,113, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

**LEGISLATIVE BILL 103.** By Schmit, 23rd District; Beyer, 3rd District; Lamb, 43rd District; DeCamp, 40th District.

A BILL FOR AN ACT relating to water resources; to amend sections 33-105, 46-241, and 46-257, Reissue Revised Statutes of Nebraska, 1943; to modify fee provisions and application procedures for water storage facilities; to change an exemption; and to repeal the original sections.

**LEGISLATIVE BILL 104.** By Barrett, 39th District.

A BILL FOR AN ACT relating to insurance; to amend section 44-1901, Reissue Revised Statutes of Nebraska, 1943; to redefine the term title insurance agent; to change a reference to a repealed statute; and to repeal the original section.

**LEGISLATIVE BILL 105.** By DeCamp, 40th District; L. Johnson, 15th District; Nichol, 48th District; Chronister, 18th District; Hartnett, 45th District; Lynch, 13th District; Labedz, 5th District; Schmit, 23rd District; Higgins, 9th District; Rupp, 22nd District.

A BILL FOR AN ACT relating to infants; to provide for grandchildren and grandparent visitation as prescribed.

## RESOLUTION

**LEGISLATIVE RESOLUTION 7CA.**

Introduced by Wesely, 26th District.

A Resolution to propose an amendment to Article XIII, section 3, of the Constitution of Nebraska.

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

Section 1. That at the general election in November 1986 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article XIII, section 3, of the Constitution of Nebraska, which is hereby proposed by the Legislature:

"Sec. 3. The credit of the state shall never be given or loaned in aid of any individual, association, or corporation, except that the state may guarantee or make (1) long-term, low-interest loans to Nebraska residents seeking adult or post high school education at any public or private institution in this state and (2) loans to Nebraska electric ratepayers and consumers for the purchase and installation of energy conservation or renewable energy measures or devices. Qualifications for and the repayment of such loans shall be as prescribed by the Legislature.".

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by Article XVI, section 1, of the Constitution of Nebraska. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

"A constitutional amendment to permit the state to guarantee or make loans for certain energy conservation or renewable energy measures or devices.

For

Against".

Sec. 3. That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.

Referred to the Reference Committee.

## ADJOURNMENT

At 12:18 p.m., on a motion by Mrs. Nelson, the Legislature adjourned until 9:30 a.m., Friday, January 11, 1985.

Patrick J. O'Donnell
Clerk of the Legislature

# THIRD DAY - JANUARY 11, 1985

## LEGISLATIVE JOURNAL

## EIGHTY-NINTH LEGISLATURE
## FIRST SESSION

## THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Friday, January 11, 1985

Pursuant to adjournment, the Legislature met at 9:33 a.m., President McGinley presiding.

## PRAYER

The prayer was offered by Major Dale Tollerud, Salvation Army Chaplain.

## ROLL CALL

The roll was called and all members were present except Mr. Pappas who was excused; and Messrs. Haberman, Hefner, Lynch, and Schmit who were excused until they arrive.

## CORRECTIONS FOR THE JOURNAL

The Journal for the Second Day was approved.

## MOTION - Adopt Rules

Speaker Nichol moved to adopt the Rules as now in our possession for today only.

The motion prevailed.

## ANNOUNCEMENTS

Mr. Chronister announced the Committee on Committees elected Mr. Sieck as Vice Chairperson.

Mr. Harris announced the Nebraska Retirement Systems Committee elected Mr. Wesely as Vice Chairperson.

## PROPOSED RULE CHANGE

Mr. Warner asked unanimous consent to print the following rules change. No objections. So ordered.

1. That Rule 5, Section 5(h) be amended to read as follows:

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

2. Add a new Rule 5, Section 8 to read as follows:

"Sec. 8. Beginning in 1987, the Legislature shall make appropriations for the expenses of state government during the regular session held in each odd-numbered year for the biennium beginning July 1 of such year and ending June 30 of the next succeeding odd-numbered year. Any reference in these Rules to appropriations bills shall, for sessions held in even-numbered years, include bills amending prior appropriations made for the second year of the biennium."

3. Renumber remaining sections of Rule 5 accordingly.

4. That Rule 8, Sec. 2 be amended to read as follows:

Sec. 2. Appropriations Committee Report. The Legislature's Appropriations Committee, by majority vote of its members, shall ~~annually~~ (i) in odd-numbered years, prepare a report summarizing the recommended total General Fund appropriation for each year of the following biennium, and (ii) in even-numbered years, prepare a report recommending amendments to second-year appropriations of the biennium. Such report shall include information based on 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~~ two years, (4) General Fund reserve requirements, (5) express obligations, and (6) economic conditions affecting the State of Nebraska."

5. That Rule 8, Section 5 be amended to read as follows:

"Sec. 5. The report of the Appropriations Committee provided for in section 2 of this Rule shall include a recommended dollar amount of either the General Fund biennium budget or second-year amendments to the General Fund biennium budget, whichever is applicable, ~~appropriation provided for in Sec. 4 of this Rule~~ which shall be allocated for the funding of "A" bills, bills that result in the

in the net reduction of revenue to the General Fund, tax expenditure bills, and amendments to the appropriation bills as reported to General File by the Appropriations Committee. 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 appropriation bills are passed by the Legislature. Provided the Appropriations Committee shall place appropriation 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 appropriation bills as introduced by the Governor. The appropriation 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. Such appropriations bills proposed by the Appropriations Committee plus the allocation for the funding of "A" bills, all bills resulting in the reduction of revenue to the General Fund, and all tax expenditure bills, shall not be in excess of the maximum General Fund appropriation adopted by resolution pursuant to Sec. 4 of this Rule. The appropriation provided for in an "A" bill shall be for not less than two fiscal years.

Referred to the Rules Committee.

## REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative bills 1 through 105 and legislative resolutions 4, 5, and 7; with the exception of LB 64, LB 65, LB 74, and LB 91.

| LB | Committee |
|---|---|
| 1 | General File |
| 2 | General File |
| 3 | General File |
| 4 | General File |
| 5 | General File |
| 6 | General File |
| 7 | General File |
| 8 | General File |
| 9 | General File |
| 10 | General File |
| 11 | General File |
| 12 | General File |
| 13 | General File |

| | |
|---|---|
| 14 | General File |
| 15 | General File |
| 16 | General File |
| 17 | General File |
| 18 | General File |
| 19 | General File |
| 20 | General File |
| 21 | General File |
| 22 | General File |
| 23 | General File |
| 24 | General File |
| 25 | General File |
| 26 | General File |
| 27 | General File |
| 28 | Education |
| 29 | Agriculture and Environment |
| 30 | Revenue |
| 31 | Appropriations |
| 32 | Government, Military and Veterans Affairs |
| 33 | Miscellaneous Subjects |
| 34 | Revenue |
| 35 | Appropriations |
| 36 | Judiciary |
| 37 | Revenue |
| 38 | Revenue |
| 39 | Revenue |
| 40 | Government, Military and Veterans Affairs |
| 41 | Judiciary |
| 42 | Public Health and Welfare |
| 43 | Government, Military and Veterans Affairs |
| 44 | Public Health and Welfare |
| 45 | Government, Military and Veterans Affairs |
| 46 | Urban Affairs |
| 47 | Banking, Commerce and Insurance |
| 48 | Banking, Commerce and Insurance |
| 49 | Government, Military and Veterans Affairs |
| 50 | Education |
| 51 | Urban Affairs |
| 52 | Urban Affairs |
| 53 | Government, Military and Veterans Affairs |
| 54 | Revenue |
| 55 | Judiciary |
| 56 | Agriculture and Environment |
| 57 | Education |
| 58 | Miscellaneous Subjects |

| | |
|---|---|
| 59 | Appropriations |
| 60 | Agriculture and Environment |
| 61 | Public Health and Welfare |
| 62 | Public Health and Welfare |
| 63 | Banking, Commerce and Insurance |
| 66 | Public Works |
| 67 | Miscellaneous Subjects |
| 68 | Education |
| 69 | Judiciary |
| 70 | Judiciary |
| 71 | Public Works |
| 72 | Miscellaneous Subjects |
| 73 | Judiciary |
| 75 | Public Works |
| 76 | Banking, Commerce and Insurance |
| 77 | Public Health and Welfare |
| 78 | Government, Military and Veterans Affairs |
| 79 | Judiciary |
| 80 | Government, Military and Veterans Affairs |
| 81 | Public Works |

| **LR** | **Committee** |
|---|---|
| 4 | Constitutional Revision and Recreation |
| 5 | Constitutional Revision and Recreation |

| **LB** | **Committee** |
|---|---|
| 82 | Public Health and Welfare |
| 83 | Public Works |
| 84 | Education |
| 85 | Government, Military and Veterans Affairs |
| 86 | Banking, Commerce and Insurance |
| 87 | Public Health and Welfare |
| 88 | Revenue |
| 89 | Judiciary |
| 90 | Judiciary |
| 92 | Nebraska Retirement Systems |
| 93 | Nebraska Retirement Systems |
| 94 | Public Works |
| 95 | Miscellaneous Subjects |
| 96 | Public Works |
| 97 | Agriculture and Environment |
| 98 | Banking, Commerce and Insurance |
| 99 | Appropriations |
| 100 | Revenue |
| 101 | Banking, Commerce and Insurance |

| | |
|---|---|
| 102 | Public Works |
| 103 | Public Works |
| 104 | Banking, Commerce and Insurance |

| LR | Committee |
|---|---|
| 7 | Constitutional Revision and Recreation |

| LB | Committee |
|---|---|
| 105 | Judiciary |

**Government, Military & Veterans Affairs**

Jerry L. Sellentin (R), State Personnel Board

**Judiciary**

Mary Wieseman, State Parole Board
Murrell McNeil, State Parole Board

**Constitutional Revision and Recreation**

Wayne Ziebarth, Game and Parks Commission

**Public Health and Welfare**

Burrell Williams, Foster Care Review Board
Margaret R. Conneally, Foster Care Review Board
Shirley Vickers, Foster Care Review Board

**Banking, Commerce and Insurance**

James A. Beltzer, State Investment Council

**Education**

Floren Langford, NE Coordinating Commission on Postsecondary Education
Dr. Charles S. Wilson, NE Coordinating Commission on Postsecondary Education
M. Jane Keller, Board of Educational Lands and Funds

**Miscellaneous Subjects**

Lucy M. Buntain (R), Nebraska Arts Council
H. Hod Kosman (R), Nebraska Arts Council

David Catalan, Nebraska Arts Council
Elizabeth A. Planner, Nebraska Arts Council
Michael Shonsey, Nebraska Arts Council

**Nebraska Retirement Systems**

Steve Williams, Public Employees Retirement Board
Leslie McFerren, Public Employees Retirement Board

(R) Reappointment

(Signed) Chris Beutler, Chairperson
Legislative Council
Executive Board

## RESOLUTION

**LEGISLATIVE RESOLUTION 2.** Read. Considered.

Mr. Lamb offered the following amendment:
To amend Resolution #2 - Sec 1. Strike 20, insert 10.
After problems add
the speaker shall be designated the leader of this group.

Mr. Vickers requested a division of the question on the Lamb amendment.

The Chair sustained the division of the question.

The first Lamb amendment is as follows:
After problems add
the speaker shall be designated the leader of this group.

The first Lamb amendment was adopted with 33 ayes, 0 nays, 11 present and not voting, and 5 excused and not voting.

The second Lamb amendment is as follows:
To amend Resolution #2 - Sec 1. Strike 20, insert 10.

Pending.

## DEDICATION OF THE GEORGE W. NORRIS WEST LEGISLATIVE CHAMBER

A visitor from another state is likely to ask, "Why name your

Legislative Chamber for George W. Norris?" The reason for naming this chamber after Norris is compelling and should not be forgotten. To put it simply, without Norris this state would not have a nonpartisan one-house Legislature.

In the early history of our country the trend was away from the notion of a one-house Legislature. Most of the colonial assemblies had originated as one-house bodies, although they gradually shifted over to the two-house system. The continental congresses had been unicameral. However, by the time state constitutions were being adopted only Pennsylvania, Georgia and Vermont adopted one-house Legislatures. They later changed to two-houses, although Vermont did not change until 1836. The organization of our national Congress into two houses, the Senate and the House, undoubtedly had a strong influence on those who drafted state constitutions.

Early in this century there was a great deal of criticism of the use of conference committees between the two houses. When Norris campaigned in Nebraska in 1934 in support of a nonpartisan one-house constitutional amendment, he said that the argument that a two-house Legislature provides checks and balances does not work out in practice. Rather, he said it has developed that "through the conference committee, the politicians have the checks and the special interests the balances."

It is interesting that in Nebraska, conservative in so many ways, there had been several efforts to change our Legislature to the one-house system before Senator Norris took up the cause. In 1915 a joint committee of the Legislature declared that "one body can more directly represent the public will of a democratic people than two or more," and recommended submitting a single-chamber amendment to the people. Instead, the Legislature voted to hold a constitutional convention. At the 1919-20 constitutional convention the proposal for a single-chamber Legislature was beaten by only one vote, the president of the convention breaking a tie. In 1923 an initiative petition was circulated to amend the constitution to have a one-house Legislature, but not enough signatures were obtained. Legislative efforts failed in 1925 and again in 1933.

In 1934, at the urging of a small group in Lincoln, Senator Norris agreed to put his immense prestige behind an initiative petition for a one-house Legislature. At that time his prestige was indeed immense. He had been in Congress 32 years, 10 in the House and 22 in the U. S. Senate. His achievements in the National Capitol had been impressive, astonishing in fact. While still in the House he had brought about a change in the rules that broke the autocratic control of Speaker Joe Cannon. Almost alone he had voted against this nation's involvement in World War I and had survived the disapproval of most of Nebraska's newspapers. His leadership had

brought about the adoption of the twentieth amendment to the U. S. Constitution which eliminated "lame duck" sessions of Congress. Norris' dogged persistence had achieved the Tennessee Valley Authority. He had lead the effort for enactment of the Rural Electrification Act thus allowing rural America to have electricity.

Four years earlier his prestige had been enhanced by his victory in the 1930 elections. He then faced determined opposition not only from the Democratic Party but also from influential members of his own Republican Party. In the 1930 primary election there occurred the infamous trick of getting a grocery clerk in Broken Bow named George W. Norris also to file for the Senate. An action filed in the Supreme Court kept "Grocer Norris" off the ballot. His chief opponent in the primary, State Treasurer Stebbins, was supported by the republican leadership, even by former Governor Sam McKelvie. Norris however obtained the renomination with about sixty per cent of the votes. In the final election in 1930 he faced former U. S. Senator Gilbert M. Hitchcock, who was added to the Nebraska Hall of Fame last month. Hitchcock received substantial support from many Republican leaders. Norris proved his political strength by overwhelming Hitchcock with not much less than sixty per cent of the votes. Thus, being at the peak of his popularity, it seemed in 1934 that Norris might be able to carry an initiative petition to success even though it had failed several times earlier.

The form of the amendment included the non-partisan feature. Some members of the group that had enlisted Norris' support argued that the non-partisan feature might cause the defeat of the amendment. Norris insisted upon it. One wonders whether he foresaw that he would be running for reelection as an independent two years later.

The non-partisan feature of the amendment brought opposition from the leaders of both political parties. Further, some farm groups opposed the amendment on the ground that the proposed membership, limited to not more than 50 members, was too small to give agriculture adequate representation. Most of the newspapers including the Omaha World-Herald opposed the amendment. The only daily newspapers supporting the amendment were the Lincoln Star and the Hastings Tribune. The editor of the Lincoln Star, James Lawrence, was a close friend and ally of Senator Norris.

When the initiative petition was ready for circulation Senator Norris gave it his full support. He visited every section of the state. 57,000 signatures were required. Before the deadline more than 75,000 persons had signed the petition.

Once the amendment was on the ballot the opposition to it was intensified. Both political parties saw the amendment as a direct threat to their influence and an assault on the traditional two-party

system of government in this country. It was argued that no other state had a non-partisan one-house Legislature. It was argued that the proposal was a dangerous experiment and a rejection of the tried and true American legislative formula used by our National Congress.

It is a demonstration of the stature of George W. Norris in Nebraska in 1934 that the constitutional amendment carried by a vote of 286,086 to 193,152, a majority of almost sixty per cent.

The amendment assigned to the 1935 Legislature the task of setting the number of members, which was agreed to be 43, and then dividing the state into 43 districts. The first unicameral Legislature was elected in 1936 and commenced its first session on January 5, 1937. Senator Norris was here in this Chamber on that day to address the opening session.

What manner of man was Senator Norris, whose entire career was fraught with controversy? Both his father and his older brother died when he was three years old. His mother did not remarry. By dint of hard work he managed to obtain a law degree from a northern Indiana Normal School at the age of 22. He went west in 1884 to the territory that later became the State of Washington, but could not make a living. He came back to Beatrice, Nebraska, early in 1885 and tried without success to start a law practice. Then in September of 1885 he moved to Beaver City in Furnas County and was able to establish a law practice. Five years later, in 1890, he ran for County Attorney in Furnas County and lost. That was the same year when my great-grandfather, John H. Powers, was the Populist Party candidate for Governor in Nebraska and also lost - actually won according to historian Addison Sheldon, who said my great-grandfather was counted out by manipulation of the ballot boxes by the railroads. In later years Norris and my great-grandfather Powers were political friends.

After giving him three daughters, his first wife died in the eleventh year of their marriage. During that marriage he had again run for County Attorney of Furnas County and had been elected in 1892. He was elected District Judge in 1895. In 1902 he was elected to Congress. During his second year in Congress he married a teacher in the McCook public school system who raised his three daughters and who was a tremendous help to him throughout his life.

He was small in stature. He dressed plainly, usually wearing a baggy black suit and a string bow tie. His talk was quiet. He avoided the social life in Washington, D. C., spending most of his evenings at home reading.

From the beginning of his career he might be said to have been non-traditional. His service as District Judge was during the drought of the 1890's. Once when a farmer appeared in court explaining that he could not meet his mortgage payment because he "didn't get

enough rain in July and August to grow weeds," Judge Norris is said to have replied from the bench, "I don't think we should hold you responsible for dry weather. It wouldn't be fair. We'll extend the payment." The banker who held the mortgage was unhappy, but it is reported that "the people loved the little Judge."

Although he was a Republican all of his life he refused to conform to the party mold. Before the end of his first term in the House of Representatives he had cast votes against the Republican Party leadership and was in disfavor. Even today there are Republicans who will scold me when they hear that I have made these remarks in praise of Mr. Norris. In 1928 he had openly supported Al Smith, a Catholic and a Democrat, in the days when being a Catholic was not recommended for Nebraska politicians. In that election Herbert Hoover carried Nebraska by a large margin. After Norris was reelected on the Republican ticket in 1930 he nevertheless in 1932 openly supported Franklin D. Roosevelt, and supported Roosevelt again in 1936 and 1940.

Norris' reelection in 1936 is a curious chapter of Nebraska's political history. The rift between Senator Norris and the state and national Republican Party had become so wide that he did not try to bridge it. Instead in 1936 Norris ran for reelection as an independent. Robert G. Simmons, former Congressman and later Supreme Court Chief Justice, was the Republican nominee. Terry Carpenter had won the senatorial nomination in the Democratic primary. However, Norris had the strong support of President Roosevelt, who was able to get the Democratic State Convention to endorse the independent candidacy of Senator Norris. In that year President Roosevelt himself came into Nebraska to urge the reelection of Norris. Norris was reelected. Carpenter ran a poor third.

Six years later, in 1942, Norris again sought reelection as an independent. The Republican nominee was Kenneth S. Wherry, a former Legislator and a former chairman of the State Republican Party. Wherry was elected. By then the political climate in Nebraska had changed. Support from President Roosevelt and the New Deal was no longer enough. The State Democratic Party was not willing to give its official blessing to Norris as it had done in 1936, although the Lincoln Star strongly supported him. The Democratic nominee was a popular Omaha radio commentator, Foster May, who retained the official Democratic Party Support. The progressive Republican support which had aided Norris' reelections on earlier occasions had lost its strength. Further, in 1942 Senator Norris was 81 years of age, although he was still vigorous and looked much younger than he appears in the copy of a snapshot at the end of this paper.

Most of the national press berated Nebraskans for refusing to reelect Senator Norris. President Roosevelt expressed deep

disappointment. Years later one of his fellow Senators, Lister Hill, reflected the sentiment of many people throughout the nation when he said of Norris, "His commitment to his fellow men was total, with no reservation. George Norris wanted a better life for all people. That was his single goal. Throughout his life he worked to achieve it."

The snapshot on the last page shows Senator Norris at the front of this Chamber on March 10, 1943, when I, as Speaker of the Legislature, invited him to address the members. It was his last appearance in this Legislative Chamber. He died the following year from a cerebral hemorrhage. Some thought that rejection by his beloved Nebraska voters at the 1942 election had broken his heart.

Speaking as one who has done some chores in elective politics, the most meaningful tribute to Norris was one paid by a veteran member of the Senate Press Gallery. He said something like this: 'If I were ever elected to the Senate I would be grateful that the alphabet would cause my name to come after the name of Norris. For if I entered the chamber when a roll call was in progress, and my name was next, I would simply ask how Norris voted. If I voted as he did, then I could be sure that I had served my country well.' "

The Nebraska Legislature today reflects credit on its members and on the State of Nebraska by naming this Legislative Chamber for a great statesman, George W. Norris.

(Signed) Robert B. Crosby

## RESOLUTIONS

**LEGISLATIVE RESOLUTION 3.** Read. Considered.

LR 3 was adopted with 40 ayes, 0 nays, and 9 not voting.

**LEGISLATIVE RESOLUTION 2.** Considered.

Mr. Lamb renewed his second pending amendment found in this day's Journal.

Mr. Lamb asked unanimous consent to withdraw his second pending amendment. No objections. So ordered.

LR 2 was adopted with 40 ayes, 0 nays, and 9 not voting.

## ANNOUNCEMENT

Mr. DeCamp announced the Banking, Commerce and Insurance Committee elected Mr. Haberman as Vice Chairperson.

## EXPLANATION OF VOTE

On the vote to adopt the Abboud rule change found on page 92 of the Journal, my vote should be "no." .

(Signed) Sandra Scofield

## UNANIMOUS CONSENT - Add Co-Introducers

Mr. Hefner asked unanimous consent to have his name added as co-introducer to LB 30. No objections. So ordered.

Mr. Remmers asked unanimous consent to have his name added as co-introducer to LB 105. No objections. So ordered.

Mr. Abboud asked unanimous consent to have his name added as co-introducer to LR 2. No objections. So ordered.

## BILLS ON FIRST READING

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

**LEGISLATIVE BILL 106.** By Abboud, 12th District.

A BILL FOR AN ACT relating to campaign contributions; to amend section 49-1401, Reissue Revised Statutes of Nebraska, 1943; to provide campaign contribution limitations on contributors to certain elections; to provide a penalty; and to repeal the original section.

**LEGISLATIVE BILL 107.** By DeCamp, 40th District.

A BILL FOR AN ACT relating to business trusts; to adopt the Business Trust Act.

**LEGISLATIVE BILL 108.** By DeCamp, 40th District.

A BILL FOR AN ACT relating to secured transactions; to amend section 9-411, Uniform Commercial Code; to change provisions relating to information inquiries; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 109.** By Barrett, 39th District.

A BILL FOR AN ACT relating to the State Real Estate Commission;

to amend section 81-885.45, Reissue Revised Statutes of Nebraska, 1943, and sections 81-885.01 and 81-885.24, Revised Statutes Supplement, 1984; to redefine a term; to provide an additional unfair trade practice; to prohibit acting as a broker under a suspended license; and to repeal the original sections.

**LEGISLATIVE BILL 110.** By Scofield, 49th District; Wesely, 26th District; Hartnett, 45th District; Pirsch, 10th District.

A BILL FOR AN ACT relating to sales and income tax; to amend section 77-27,144, Reissue Revised Statutes of Nebraska, 1943; to reduce the administrative fee incident to sales and use tax collection; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 111.** By Withem, 14th District.

A BILL FOR AN ACT relating to sales and use tax; to amend section 77-2704, Revised Statutes Supplement, 1984; to provide an exemption; and to repeal the original section.

**LEGISLATIVE BILL 112.** By Withem, 14th District; Hartnett, 45th District.

A BILL FOR AN ACT relating to oils, fuels, and energy; to amend sections 66-474, 66-477, 66-478, and 66-605.03, Reissue Revised Statutes of Nebraska, 1943; to change the rate of excise tax on certain fuels as prescribed; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 113.** By Withem, 14th District; Goodrich, 20th District.

A BILL FOR AN ACT relating to juries; to amend sections 25-1627.01, 25-1628, and 25-1637, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to preparation of proposed juror lists; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 114.** By Withem, 14th District.

A BILL FOR AN ACT relating to elections; to amend section 32-1221, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to electioneering; to prohibit certain polls and interviews as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 115.** By Withem, 14th District.

A BILL FOR AN ACT relating to school lands and funds; to amend section 72-201, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the Board of Educational Lands and Funds as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 116.** By Landis, 46th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-27,142 and 77-27,142.02, Reissue Revised Statutes of Nebraska, 1943; to authorize certain cities to increase their sales and use taxes as prescribed; to provide for a special election; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 117.** By Haberman, 44th District.

A BILL FOR AN ACT relating to boards of examiners; to amend section 71-124, Reissue Revised Statutes of Nebraska, 1943; to prohibit certain meetings outside of the state; and to repeal the original section.

**LEGISLATIVE BILL 118.** By Haberman, 44th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2704, Revised Statutes Supplement, 1984; to provide a sales and use tax exemption for materials used to repair and maintain farm machinery; and to repeal the original section.

**LEGISLATIVE BILL 119.** By Haberman, 44th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2704, Revised Statutes Supplement, 1984; to provide a sales and use tax exemption for materials used to repair and maintain farm trucks; and to repeal the original section.

**LEGISLATIVE BILL 120.** By Haberman, 44th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2704, Revised Statutes Supplement, 1984; to eliminate the sales and use tax exemption for certain equipment used in a manufacturing facility; and to repeal the original section.

**LEGISLATIVE BILL 121.** By Haberman, 44th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2702 and 77-2704, Revised Statutes Supplement, 1984; to redefine retail sale; to eliminate a use tax exemption; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 122.** By Haberman, 44th District.

A BILL FOR AN ACT relating to the rules of the road; to amend section 39-6,181, Reissue Revised Statutes of Nebraska, 1943; to change the maximum weight limit for certain special permits; and to repeal the original section.

**LEGISLATIVE BILL 123.** By Haberman, 44th District.

A BILL FOR AN ACT relating to the rules of the road; to amend section 39-6,181, Reissue Revised Statutes of Nebraska, 1943; to eliminate special permits for certain vehicles; and to repeal the original section.

**LEGISLATIVE BILL 124.** By R. Johnson, 34th District.

A BILL FOR AN ACT relating to ground water; to amend sections 2-3213 and 46-634.01, Reissue Revised Statutes of Nebraska, 1943, and Laws 1981, LB 81, section 5; to extend the termination date for ground water conservation districts; and to repeal the original sections.

**LEGISLATIVE BILL 125.** By Hefner, 19th District.

A BILL FOR AN ACT relating to Small Claims Court; to amend section 24-524, Revised Statutes Supplement, 1984; to change provisions relating to claim forms; and to repeal the original section.

**LEGISLATIVE BILL 126.** By Schmit, 23rd District; Haberman, 44th District; Lynch, 13th District; Conway, 17th District; Higgins, 9th District; Labedz, 5th District; DeCamp, 40th District; Landis, 46th District; Wesely, 26th District; Barrett, 39th District; Vickers, 38th District; Beyer, 3rd District; Scofield, 49th District; Sieck, 24th District.

A BILL FOR AN ACT relating to energy; to amend section 57-705, Reissue Revised Statutes of Nebraska, 1943, and section 81-1634, Revised Statutes Supplement, 1984; to change a date relating to the distribution of funds from the Severance Tax Fund and to the transfer of a fund; to change a termination date; and to repeal the

original sections.

**LEGISLATIVE BILL 127.** By DeCamp, 40th District.

A BILL FOR AN ACT relating to environmental protection; to amend section 81-1566, Reissue Revised Statutes of Nebraska, 1943; to change the termination date of provisions relating to litter reduction and recycling; and to repeal the original section.

**LEGISLATIVE BILL 128.** By Goodrich, 20th District; L. Johnson, 15th District.

A BILL FOR AN ACT relating to building and loan associations; to amend section 8-355, Revised Statutes Supplement, 1984; to provide the same advantages as federal savings and loan associations; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 129.** By Marsh, 29th District.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 71-107, 71-121, 71-1,186 to 71-1,194, and 71-5815, Reissue Revised Statutes of Nebraska, 1943, and sections 71-102, 71-109, 71-110, 71-112, 71-113, 71-114, 71-116, 71-122, 71-139, and 71-162, Revised Statutes Supplement, 1984; to state intent; to define and redefine terms; to provide for the registration and supervision of communication aides; to provide powers and duties; to change provisions relating to audiologists and speech-language pathologists; to provide for continuing education; to eliminate obsolete language and a termination date; to provide an operative date; to repeal the original sections, and also sections 71-1,195 and 71-1,197, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

**LEGISLATIVE BILL 130.** By Marsh, 29th District.

A BILL FOR AN ACT relating to anatomical gifts; to amend section 71-1341, Reissue Revised Statutes of Nebraska, 1943, and section 71-4813, Revised Statutes Supplement, 1984; to change provisions relating to the removal of certain glands during autopsies; to change provisions relating to the donation of certain glands; to repeal the original sections; and to declare an emergency.

## RESOLUTION

**LEGISLATIVE RESOLUTION 8CA.**

Introduced by Beutler, 28th District.

A Resolution to propose an amendment to Article I of the Constitution of Nebraska by adding a new section thereto.

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

Section 1. That at the general election in November 1986 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article I of the Constitution of Nebraska by adding a new section 28, which is hereby proposed by the Legislature:

"Sec. 28. Equality of rights under the law shall not be abridged or denied by the State of Nebraska or any of its political subdivisions on account of sex.

Nothing in this section shall be construed to grant, secure, or deny any right relating to abortion or the funding thereof. The Legislature may enforce this section by appropriate legislation.".

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by Article XVI, section 1, of the Constitution of Nebraska. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

"A constitutional amendment to prohibit abridgment or denial of rights on account of sex.

For

Against".

Sec. 3. That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.

Referred to the Reference Committee.

## BILL ON FIRST READING

The following bill was read for the first time by title:

**LEGISLATIVE BILL 131.** By Remmers, 1st District; Higgins, 9th District; Chronister, 18th District; Hartnett, 45th District; Sieck, 24th District; Carsten, 2nd District; Chizek, 31st District.

A BILL FOR AN ACT relating to optometry; to amend sections 71-1,133, 71-1,135.02, and 71-1,135.04, Reissue Revised Statutes of

Nebraska, 1943; to redefine a term; to change provisions relating to the use of topical ocular pharmaceutical agents; to change provisions on certain license renewals; to eliminate a defination; and to repeal the original sections, and also section 71-1,135.01, Reissue Revised Statutes of Nebraska, 1943.

## VISITORS

Visitors to the Chamber were Mrs. Bernie Wishnow, Barbara Wishnow, Mrs. Bernice Katskee, Emmanuel and Kitty Wishnow, Mrs. Harry Breslow, Mr. and Mrs. Harry Levinson, Mrs. Sheldon Kushner, Mrs. Helene Krivosha, Mrs. Pat Sawyer; and Trieu Hoana and Mr. Jim Steinke from McCook.

## ADJOURNMENT

At 11:31 a.m., on a motion by Mr. Baack, the Legislature adjourned until 10:00 a.m., Monday, January 14, 1985.

Patrick J. O'Donnell
Clerk of the Legislature

# FOURTH DAY - JANUARY 14, 1985

# LEGISLATIVE JOURNAL

# FOURTH DAY - JANUARY 14, 1985

## LEGISLATIVE JOURNAL

## EIGHTY-NINTH LEGISLATURE
## FIRST SESSION

## FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, January 14, 1985

Pursuant to adjournment, the Legislature met at 10:00 a.m., President McGinley presiding.

### PRAYER

The prayer was offered by Dr. Robert Palmer, Westminster Presbyterian Church, Lincoln, Nebraska.

### ROLL CALL

The roll was called and all members were present except Messrs. Beutler, Schmit, and Mrs. Morehead who were excused until they arrive.

### CORRECTIONS FOR THE JOURNAL

The Journal for the Third Day was approved.

### PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolution: LR 1.

### MOTION - Adopt Rules

Mr. Carsten moved to adopt the Rules as now in our possession for today only.

The motion prevailed.

**MOTION - Approve Committee on Committees Report**

Mr. Chronister moved the approval of the Committee on Committees Report found in the Journal on page 89.

Mr. Chronister offered the following amendment:
To amend the Committee on Committees Report by striking Senator Nelson from the Constitutional Revision and Recreation Committee and Urban Affairs Committee and inserting Senator Baack; and striking Senator Baack from Public Works Committee and inserting Senator Nelson.

The Chronister amendment was adopted with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

The Committee on Committees Report was adopted with 36 ayes, 0 nays, 10 present and not voting, and 3 excused and not voting.

**RESOLUTION**

**LEGISLATIVE RESOLUTION 6.** Read. Considered.

LR 6 was adopted with 41 ayes, 0 nays, and 8 not voting.

**BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 132.** By Conway, 17th District; Schmit, 23rd District; L. Johnson, 15th District; Chronister, 18th District; Vickers, 38th District.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 71-1,107.15 to 71-1,107.21 and 71-1,107.23 to 71-1,107.29, Reissue Revised Statutes of Nebraska, 1943, and section 71-116, Revised Statutes Supplement, 1984; to change the membership of a board as prescribed; to define and redefine terms; to change provisions relating to physician assistants; to create a committee; to provide duties; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 133.** By Conway, 17th District; Vickers, 38th District.

A BILL FOR AN ACT relating to postsecondary education; to

provide a work-study program; to provide duties for the Nebraska Coordinating Commission for Postsecondary Education; to define terms; to provide for rules and regulations; and to provide for severability.

**LEGISLATIVE BILL 134.** By Lamb, 43rd District.

A BILL FOR AN ACT relating to veterans; to amend section 80-101, Reissue Revised Statutes of Nebraska, 1943; to change a bond provision for members of county veterans' service committees; and to repeal the original section.

**LEGISLATIVE BILL 135.** By Lamb, 43rd District.

A BILL FOR AN ACT relating to the Uniform Fraudulent Conveyance Act; to amend section 36-609, Reissue Revised Statutes of Nebraska, 1943; to provide for the assertion of third party rights; and to repeal the original section.

**LEGISLATIVE BILL 136.** By Lamb, 43rd District.

A BILL FOR AN ACT relating to the State Claims Board; to amend section 81-8,220, Reissue Revised Statutes of Nebraska, 1943; to change the membership of the State Claims Board; and to repeal the original section.

**LEGISLATIVE BILL 137.** By Scofield, 49th District.

A BILL FOR AN ACT relating to warehouses; to amend section 88-517, Reissue Revised Statutes of Nebraska, 1943, and section 88-502, Revised Statutes Supplement, 1984; to create a fund for the surveillance of grain warehouses; and to repeal the original sections.

**LEGISLATIVE BILL 138.** By Vickers, 38th District.

A BILL FOR AN ACT relating to banks and banking; to define terms; to create the Nebraska Banking Board; to provide for membership; to provide for expenses and reimbursement; to provide for meetings; and to provide powers and duties.

**LEGISLATIVE BILL 139.** By Hefner, 19th District.

A BILL FOR AN ACT relating to motor vehicle fuels; to provide duties for the Department of Revenue and the State Treasurer; and to provide for the transfer and distribution of certain funds.

**LEGISLATIVE BILL 140.** By Pappas, 42nd District; Hoagland, 6th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2716, Revised Statutes Supplement, 1984; to provide an adjustment to state income tax; and to repeal the original section.

**LEGISLATIVE BILL 141.** By V. Johnson, 8th District.

A BILL FOR AN ACT relating to liquors; to amend section 53-103, Reissue Revised Statutes of Nebraska, 1943; to provide for the liability of certain licensees who sell or serve alcoholic liquors as prescribed; to provide for the survival of a right of action; to require certain licensees to provide certain devices for use by their patrons; to provide the Department of Health with certain duties; to provide an exception; and to repeal the original section.

**LEGISLATIVE BILL 142.** By V. Johnson, 8th District.

A BILL FOR AN ACT relating to criminal procedure; to create the Nebraska Sentencing Guidelines Commission; to provide powers and duties; and to create a sentencing hearing procedure as prescribed.

**LEGISLATIVE BILL 143.** By Pappas, 42nd District.

A BILL FOR AN ACT relating to interest, loans, and debt; to amend sections 45-101.04 and 45-338, Reissue Revised Statutes of Nebraska, 1943; to change the interest rate on installment contracts; to change the method of payment of installment contracts; and to repeal the original sections.

**LEGISLATIVE BILL 144.** By Pappas, 42nd District; Haberman, 44th District; Conway, 17th District; Hartnett, 45th District; Higgins, 9th District; V. Johnson, 8th District.

A BILL FOR AN ACT relating to gambling; to amend sections 9-124, 9-187, 9-195, 9-196, 9-199, 28-1101, 28-1105, 28-1113, 28-1115, 28-1116, and 28-1116.01, Revised Statutes Supplement, 1984; to adopt the Nebraska Electronic Lottery Act; to harmonize provisions; to authorize certain electronic lotteries; to eliminate a prohibition on certain lotteries; and to repeal the original sections, and also section 28-1116.02, Revised Statutes Supplement, 1984.

**LEGISLATIVE BILL 145.** By V. Johnson, 8th District.

A BILL FOR AN ACT relating to education; to amend section 85-122, Revised Statutes Supplement, 1984; to state intent; to provide an early retirement program for certain university faculty members; to create a fund; to provide for damages; to harmonize provisions; to provide an operative date; to repeal the original section; and declare an emergency.

**LEGISLATIVE BILL 146.** By Beutler, 28th District; Haberman, 44th District.

A BILL FOR AN ACT relating to dissolution of marriage; to amend sections 42-346, 42-348, 42-351, 42-352, 42-364, Reissue Revised Statutes of Nebraska, 1943, and section 24-517, Revised Statutes Supplement, 1984; to provide concurrent original jurisdiction in dissolution of marriage and related matters for the county and district courts; to provide for pleadings and records as prescribed; to provide for appeal; to harmonize provisions; and to repeal the original sections.

## RESOLUTION

**LEGISLATIVE RESOLUTION 9CA.**

Introduced by Vickers, 38th District; R. Johnson, 34th District; DeCamp, 40th District.

A Resolution to propose an amendment to Article VII, section 1, of the Constitution of Nebraska.

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

Section 1. That at the general election in November 1986 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article VII, section 1, of the Constitution of Nebraska, which is hereby proposed by the Legislature:

"Sec. 1. The Legislature shall provide for the free instruction in the common schools of this state of all persons between the ages of five and twenty-one years. The Legislature shall establish a system of public schools in the state which shall provide a basic and substantially equal educational opportunity to all such persons regardless of the size, wealth, or geographic location of the school district in which such persons reside. The Legislature may provide

for the education of other persons in educational institutions owned and controlled by the state or a political subdivision thereof.".

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by Article XVI, section 1, of the Constitution of Nebraska. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

"A constitutional amendment to require the Legislature to provide educational opportunities as prescribed.
For
Against".

Sec. 3. That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.

Referred to the Reference Committee.

**MOTION - Approve Permanent Rules**

Mrs. Morehead moved to adopt the permanent rules.

Mr. Beutler asked unanimous consent to withdraw his pending rule change found in the Journal on page 94. No objections. So ordered.

Messrs. Warner and Beutler asked unanimous consent to withdraw their pending rule change found in the Journal on page 96. No objections. So ordered.

Mr. Vickers renewed his pending rule change found in the Journal on page 97.

The Vickers rule change was adopted with 31 ayes, 0 nays, and 18 present and not voting.

Mr. DeCamp asked unanimous consent to withdraw his pending rule changes (1), (2), and (3) found in the Journal on page 97. No objections. So ordered.

Speaker Nichol offered the following rule change:

to amend Rule 5, Section 5 (b) by striking "two" and inserting "one".

The Nichol rule change lost with 4 ayes, 21 nays, and 24 present and not voting.

Mr. Sieck asked unanimous consent to be excused. No objections. So ordered.

Ms. Scofield asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Beutler offered the following rule change:

Rule 9

Code of Official Conduct

There is hereby established the following code of conduct, to be known as the "Code of Official Conduct":

1. A Member of the legislature shall conduct himself or herself at all times in a manner which shall reflect creditably on the legislature.

2. A Member of the legislature shall adhere to the spirit and the letter of the Rules of the legislature and to the rules of duly constituted committees thereof.

3. A Member of the legislature shall receive no compensation nor shall he or she permit any compensation to accrue to his or her beneficial interest from any source, the receipt of which would occur by virtue of influence improperly exerted from his or her position in the legislature.

4. A Member of the legislature shall not accept gifts (other than personal hospitality of an individual at his or her home and other than personal hospitality of a non-profit organization when such hospitality is also extended to a substantial portion of the membership of such organization), from any person or organization (other than from a relative) having a direct interest in legislation before the legislature. Any person registered under the Nebraska Political Accountability and Disclosure Act (or any successor statute), any principal of such registered person, and any person retained by registered person, for the purpose of influencing legislation before the legislature shall be deemed to have a direct interest in legislation before the legislature.

The term "gift" means and includes the definitions set out in the Nebraska Political Accountability and Disclosure Act. (or any successor statute)

If a Member of the legislature, after exercising reasonable diligence to obtain the information necessary to comply with this rule, unknowingly accepts a gift as defined by the Nebraska Political

Accountability and Disclosure Act, such Member shall, upon learning of the nature of the gift and its source, return the gift or, if it is not possible to return the gift, reimburse the donor for the value of the gift.

5. A Member of the legislature shall accept no honorarium for a speech, writing for publication, or other similar activity, from any person, organization, or corporation in excess of the usual and customary value for such services.

6. A Member of the legislature shall retain no one in his or her hire who does not perform duties commensurate with the compensation he or she receives.

7. A Member of the legislature shall not discharge or refuse to hire any individual, or otherwise discriminate against any individual with respect to compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, sex, age or national origin.

8. A Member of the legislature shall hire no relative for a paid position in the legislature.

For purposes of paragraph 4 and 8 of this Code of Official Conduct the term "relative" means, with respect to any Member of the legislature, an individual who is related as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister or any person who is the grandfather or grandmother of the spouse of the member.

9. A Member of the legislature shall not knowingly solicit campaign contributions from persons he or she has employed to work in the legislature.

10. A Member of the legislature, if he or she becomes a registered lobbyist under the Nebraska Accountability and Disclosure Act, or any successor statute, or is employed or retained by such registered lobbyist for the purpose of influencing legislation, shall not lobby Members of the legislature, officers, or employees of the legislature for a period of one year after leaving legislative office.

11. A Member of the legislature or an individual who is a candidate for nomination for election to the legislature or any other office may not use the mail privilege afforded to the Members for constituent contact within sixty days immediately before the date of any primary or general election (whether regular, special, or runoff) in which the Member of individual is a candidate for any public office.

Nothing in this rule shall apply to any mailing under the legislative

privilege which is (a) in direct response to inquiries or requests from persons to whom the matter is mailed; (b) addressed to colleagues in the legislature or to government officials (whether Federal, state, or local), (c) consists entirely of news releases to the communications media, or (d) consists of less than 30 pieces of mail.

12. ENFORCEMENT

Any violations of the Code of Official Conduct shall be under the jurisdiction of the Committee on Rules of the Legislature, which committee shall have authority after notice and a public hearing to prescribe and publish such regulations as its members believe are necessary to implement the Code of Official Conduct. Such regulation shall be approved by the executive board of the Legislative Council.

13. This code shall be effective January 8, 1986.

Mr. Lamb moved to have the Beutler rule change referred to the Rules Committee.

The Lamb motion prevailed with 34 ayes, 0 nays, 13 present and not voting, and 2 excused and not voting.

Mr. Chambers requested a record vote on the pending Morehead motion to adopt permanent rules.

Voting in the affirmative, 38:

| | | | | |
|---|---|---|---|---|
| Baack | Eret | Johnson, L. | Marsh | Schmit |
| Barrett | Goll | Johnson, R. | Miller | Smith |
| Beutler | Haberman | Johnson, V. | Morehead | Vickers |
| Beyer | Hall | Labedz | Nelson | Warner |
| Carsten | Hannibal | Lamb | Nichol | Wesely |
| Chizek | Harris | Landis | Pappas | Withem |
| Chronister | Hartnett | Lundy | Remmers | |
| DeCamp | Higgins | Lynch | Rupp | |

Voting in the negative, 1:

Chambers

Present and not voting, 8:

| | | | |
|---|---|---|---|
| Abboud | Goodrich | Hoagland | Pirsch |
| Conway | Hefner | Peterson | Rogers |

Excused and not voting, 2:

Scofield Sieck

The Morehead motion to adopt permanent rules prevailed with 38 ayes, 1 nay, 8 present and not voting, and 2 excused and not voting.

## BILLS ON FIRST READING

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

**LEGISLATIVE BILL 147.** By Sieck, 24th District; Hefner, 19th District.

A BILL FOR AN ACT relating to health care; to state intent; to provide duties for the Director of Social Services as prescribed; and to declare an emergency.

**LEGISLATIVE BILL 148.** By Pappas, 42nd District.

A BILL FOR AN ACT relating to rail carriers; to amend section 75-427, Reissue Revised Statutes of Nebraska, 1943; to provide for a walkway on bridges as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 149.** By Pappas, 42nd District.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-303, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to requirements for registration of motor vehicles; and to repeal the original section.

**LEGISLATIVE BILL 150.** By Pappas, 42nd District.

A BILL FOR AN ACT relating to telephones and telegraphs; to provide for the submission of certain complaints as prescribed; and to provide a penalty.

**LEGISLATIVE BILL 151.** By Goodrich, 20th District.

A BILL FOR AN ACT relating to the University of Nebraska; to amend sections 85-125 and 85-192, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the University Cash Fund and the University of Nebraska at Omaha Cash Fund; and to repeal the original sections.

**LEGISLATIVE BILL 152.** By Goodrich, 20th District.

A BILL FOR AN ACT relating to the Nebraska Cancer Research Fund; to appropriate funds; and to declare an emergency.

**LEGISLATIVE BILL 153.** By V. Johnson, 8th District.

A BILL FOR AN ACT relating to motor vehicles operators' licenses; to amend section 60-426, Reissue Revised Statutes of Nebraska, 1943; to provide for suspension or revocation of licenses in certain instances; and to repeal the original section.

**LEGISLATIVE BILL 154.** By Conway, 17th District; Hefner, 19th District; Rupp, 22nd District; Goll, 16th District.

A BILL FOR AN ACT relating to parimutuel wagering; to amend section 2-1208.01, Revised Statutes Supplement, 1984; to change tax provisions; to change duties; and to repeal the original section.

**LEGISLATIVE BILL 155.** By Pappas, 42nd District; Haberman, 44th District; Lamb, 43rd District; Barrett, 39th District; Baack, 47th District; Vickers, 38th District; Nichol, 48th District; Scofield, 49th District.

A BILL FOR AN ACT relating to the Department of Economic Development; to amend section 81-1234, Reissue Revised Statutes of Nebraska, 1943; to provide for a branch office of the department; and to repeal the original section.

**LEGISLATIVE BILL 156.** By Vickers, 38th District.

A BILL FOR AN ACT relating to schools; to adopt the Time to Learn Act.

**LEGISLATIVE BILL 157.** By Banking, Commerce and Insurance Committee: DeCamp, 40th District, Chairperson; Beyer, 3rd District; Haberman, 44th District; Higgins, 9th District; Labedz, 5th District; Pappas, 42nd District; Schmit, 23rd District.

A BILL FOR AN ACT relating to interest; to amend section 45-103, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the payment of interest; and to repeal the original section.

**LEGISLATIVE BILL 158.** By Pappas, 42nd District.

A BILL FOR AN ACT relating to secured transactions; to amend

section 54-208, Reissue Revised Statutes of Nebraska, 1943, and section 9-307, Uniform Commercial Code; to change provisions relating to the protection of buyers; to change provisions relating to liens on livestock; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 159.** By Schmit, 23rd District; Warner, 25th District.

A BILL FOR AN ACT relating to judges; to amend section 24-201.01, Revised Statutes Supplement, 1984; to raise salaries; and to repeal the original section.

**LEGISLATIVE BILL 160.** By Warner, 25th District; Lundy, 36th District.

A BILL FOR AN ACT relating to motor fuel taxes; to amend sections 66-410 and 66-471, Reissue Revised Statutes of Nebraska, 1943, and section 66-428, Revised Statutes Supplement, 1984; to increase the tax on certain fuels as prescribed; to harmonize provisions; to provide operative dates; and to repeal the original sections, and also section 66-472, Reissue Revised Statutes of Nebraska, 1943.

**LEGISLATIVE BILL 161.** By Pappas, 42nd District.

A BILL FOR AN ACT relating to safety inspections of railroads; to adopt the Railroad Inspection Act.

**LEGISLATIVE BILL 162.** By Pappas, 42nd District; Rogers, 41st District.

A BILL FOR AN ACT relating to grain sorghum development; to amend sections 2-4001, 2-4002, 2-4011, 2-4012, 2-4013, 2-4016, and 2-4017, Reissue Revised Statutes of Nebraska, 1943; to define a term; to provide authorization for expenditure of research funds; to provide a fee; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 163.** By Pappas, 42nd District.

A BILL FOR AN ACT relating to schools; to amend sections 79-490 and 79-492, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to a transportation allowance for students attending certain schools as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 164.** By Withem, 14th District; Hartnett, 45th District.

A BILL FOR AN ACT relating to retirement of county peace officers; to amend section 33-117, Reissue Revised Statutes of Nebraska, 1943, and sections 23-1118, 23-2301, and 84-1503, Revised Statutes Supplement, 1984; to adopt the County Peace Officers Retirement Act; to harmonize provisions; to increase fees; to provide operative dates; to provide severability; and to repeal the original sections.

**LEGISLATIVE BILL 165.** By DeCamp, 40th District.

A BILL FOR AN ACT relating to banks and banking; to amend section 8-148, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the ownership of certain stocks by banks; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 166.** By Eret, 32nd District; Rupp, 22nd District.

A BILL FOR AN ACT relating to the State Fire Marshal; to amend section 81-520.01, Revised Statutes Supplement, 1984; to change provisions relating to the statewide open burning ban; and to repeal the original section.

**LEGISLATIVE BILL 167.** By Wesely, 26th District.

A BILL FOR AN ACT relating to mentally ill dangerous persons; to amend section 83-1020, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to confinement of such persons; to provide duties for counties; and to repeal the original section.

**LEGISLATIVE BILL 168.** By Wesely, 26th District.

A BILL FOR AN ACT relating to schools; to amend section 79-487, Reissue Revised Statutes of Nebraska, 1943; to provide school boards with the option of offering student transportation with or without a fee; and to repeal the original section.

**LEGISLATIVE BILL 169.** By Wesely, 26th District.

A BILL FOR AN ACT relating to the University of Nebraska; to appropriate funds to provide for the renovation of Morrill Hall; to

provide authorization; and to declare an emergency.

**LEGISLATIVE BILL 170.** By Beutler, 28th District.

A BILL FOR AN ACT relating to crimes and punishments; to amend section 28-105, Reissue Revised Statutes of Nebraska, 1943; to change a penalty; and to repeal the original section.

**LEGISLATIVE BILL 171.** By Labedz, 5th District; Beutler, 28th District.

A BILL FOR AN ACT relating to juvenile courts; to amend section 43-2,119, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the number of judges in certain counties; to provide for certain appointments; to repeal the original section; and to declare an emergency.

## RESOLUTIONS

**LEGISLATIVE RESOLUTION 10.**

Introduced by Scofield, 49th District.

WHEREAS, on November 19, 1985, Gordon, Nebraska, will celebrate its one-hundreth birthday; and

WHEREAS, Gordon has been and will continue to be an outstanding community with outstanding citizens; and

WHEREAS, a centennial celebration offers a community a unique opportunity to reflect upon those citizens whose efforts were responsible for the founding of the community and its continued vitality; and

WHEREAS, the citizens of Gordon deserve special recognition for their centennial celebration.

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

1. That the members of the Legislature recognize and commend the City of Gordon and its citizens for their centennial celebration.

2. That a copy of this resolution be sent to the Mayor and City Council of the City of Gordon, Nebraska.

Laid over.

**LEGISLATIVE RESOLUTION 11CA.**

Introduced by V. Johnson, 8th District.

A Resolution to propose an amendment to Article XIII, section 3, of the Constitution of Nebraska.

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

Section 1. That at the general election in November 1986 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article XIII, section 3, of the Constitution of Nebraska, which is hereby proposed by the Legislature:

"Sec. 3. (1) Public funds, property, or credit shall be used only for public purposes.

(2) The state, units of local government, and school districts shall incur obligations for payment or make payments from public funds only by law or ordinance.

(3) Reports and records of the obligation and the receipt and use of public funds of the state, units of local government, and school districts shall be public records available for inspection by the public according to law. ~~The credit of the state shall never be given or loaned in aid of any individual, association, or corporation, except that the state may guarantee or make long-term, low-interest loans to Nebraska residents seeking adult or post-high school education at any public or private institution in this state. Qualifications for and the repayment of such loans shall be as prescribed by the Legislature.~~".

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by Article XVI, section 1, of the Constitution of Nebraska. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

"A constitutional amendment to authorize the giving or loaning of the credit of the state for public purposes.

For

Against".

Sec. 3. That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.

Referred to the Reference Committee.

**LEGISLATIVE RESOLUTION 12CA.**

Introduced by V. Johnson, 8th District; DeCamp, 40th District; Beutler, 28th District; Hoagland, 6th District.

A Resolution to propose an amendment to Article III, section 17, and Article IV, section 5, and by adding a new section 5A thereto, and the repeal of Article XV, section 3, of the Constitution of Nebraska.

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

Section 1. That at the general election in November 1986 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article III, section 17, and Article IV, section 5, and by adding a new section 5A thereto, and the repeal of Article XV, section 3, of the Constitution of Nebraska, which is hereby proposed by the Legislature:

"Article III, Sec. 17. The Legislature shall have the sole power of impeachment, but a majority of the members elected must concur therein. Impeachment proceedings may be initiated against any civil officer of the state for acts or omissions committed by such officer while he or she is in such state office or any other state office. 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 ~~within ten days~~ 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 ~~any Judge~~ of the judicial district within which the Capitol is located, and he or she thereupon shall ~~notify all the~~ choose, at random, seven Judges of the District Court in the State to meet ~~with him~~ 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. No impeachment conviction shall be set aside by pardon.

Article IV, Sec. 5. All civil officers of this state shall be liable to impeachment for any impeachable offense committed ~~misdemeanor~~ in office. An impeachable offense shall be an offense which, because of its nature or consequence, is subversive of an essential principle of government or highly prejudicial to public interest. Such offense may consist of, but shall not be limited to, a violation of the Constitution, a violation of a law, a violation of an official oath, a violation of a duty, an abuse of discretionary powers, or the existence of a physical or mental condition that renders the officeholder incapable of performing his or her duties in a competent fashion. An impeachable offense shall not require monetary or other damage to the state. Impeachment or the trial thereof shall not be precluded by the resignation or the end of the term of office of a civil officer after the initiation of impeachment proceedings against such officer. Impeachment shall be precluded if such civil officer leaves office prior to the initiation of impeachment proceedings and is not holding any other state office.

Article IV, Sec. 5A. Any civil officer of this state shall have the duty to act as a fiduciary for the State of Nebraska and as a fiduciary shall observe the standards in dealing with the public interest that would be observed by a prudent person dealing with the interests of another. If such officer has special skills, he or she shall be under a duty to exercise such skills to the extent that such skills can be expected to assist him or her in the performance of his or her duties. The fiduciary duty imposed in this section shall not be construed to prohibit a civil officer from engaging in private dealings which do not place him or her in a position of conflict of interest between his or her duties as a civil officer of this state and his or her private dealings.

That Article XV, section 3, of the Constitution is repealed.".

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by Article XVI, section 1, of the

Constitution of Nebraska. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

"A constitutional amendment to provide changes in the impeachment procedure, to define an impeachable offense, to impose a fiduciary duty on civil officers of this state as prescribed, and to eliminate a cause for impeachment.

For

Against".

Sec. 3. That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.

Referred to the Reference Committee.

## REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of January 11, 1985. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Ackerman, James N. - Lincoln, NE, Insurance Federation of Nebraska
Adams, Donald D. - Omaha, NE, FirsTier, Inc.
Agee, W. B. - Lincoln, NE, GTE Sprint
Allan, Marilyn J. - Lincoln, NE, Nebraska Press Advertising Service; Ryan & Williams, P.C.
Allan, Vernon A. - Scottsbluff, NE, American Association of Retired Persons
Andersen, Robert C. - Lincoln, NE, Nebraska Cooperative Council
Anderson Jr., Ferd E. - Omaha, NE, American Consulting Engineers Council of Nebraska; Nebraska Society of Professional Engineers
Anderson, Robert L. - Lincoln, NE, Association Services, Inc.
Andrews, Dr. Donald - Omaha, NE, Omaha Board of Education
Arfmann, William W. - Lincoln, NE, Nebraska Association of Public Employees
Arthur, Shirley A. - Lincoln, NE, Nebraska New Car & Truck Dealers Association

Ayres, Joseph Warren - Lincoln, NE, Nebraska Aviation Trades Association; Nebraska Library Association; Nebraska Society for Respiratory Therapy; Nebraska Society of Independent Accountants; Quality Health Care Professionals
Bacon, Charles E. - Lincoln, NE, Nebraska Tax Research Council, Inc.
Baum Jr., Richard H. - Lincoln, NE, Nebraska School Improvement Association
Beattie, J. Gerald - Lincoln, NE, Nebraska Farm Bureau Federation
Behnke, Judith - Lincoln, NE, Nebraska State Education Association
Behrens, Galen L. - Adams, NE, Nebraska Rural Letter Carriers Association
Binder, Edward C. - Lincoln, NE, Nebraska New Car & Truck Dealers Association
Binning, John H. - South Sioux City, NE, Great West Casualty Company
Bokemper, Duane - Lincoln, NE, American Legion, Dept. of Nebraska
Botch, Barbara A. - Omaha, NE, Greater Omaha Chamber of Commerce
Boucher, Richard L. - Lincoln, NE, Nebraska County Attorneys Association
Brandt, William B. - Lincoln, NE, Nebraska Bankers Association
Brown, Vincent D. - Lincoln, NE, American Petroleum Institute
Brummond, Naomi - Lincoln, NE, Nebraska Farm Bureau Federation
Carmody, Patrick L. - Omaha, NE, Omaha Indemnity Company
Carothers, Andrew K. - Lincoln, NE, Associated Students of the University of Nebraska (ASUN)
Carpenter, Rex - Lincoln, NE, Nebraska Rural Electric Association
Carstenson, Eric B. - Lincoln, NE, Lincoln Chamber of Commerce
Chambers, David L. - Lincoln, NE, League of Nebraska Municipalities
Chapelle, Debra - Lincoln, NE, Nebraska State Student Association
Christensen, Jeffrey S. - Kearney, NE, Communicating for Agriculture
Chunka, Gary G. - Lincoln, NE, Burlington Northern Inc. & Subsidiaries; First Mid America/Paine Webber
Cline, Williams, Wright, Johnson & Oldfather
Buntain, David R. - Lincoln, NE, Nebraska Medical Association
Peterson, Alan E. - Lincoln, NE, Media of Nebraska
Collins, David W. - Lincoln, NE, Associated Builders and Contractors, Inc./Cornhusker Chapter
Collins, Richard E. - Omaha, NE, Pro-Law Association of Nebraska
Coyne, Brian D. - Lincoln, NE, Nebraska Nuclear Weapons Freeze

Campaign
Cromer, Dr. C. A. - Lincoln, NE, Nebraska Advisory Council for Vocational Education
Crosby, Guenzel, Davis, Kessner & Kuester
Orton, Leroy W. - Lincoln, NE, Better Nebraska Association Nebraska Water Resources Association; Nebraska Well Drillers Association; Water Economics Association of Nebraska
Cummins III, Carl W. - Minneapolis, MN, Minnegasco, Inc.
Cunningham, James R. - Lincoln, NE, Nebraska Catholic Conference
Cutshall, Bruce A. - Lincoln, NE, First National Bank & Trust Company of Lincoln; Midstates House Movers Association; Nebraska Academy of Family Physicians; Nebraska Association of Center Pivot Manufacturers; Nebraska Corn Growers Association; Nebraska Dietetic Association, Inc.; Nebraska Livestock Feeders Association; Nebraska Railroad Association; Nebraska Stock Growers Association; Nebraska Thoroughbred Breeders' Association; Nebraska Wheat Growers Association; Radcliffe, Walter/Tews & Radcliffe; Sargent Irrigation Company
Davis, Jeanene C. - Lincoln, NE, Nebraska Realtors Association
Davlin, Michael C. - Omaha, NE, Central National Insurance Group
Deegan, Dr. John F. - Bellevue, NE, Bellevue Public School District
Dennis, Michael E. - Lincoln, NE, Sierra Club, Nebraska Chapter
Dial, Charles - Omaha, NE, Nebraska State AFL-CIO
Dirrim, Delbert E. - Omaha, NE, Omaha Public Power District
Dobler, James B. - Lincoln, NE, Farmers Mutual Insurance Company of Nebraska
Eldien, Paul V. - Lincoln, NE, Nebraska Elks Association
Enewold, Richard H. - Topeka, KS, AT&T Company
Erickson & Sederstrom
Gordon, James E. - Lincoln, NE, Nebraska State College System
Thone, Charles - Lincoln, NE, Nebraska State College System; Iowa Beef Processors, Inc.
Finnegan, Deane - Lincoln, NE, Junior League of Lincoln
Fischer, Ralph J. - Beatrice, NE, General Agricultural Services, Ltd.
Fischer, Thomas B. - Lincoln, NE, First National Bank & Trust Company of Lincoln
Fraizer, T. J. - Lincoln, NE, American Insurance Association; Health Insurance Association of America; Mutual of Omaha Insurance Company; United of Omaha Life Insurance Company
Frazier, Lawrence A. - Lincoln, NE, Farmers Mutual Insurance Company of Nebraska
Frey, John O. - Lincoln, NE, Lincoln Telecommunications Company
Frost, Denise E. - Lincoln, NE, Nebraska Civil Liberties Union
Furst, Kurt A. - Overland Park, KS, GTE Sprint

Gabelman, Miriam E. - Lincoln, NE, Radcliffe, Walter/Tews & Radcliffe
Gaches, Ronald - Topeka, KS, United Telephone of the West
Gerraughty, Robert J. - Omaha, NE, Creighton University
Gilbert, Ann - Lincoln, NE, O'Hara & Associates, Inc.
Gilbert, Jean E. - Lincoln, NE, Nebraskans Against the Death Penalty
Glaess, Mark - Lincoln, NE, Nebraska Rural Electric Association
Goc, John J. - Lincoln, NE, Nebraska Businessmen's Commerce Group
Goodding, Richard D. - Lincoln, NE, Nebraska Farm Bureau Federation
Gordon, James E. - Lincoln, NE, Nebraska & Omaha Food Retailers Assn., Inc.
Green, John K. - Omaha, NE, Papillion-LaVista School District
Haessler, John - Lincoln, NE, Woodmen Accident and Life Company
Hallstrom, Robert J. - Syracuse, NE, Nebraska Bankers Association; Syracuse, NE, Nebraska Pharmacists Association
Hamilton, James S. - Lincoln, NE, Nebraska Council on Alcohol & Drug Education, Inc.
Hansen, JoAnn - Lincoln, NE, Nebraska Public Power District
Hansen, Phyllis G. - Omaha, NE, Nebraska Academy of Family Physicians
Hanway, Donald G. - Lincoln, NE, Nebraska State Grange
Hare, Katherine - Lincoln, NE, Nebraska Water Conservation Council
Hart, Jack - Lincoln, NE, City of Lincoln
Hassebrook, Chuck - Walthill, NE, Center For Rural Affairs
Hawco, Thomas - Lincoln, NE, Nebraska State Association of Life Underwriters
Hockley, Sandra D. - Lincoln, NE, Nebraska Health Care Association
Hoke, C. J. - Grand Island, NE, Southern Nebraska Rural Public Power District
Hopkins, Julian H. - Lincoln, NE, Bankers Life Insurance Company of Nebraska
Hoven, Stephen B. - St. Louis, MO, Ozark Air Lines
Howard, Robert N. - Omaha, NE, National Electrical Contractors Association, NE Chapter
Hoy, Debbra L. - Lincoln, NE, Lincoln Electric System
Huff Jr., Walt - Lincoln, NE, Nebraska Chapter Associated General Contractors
Humpal, John E. - Omaha, NE, Blue Cross & Blue Shield of Nebraska
Hunzeker, Mark A. - Lincoln, NE, Insurance Federation of Nebraska

Jamrog, Jerome J. - Omaha, NE, Commercial Federal Savings & Loan
Jenkins, Thomas J. - Omaha, NE, Mutual of Omaha Insurance Company
Jennings, Warren E. - Lincoln, NE, Farmers Mutual Insurance Company of Nebraska
Johnston, Paul R. - Lincoln, NE, Nebraska Livestock Feeders Association
Johnston, Thomas S. - Lincoln, NE, Nebraska Technical Community College Association
Jordison, John C. - Council Bluffs, IA, Peoples Natural Gas Company
Kading, Bradley L. - Schaumburg, IL, Alliance of American Insurers
Keetle, Roger S. - Lincoln, NE, Nebraska Hospital Association
Kennedy, John W. - Omaha, NE, Central States Health & Life Company
Kenny, Philip T. - Omaha, NE, Nebraska Railroad Association
King, Justin P. - Lincoln, NE, Nebraska Association of School Boards
Kissel, Gordon - Lincoln, NE, Nebraska Association of Resources Districts
Knudsen, Berkheimer, Richardson & Endacott
Mueller, William J. - Lincoln, NE, American Express Company; Commerce Group, Inc.; Great Western Sugar Company; Nebraska Academy of Physician Assistants; Nebraska Hearing Aid Association; Nebraska State Bar Association; Nebraska State Home Builders Association; Nebraska State Pest Control Association; Nebraska Wholesale Suppliers Association
Ruth, Larry L. - Lincoln, NE, American Express Company; Commerce Group, Inc.; Great Western Sugar Company; Nebraska Academy of Physician Assistants; Nebraska Hearing Aid Association; Nebraska State Bar Association; Nebraska State Home Builders Association; Nebraska State Pest Control Association; Nebraska Wholesale Suppliers Association
Koch, Gerald - Ralston, NE, Omaha Suburban Area Council of Schools
Kratz, Dean G. - Omaha, NE, Nebraska Building Chapter Associated General Contractors; Nebraska League of Savings Institutions
Kuhn, Donna R. - Lincoln, NE, Brotherhood of Railway & Airline Clerks
Kunz, David N. - Lincoln, NE, Nebraska Optometric Association; Nebraska State Association of Life Underwriters
Larsen, Roger - Fremont, NE, Nebraska State Education Association
Larson, Susan - Lincoln, NE, Nebraska Farm Bureau Federation

Lenihan, John E. - Omaha, NE, United of Omaha Life Insurance Company
Licht, Alice L. - Lincoln, NE, Nebraska Fertilizer & Ag-Chemical Institute; Nebraska Grain & Feed Dealers Association
Lilley, Roy W. - Alliance, NE, Nebraska Stock Growers Association
Lineweber, Ray L. - Lincoln, NE, United Transportation Union
Long, Donald P. - Holdrege, NE, Central NE Public Power & Irrigation District
Magnuson, Arnold L. - Lincoln, NE, Nebraska Society of Certified Public Accountants
Marshall, Robert P. - Lincoln, NE, Nebraska Pharmacists Association
Martin, Richard W. - Lincoln, NE, Nebraska Association of Commerce & Industry
Matzke Jr., Stan - Lincoln, NE, Nebraska Bankers Association
McDonald, Gordon L. - Omaha, NE, Nebraska State AFL-CIO
McKeon, Robert L. - Omaha, NE, Motor Club Insurance Association
Mehuron, Steve - Omaha, NE, Communications Workers of America Local 7400
Merritt, Jack C. - Lincoln, NE, Lancaster County; Metropolitan Utilities District
Meyer, Daniel W. - Lincoln, NE, McBride and Associates
Miesbach, Neal L. - Omaha, NE, Professional Insurance Agents of Nebraska
Mihovk, Donald J. - Lincoln, NE, Northern Natural Gas Company
Mills, Jack D. - Lincoln, NE, Nebraska Association of County Officials
Moen, Thomas - Omaha, NE, Omaha Police Union, Local 101
Moody, Randall J. - Lincoln, NE, O'Hara & Associates, Inc.
Moore, Kathy - Omaha, NE, Legislative Coalition for Children; Nebraska Association of Social Workers
Moors, H. Jack - Lincoln, NE, Anheuser-Busch Company; Financial Institutions of Nebraska; Nebraska Corn Growers Association; Nebraska Quarter Horse Association
Morgan, Karen - Alvo, NE, Nebraska Emergency Medical Technicians Association
Morris, William J. - Lincoln, NE, Nebraska Auto Body Association
Moylan, James H. - Omaha, NE, Douglas County, Nebraska; Nebraska Licensed Beverage Association; Nebraska Lodging Association
Murphy, Lawrence E. - Lincoln, NE, Nebraska Chiropractic Physicians Association, Inc.
Neff, Kenneth E. - Lincoln, NE, Nebraska Medical Association
Neidig, Bryce P. - Lincoln, NE, Nebraska Farm Bureau Federation

Nicholls, Edward C. - Omaha, NE, Nebraska Credit Union League, Inc.

Noren, Charles F. - Lincoln, NE, ABATE of Nebraska, Inc.; Excel Merchandise and Novelty Company; Independent Insurance Agents of Nebraska; Lincoln Firefighters Association #644; Nebraska Dental Hygienists' Association; Nebraska Motorcycle Dealers Association; Nebraska State Association of Firefighters; Nebraska Technical Community College Association

Nowka, Trent P. - Lincoln, NE, Nebraska Farm Bureau Federation

Oberg, Jon H. - Lincoln, NE, Association of Independent Colleges and Universities of Nebraska, Inc.

Odgaard, John E. - Lincoln, NE, Nebraska Water Resources Association

O'Hara & Associates, Inc. - Lincoln, NE, Bethphage Mission, Inc.; Blue Flame Gas Association; Broadcast Music, Inc.; Columbus City Schools; First National Bank of Omaha; Grand Island Public Schools; Hastings Public Schools; InterNorth, Inc.; Louis Finocchiaro, Inc.; Martin Luther Home Society, Inc.; Nebraska Association of Trial Attorneys; Nebraska Chapter of National Society for Children & Adults with Autism; Nebraska Dental Association; Nebraska Municipal Power Pool; Nebraska Soft Drink Association; Norfolk Public Schools; North Platte School District; Omaha Public Power District; Scottsbluff Public Schools

O'Hara, Paul V. - Lincoln, NE, O'Hara & Associates

Olson, Merle - Lincoln, NE, Nebraska Farmers Union

O'Neill, John G. - Lincoln, NE, Lincoln Mutual Life Insurance Company

Oxton, Neil - Lincoln, NE, Nebraska Farmers Union

Palmer, Betsy - Lincoln, NE, Pay Equity Association

Parker, David R. - Lincoln, NE, LRC, Inc.

Peters, William E. - Lincoln, NE, Burlington Northern Inc. & Subsidiaries; First Mid America/Paine Webber; Nebraska Association of Production Credit Associations; The Tobacco Institute

Peterson, Elizabeth A. - Lincoln, NE, Nebraska Coalition For Women

Peterson, Robert F. - Lincoln, NE, Nebraska Council of School Administrators

Pierson, Darwin R. - Columbus, NE, Nebraska Independent Oil & Gas Association

Popken, Kent T. - Omaha, NE, Northwestern Bell Telephone Company

Powell, David W. - Lincoln, NE, Association for Retarded Citizens-Nebraska

Prazan, Jerome J. - Omaha, NE, City of Omaha

Preston, James N. - Lincoln, NE, Nebraska Motor Carriers' Association
Prettyman, Keith A. - Lincoln, NE, Woodmen Accident and Life Company
Radcliffe, Walter/Tews & Radcliffe
Radcliffe, Walter H. - Lincoln, NE, Can Manufacturers Institute; Cutshall, Bruce A.; Dain Bosworth, Incorporated; Friends of Higher Education; Glass Packaging Institute; Lincoln Telephone & Telegraph Company; Media of Nebraska; Motion Picture Association of America, Inc.; Nebraska Association of Correctional Employees; Nebraska Cable Communications Association; Nebraska Financial Services Association; Nebraska Manufactured Housing Institute, Inc.; Nebraska Occupational Therapy Association; Nebraska Realtors Association; Nebraska Securities Industries Association; Nebraska Sheriffs' Association; Nebraska Society of Certified Public Accountants; Nebraska Society of Dispensing Opticians; Nebraska Society of Professional Psychologists; Nebraska State Cemetery Association; R. J. Reynolds Tobacco Company; Safeway Stores, Inc.; State Security Savings Company; State Troopers Association of Nebraska; Video Consultants of Nebraska, Inc.; Wine Institute
Radford, Anne - Lincoln, NE, Lincoln Nuclear Freeze Campaign
Ragsdale, John D. - Lincoln, NE, Woodmen Accident and Life Company
Rall, Frank - Lincoln, NE, Nebraska Public Power District
Rasmussen, Dennis - Lincoln, NE, Developmental Services Corporation; Iowa/Nebraska Farm Equipment Association, Inc.; Nebraska Association of Physical Therapists; Nebraska Cooperative Council; Nebraska Land Improvement Contractors Association; Nebraska LP-Gas Association; Western Retail Implement and Hardware Association
Rasmussen, Ross H. - Hooper, NE, Regional Veterinary College Task Force
Remington, S. June - Lincoln, NE, Nebraska Council of School Administrators
Rex, L. Lynn - Lincoln, NE, League of Nebraska Municipalities
Reynolds IV, Horace H. - Omaha, NE, Nebraska Credit Union League, Inc.
Richey, Pat - Lincoln, NE, Nebraska State Education Association
Robotham, Geno - Pleasant Dale, NE, ABATE of Nebraska, Inc.
Rogge, Robert R. - Lincoln, NE, Lincoln Education Association
Rohn, Linda L. - Lincoln, NE, Lincoln Public Schools
Rowson, Joseph P. - Lincoln, NE, Lincoln Public Schools
Ryan, Beth - Omaha, NE, Nebraska Railroad Association

Ryan, Carey - Omaha, NE, Legislative Coalition for Children
Ryan, James E. - Lincoln, NE, Financial Institutions of Nebraska; FirsTier, Inc.; Friends of Higher Education; Lincoln Telephone & Telegraph Company; Nebraska Association of Candy & Tobacco Distributors; Nebraska Beer Wholesalers Association; Nebraska County Judges' Association; Nebraska Liquor Wholesalers Association; Nebraska Motor Carriers' Association; Nebraska Public Power District; Police Officers' Association of Nebraska; Thoroughbred Racing Association of Nebraska; 3M
Sak, Mary Ann - Lincoln, NE, Nebraska Nurses' Association
Scarpello, Sam M. - Omaha, NE, Nebraska State Electrical Council
Schafer, Edwin C. - Omaha, NE, Nebraska Broadcasters Association
Schimek, Herbert H. - Lincoln, NE, Nebraska State Education Association
Schwartze, L. J. (Rusty) - Lincoln, NE, Nebraska State Home Builders Association
Sedlacek, Ronald J. - Lincoln, NE, National Federation of Independent Business; Nebraska Bankers Association
Shafer, Peg - Lincoln, NE, Lincoln Education Association
Sherbert, Norman R. - Denver, CO, General Motors Corporation
Shipley, Parker L. - Omaha, NE, Guarantee Mutual Life Company
Short, Frank H. - Lincoln, NE, Veterans of Foreign Wars, Dept. of Nebraska
Siefkes, Dale E. - Lincoln, NE, Nebraska Association of School Boards
Siefkes, Herman - Lincoln, NE, Nebraska Restaurant Association
Siefkes, John J. - Lincoln, NE, Safety Council of Nebraska
Singer, Sheryl - Lincoln, NE, Junior League of Lincoln
Smith, Dwayne G. - Columbus, NE, Loup River Public Power District
Snodgrass, Delbert O. - Lincoln, NE, Nebraska Association of Commerce & Industry
Solem, Calvin C. - Omaha, NE, Associated General Contractors
Spitz, Clarence E. - Lincoln, NE, Omaha Public Power District
Squire, DeCourcy - Lincoln, NE, Nebraskans Against the Death Penalty
Stading, Donald R. - Lincoln, NE, National Bank of Commerce
Stone, Fred R. - Lincoln, NE, Retail Merchants Association of Nebraska Inc.
Storie, Clyde - Pender, NE, Nebraska Sheriffs' Association
Sturner, Peter C. & Associates
Sturner, Barbara A. - Lincoln, NE, Sturner, Peter C. & Associates
Sturner, Peter C. - Lincoln, NE, Midwestern Fire Consultants Inc.; Nebraska State Volunteer Firefighters Association; Southwest Rural Fire Protection District; Southwest Rural Firefighters;

Sullivan, John L. - Lincoln, NE, Nebraska New Car & Truck Dealers Association
Sullivan, Patrick H. - Lincoln, NE, Mid-America Lumbermens Association
Summers, Robert E. - Hastings, NE, Brotherhood of Maintenance of Way Employees
Sundberg, Kristine - Minneapolis, MN, Minnegasco, Inc.
Sutej, John M. - Omaha, NE, Local Union 1974, I.B.E.W.
Swanson, William F. - Lincoln, NE, University of Nebraska
Swartz, Jack - Lincoln, NE, Nebraska Association of Commerce & Industry
Taylor, Donna J. - Lincoln, NE, Nebraska Health Care Association
Tews, David D. - Lincoln, NE, Radcliffe, Walter/Tews & Radcliffe
Thomas, Arnold R. - Lincoln, NE, Nebraska Hospital Association
Todd Jr., A. Loy - Lincoln, NE, Nebraska Financial Services Association
Vuchetich, Patrick J. - Lincoln, NE, Nebraska Association of County Officials
Wall, Sue Ellen - Lincoln, NE, Nebraska Parent/Teacher Association (PTA)
Watson, Carol S. - Lincoln, NE, Bankers Life Insurance Company of Nebraska
Watters, George L. - Lincoln, NE, Nebraska Petroleum Marketers, Inc.
Weber, Kappie - Lincoln, NE, Religious Coalition for Abortion Rights
Wells, Stanley A. - Lincoln, NE, Cooperative Service Company
Wheeler, Calvin W. - Omaha, NE, Mutual of Omaha Insurance Company
Wheeler, Stuart L. - Hastings, NE, K N Energy, Inc.
White, Mary - Lincoln, NE, Nebraska Bankers Association
Willis, Larry F. - Lincoln, NE, Nebraska Vocational Association
Wilson, William A. - Lincoln, NE, Bankers Life Insurance Company of Nebraska
Wilwerding, Ron C. - Omaha, NE, Nebraska Collectors Association
Wreed, V. Delight - Lincoln, NE, Nebraska Health Care Association
Wurtz, Thomas A. - Omaha, NE, Metropolitan Utilities District
Yost, Kurt T. - Lincoln, NE, Nebraska Independent Bankers' Association
Young, Harry D. - Beatrice, NE, Norris Public Power
Young, Marge - Lincoln, NE, League of Women Voters of Nebraska
Zabel, Judith K. - Western, NE, Concerned Women for America
Zanolli, Claudia - Lincoln, NE, Nebraska Association of Public Employees; Nebraska State Student Association

## REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative bills 64, 65, 74, 91, 106 through 131, and LR 8.

| LB | Committee |
|---|---|
| 64 | Appropriations |
| 65 | Education |
| 74 | Banking, Commerce and Insurance |
| 91 | Appropriations |
| 106 | Miscellaneous Subjects |
| 107 | Banking, Commerce and Insurance |
| 108 | Banking, Commerce and Insurance |
| 109 | Banking, Commerce and Insurance |
| 110 | Revenue |
| 111 | Revenue |
| 112 | Revenue |
| 113 | Judiciary |
| 114 | Government, Military and Veterans Affairs |
| 115 | Education |
| 116 | Revenue |
| 117 | Public Health and Welfare |
| 118 | Revenue |
| 119 | Revenue |
| 120 | Revenue |
| 121 | Revenue |
| 122 | Public Works |
| 123 | Public Works |
| 124 | Public Works |
| 125 | Judiciary |
| 126 | Banking, Commerce and Insurance |
| 127 | Agriculture and Environment |
| 128 | Banking, Commerce and Insurance |
| 129 | Public Health and Welfare |
| 130 | Judiciary |
| 131 | Public Health and Welfare |

| LR | Committee |
|---|---|
| 8 | Constitutional Revision and Recreation |

(Signed) Chris Beutler, Chairperson
Legislative Council
Executive Board

## BILL ON FIRST READING

The following bill was read for the first time by title:

**LEGISLATIVE BILL 172.** By Abboud, 12th District; Hartnett, 45th District; Pappas, 42nd District; Pirsch, 10th District; Hannibal, 4th District; Hoagland, 6th District; Beyer, 3rd District; Labedz, 5th District; Hall, 7th District; Withem, 14th District; Chizek, 31st District; Lynch, 13th District; V. Johnson, 8th District.

A BILL FOR AN ACT relating to property tax; to provide duties for counties relating to property valuation and tax levies as prescribed; and to declare an emergency.

## ANNOUNCEMENT

Speaker Nichol announced pursuant to Rule 7, Section 1 of the legislative rules, the Legislature will be in recess January 23, 24, and 25. The other tentative recess days are scheduled for Monday, February 18, (State Holiday); Friday, March 15; Friday, April 5 and Monday, April 8, (Easter Break); and May 10. Sine Die is tentatively scheduled for May 24.

## ADJOURNMENT

At 11:41 a.m., on a motion by Mr. Hall, the Legislature adjourned until 10:00 a.m., Tuesday, January 15, 1985.

Patrick J. O'Donnell
Clerk of the Legislature

# FIFTH DAY - JANUARY 15, 1985

## LEGISLATIVE JOURNAL

## EIGHTY-NINTH LEGISLATURE
## FIRST SESSION

## FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, January 15, 1985

Pursuant to adjournment, the Legislature met at 10:00 a.m., President McGinley presiding.

## PRAYER

The prayer was offered by Dr. Robert Palmer, Westminster Presbyterian Church, Lincoln, Nebraska.

## ROLL CALL

The roll was called and all members were present except Mrs. Labedz who was excused; and Messrs. Hoagland, Schmit, Sieck, and Mrs. Morehead who were excused until they arrive.

## CORRECTIONS FOR THE JOURNAL

The Journal for the Fourth Day was approved.

## EXECUTIVE BOARD REPORT

The Executive Board of the Legislative Council has nominated and elected the following senators to these Special Committees:

Building Maintenance
Lowell Johnson - Chairperson
Calvin Carsten
Ernie Chambers
Daniel Lynch
James Pappas
Jerome Warner

Education Commission of the States
Tom Vickers - Chairperson
Dennis Baack
Don Eret
Howard Lamb

Telecommunications
Glenn Goodrich - Chairperson
Harry Chronister
James Goll
Marge Higgins
Ray Lundy
Richard Peterson
Carol Pirsch
Sandra Scofield

(Signed) Chris Beutler, Chairperson
Legislative Council
Executive Board

## ANNOUNCEMENTS

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

Mr. Hannibal announced the Administrative Rules and Regulations Review Committee elected Mr. Sieck as Vice Chairperson.

Mr. V. Johnson announced the Revenue Committee elected Mr. Hefner as Vice Chairperson.

## REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative bills 132, 133, 134, 135, 137 through 172, and legislative resolutions 9, 11, and 12.

| LB | Committee |
|---|---|
| 132 | Public Health and Welfare |
| 133 | Education |
| 134 | Government, Military and Veterans Affairs |
| 135 | Banking, Commerce and Insurance |
| 137 | Agriculture and Environment |
| 138 | Banking, Commerce and Insurance |

| | |
|---|---|
| 139 | Revenue |
| 140 | Revenue |
| 141 | Miscellaneous Subjects |
| 142 | Judiciary |
| 143 | Banking, Commerce and Insurance |
| 144 | Miscellaneous Subjects |
| 145 | Nebraska Retirement Systems |
| 146 | Judiciary |
| 147 | Public Health and Welfare |
| 148 | Public Works |
| 149 | Public Works |
| 150 | Public Works |
| 151 | Appropriations |
| 152 | Appropriations |
| 153 | Public Works |
| 154 | Revenue |
| 155 | Government, Military and Veterans Affairs |
| 156 | Education |
| 157 | Banking, Commerce and Insurance |
| 158 | Banking, Commerce and Insurance |
| 159 | Judiciary |
| 160 | Revenue |
| 161 | Public Works |
| 162 | Agriculture and Environment |
| 163 | Education |
| 164 | Nebraska Retirement Systems |
| 165 | Banking, Commerce and Insurance |
| 166 | Government, Military and Veterans Affairs |
| 167 | Public Health and Welfare |
| 168 | Education |
| 169 | Appropriations |
| 170 | Judiciary |
| 171 | Judiciary |
| 172 | Revenue |

| **LR** | **Committee** |
|---|---|
| 9 | Constitutional Revision and Recreation |
| 11 | Constitutional Revision and Recreation |
| 12 | Constitutional Revision and Recreation |

(Signed) Chris Beutler, Chairperson
Legislative Council
Executive Board

**RESOLUTION**

**LEGISLATIVE RESOLUTION 10.** Read. Considered.

LR 10 was adopted with 39 ayes, 0 nays, and 10 not voting.

**MOTION - Escort Governor**

Mr. Lundy moved that a committee of 5 be appointed to escort the Governor to the Chamber to deliver his State of the State and Budget Message.

The motion prevailed.

The Chair appointed Ms. Scofield, Messrs. Chronister, Rogers, Carsten, and Hall to serve on said Committee.

The Committee returned and escorted Governor Robert Kerrey to the Rostrum where he delivered the following State of the State and Budget Address:

GOVERNOR KERREY
MESSAGE TO THE LEGISLATURE
JANUARY 15, 1985

It should not disturb us to discover that Nebraskans outside of this building often times do not connect the work we do here with the day-to-day events of their lives. Sometimes even the specific details of this budget -- and the debates which center on them -- seem irrelevant, but our citizens often have little direct contact with most of what we call government.

That we entrusted this government we have created with our freedom is undeniable. That our government's strength rests on the watchfulness of our citizens is irrefutable.

It should comfort us to know that outside of the discussions that rage over any issue you can name, beyond the battle lines where we make our political stands, life in Nebraska goes on. It is reassuring to observe that the most complicated government program begins simply with the expressed preference and action of people outside that government. Education programs begin with the thirst of individuals for knowledge; it exists when one Nebraskan pursues some hidden idea through reading or study. Economic development is the dream of one person made real by means of work, planning, and probably the willingness to sign a bank note. Our social services programs start when one Nebraskan helps another who is in trouble. Laws, law enforcement, regulation, the judiciary, and corrections are all born in the fervant desire of individuals to be free. We build roads because

we want to travel and trade with the world. Our parks begin with our knowledge of the importance of nature's beauty. All government, therefore, begins with some simple act or impulse or belief of the people.

The progress of our state is a function of the work, the wit, the faith, the love, the knowledge, and creative spirit our people. These observations do not make our efforts here unimportant. Rather, it means that we must lead, we must act decisively, must consider what we can do through this government to give our people more opportunities. We must be willing to plan and to work. We must have the intelligence and good sense to decide, the courage to act. And we must be able to persevere through distraction and disappointment.

I tell you that I am filled with hope and confidence about the future of Nebraska, despite the trauma in agriculture, the anguish of Commonwealth, and the countless other problems which face us. This hope springs from my Faith and from the amazing panorama of Nebraskans who are working and creating in this state.

I am filled with hope about the future of this state when I observe the willingness of this body to serve and to work for our people. I watched with awe the grace of Senator Labedz not only in her decision to break the tie for speaker by voting for her opponent, but also her spirit in staying at her husband, Stanley's, side during a trying time. I watched the disappointment of Senator Carsten vanish quickly as his will and determination to make Nebraska a better place to live reasserted their dominance.

Late in 1984, members of the Associated Press selected the top news stories of that year. Most notable among the thousands of stories we read or heard about in 1984, according to the AP, were the impeachment, indictment, and perjury convictions of the Attorney General, the state closing of several banking institutions, the arrest and sentencing of John Joubert, the shooting of Cairo farmer Arthur Kirk, the debate over and passage of Amendment 4 on farm values, the compromise reached concerning Christian schools, flooding in eastern Nebraska, the national and state elections, the St. Paul tornado, and record-setting cold weather in the state.

These stories paint part of the picture of the year that was 1984. Three relate to well-known vagaries of Nebraska weather. Several more revolve around our troubled agricultural economy. Most involve a degree of personal or community hardship or tragedy.

But these stories are the bad news and, for all their import and impact, for all the attention they received and will receive, they do not tell us everything about 1984.

In 1984, Senator Warner watched with pride as the youth group of the Peace Lutheran Church in Waverly collected food, toys, and cash for distressed fellow Nebraskans in Verdigre. In Syracuse,

Senator Carsten saw the National Farmers Organization mount a grain drive for Verdigre and Senator Landis witnessed Burlington Northern Railroad employees of the Havelock shop as they launched a collection drive.

In 1984, the Farm Families Crisis Council, supported by more than a dozen church bodies, began its Farm Crisis Hotline to offer support to financially distressed farm communities. Volunteers who care comprise the majority of the network, with lawyers, members of the clergy, bankers, farmers, professors, and extension agents providing their services.

In 1984, Senator Eret can tell you how the Crete Mills, its employees, and its parent company in Illinois, donated processed grain to help feed the starving in Ethiopia. The parent company donated 400,000 pounds of processed grain; Crete Mills employees and employee members of the American Federation of Grain Mills each presented $800 dollar checks to the program.

In 1984, retirees, business owners, housewives, and other volunteers, all constituents of Senator Sieck, worked around the clock to cut and can thousands of pounds of meat in Milford and Henderson as part of a Mennonite food relief program. Most of the canned beef will be sent to Third World countries; the broth which was canned will go to Indian reservations, the Lincoln City Mission, the Salvation Army, and other related organizations.

In 1984, Senator DeCamp saw young Brian Gill of Atkinson travel to Washington, D.C. to meet President Reagan and to receive a Presidential Award for Bravery. Brian was cited for risking his life to save the life of his sister when their family's home was ravaged by a fire.

In 1984, four Nebraskans were among forty men and women identified by Esquire magazine as individuals who are changing America. Ed Dadey and Jane Dadey who live near Senator Rod Johnson in Marquette were cited for their furniture and textile designs, respectively. Jo Ann Schmidman of Omaha, a constituent of Senator Tim Hall, was praised for her work as a theater producer, guiding the Omaha Magic Theater to its respected stature and treating in her productions socially relevant themes like child abuse. Arlen Gangwish of Shelton, in Senator Lundy's district, was named for his family farm innovation. His solution to the price fluctuations of the seasonal corn, soybean, and alfalfa crops raised on the family farm was a sheep business he designed and now co-manages. "For my parents, farming was a way of life," he told the magazine. "For my generation, it is a life-style. I choose to live this way."

In 1984, as in years past, individuals like Warren Patefield of Laurel and John Fleming of Hartington, both of whom are represented here by Senator Hefner, devoted much of their energy to

the care of our natural resources. Warren Patefield has been engaged in soil saving efforts since 1946. His service as an NRD member continues to this day. John Fleming has 240 acres of farmland near Hartington. He has taken care of the soil and improved its productivity every year. He knows that conserving the soil takes a little longer, but pays off in the long-run. That's one reason John Fleming has been recognized as a "Master Conservationist."

In 1984, Speaker Nichol worked to help the City of Scottsbluff receive $300,000 dollars in Community Development Block Grants through the Nebraska Department of Economic Development. Scottsbluff, in turn, loaned the money to the Western Valley Packing Company for the purchase of meat packing equipment. The equipment purchase was part of Western's plan to lease, refurbish, and expand an idle meat packing facility. The plan boosted the area's economy and created 136 jobs, 68% of which are held by minority workers, signifying again the importance of public-private partnerships.

Senator Arlene Nelson knows how Jaime Kimbrough, a fourth-grader at Knickrehm Elementary School in Grand Island, continued in 1984 to excel in school and inspire her peers and teachers alike. Jaime is enrolled in the gifted program at her school, and is now reading at the 5th grade level. She likes her physical education class, and often participates in activities which surprise her teacher and other students. Jaime's teachers report that she is a persistent optimist, a high achiever, and a little girl full of hopes and dreams. Jaime also has spina bifida, which is typically a considerable disability.

In 1984, as Senator Baack knows, Connie Laposeotes, continued to operate a Bridgeport farm which exudes innovation. He now raises sugar beets, pinto beans, corn, alfalfa, wheat, and potatoes, demonstrating that Nebraska willingness to experiment and adapt. Recognizing the need for markets, Connie and four other area farmers successfully formed the Bridgeport Potato Storage Cooperative to attract potato processors.

Some of the Nebraskans I've mentioned are here today. I would like now to have them stand and be recognized.

For every Nebraskan or group of Nebraskans I have mentioned here, there are many more performing the same kinds of everyday heroics. They are investing in the lives of men and women and children they have never seen and will never see -- in Verdigre, in Ethiopia, and in the distant world of tomorrow. They are caring for each other at home, nurturing the values that have made us strong; maintaining their personal faith, their good humor, and their determined spirit. They are thinking beyond the possible and speculating about the here-to-fore impossible as they go to work each

day. They are exploring their options and opportunities, making decisions, and realizing their dreams. That is the real state of this State in 1985. Whatever challenges we face, whatever difficulties we've come through, we are still a state of individuals who are willing to initiate, to risk, to work hard, to innovate, and to care. We still have the will to make good things happen.

BUDGET

Still, sometimes I forget these things. I have a tendency to concentrate my efforts as I work on any project. And as I do, the job becomes the only thing I can see.

Take as an example this budget I present to you today. My staff, my department heads, and I have been working hard since last June to put it together. Ominous questions awaited answers:

How much should we spend in 1985-1986?

How much government can we afford?

What shape should this government take? Not just this year, but the next, and the year after that.

How do we improve our educational system?

How do we develop more employment opportunities?

How do we help agriculture regain the profit it has lost?

How do we protect our natural resources?

How do we protect ourselves and our children?

How do we contain the rising cost of health care?

How many roads should be built and where do we build them?

How do we get the bureaucracies of government to work for the people, not against them?

What do we do with Commonwealth?

And most importantly, how do we provide the greatest amount of liberty and freedom to all of our people?

I struggled to reduce government operations so as to give us a slight increase over last year. I labored to get increased funds into teachers' salaries, economic development, soil and water conservation. I committed myself to a 5% salary increase for state employees, but asked my department heads to look for savings inside for half of the increase.

On December 6 I took my budget to the people. And as I did, I again could not help but notice how easy it is to forget that the intricacies of all my effort is less important than the collective efforts on the part of the people. I could not help but notice how peoples' eyes began to glaze over when Larry Bare started listing the numbers and percentages of this budget. And I could not help but observe that the mission of selling this government can be reduced to my ability to answer one question.

This question was asked in a variety of ways by nearly every citizen I have talked to this past month. The best example of it occurred in

Valentine in the dining room of the Valentine Cafe, where I stood before a crowd of a hundred or so ranchers and business people and teachers and citizens including Senator Howard Lamb. For two hours I answered questions from people who cared about their state, who worried about their future. Many in the room had been hurt by the liquidation of the Valentine P.C.A. and the closing of the banks of Verdigre and Cody. The owner of the restaurant himself told me that this was the last meal he would serve; the FDIC was closing him out the next morning.

At the end of the meeting, as snow was building up outside, a man in the back of the room asked the question the answering of which is the key to maintaining the confidence of our people. He said: "Governor, can you tell me one thing about this budget that would make all of us give you a round of applause?" I was tempted to answer by saying: "How about 'Good-bye'?"

But I didn't. Instead I talked about the balance that exists between a government created by the people trying to provide freedom and opportunities for its people, and the people themselves working hard in their lives trying to take advantage of that freedom. I talked about the difficulty we have as people putting together a government that encourages diversity and freedom of expression for 1.6 million people with different skills, ages, wealth, and health.

We have old people and young people, rich people and poor people, doctors, lawyers, farmers, and ranchers living together on 76,000 square miles of rich and open land called Nebraska.

The people have listened to me talk about this budget and they have responded. They do want to increase the salaries of their teachers, they want to increase employment opportunities through economic development, and they want to preserve and protect their soil and water resources. But I believe they are also concerned, as I have heard most of you say as well, that an overall general fund budget of $883 million dollars is more than we can afford in 1985-86. Accordingly, I am introducing a budget that is $19 million dollars less than the one I proposed earlier, while still preserving the three primary areas of emphasis. That reduction is accomplished with the following actions:

1. The scheduled assumption of the Municipal Court system in Lincoln and Omaha, even though I understand the value of a unified court system should be postponed for one year. This will save over $4.7 million dollars.

2. The General Fund increase of $2 million dollars for Economic Development will be eliminated. This will leave the $3.3 million dollars from the Nebraska Future Fund, which will still be a significant increase for this important effort.

3. The $2 million dollar increase for the Water Management Fund

will likewise be eliminated. During the upcoming year we will focus our efforts on the identification of the specific need and feasibility of projects and our expanded effort on soil and water conservation.

4. The $2.4 million dollars that I had set aside for "A" bills or additional spending proposals that the Legislature might identify will have to come from internal reallocations.

5. An estimated $4 million dollar balance in this year's Medicaid Program will be reappropriated saving that same amount from next year's Social Services budget without causing reductions in services.

6. $1.2 million dollars of the amount recommended to implement LB 994, the Education Improvement Bill of last session, has been removed. This reduction will not affect the implementation of the career ladder.

7. The construction of the Lied Center for Performing Arts Building must be postponed for one year, saving $1,350,000 dollars. In a recent discussion with Woody Varner, I discovered that most if not all of the $1,350,000 dollars recommended for Lied will not be needed until 1986. Woody has raised nearly $4 million dollars of private money to match the $10 million dollar gift from the Lied Foundation. Investing in the arts is an essential item and not a frill. My support for this project remains strong.

8. By closing the Youth Development Center at Geneva and transferring the present population to Kearney, we can save an additional $600,000 dollars.

9. The budget for the Legislative Council has been reduced by $133,307 dollars, which will still allow for an effective 4% increase.

10. Additional cash balances have been used to reduce general funds in the State Colleges by $428,941 dollars and the Tech Colleges by $153,643 dollars.

These actions taken together result in a revised budget of $864.6 million dollars, an increase over the current year of $41 million dollars, or 5%.

That increase is distributed as follows:

- State government operations will increase by $3.5 million dollars, or 1.7%.
- Higher education, a $9.3 million dollar increase, or 4.4%.
- A State aid increase of $24.1 million dollars, or 6.1%.

I have also heard the people say that they would prefer that our tax rates not go up. Accordingly, I am recommending that we fund this budget by keeping our sales tax rate at 3 1/2% and our income tax rate at 19%. We can do this if we will close a number of tax loopholes. These sales and use exemptions which I am recommending we end do not exist in at least three of the adjacent six states. In some instances, Nebraska is the only state where these exemptions are granted. Eliminating these exemptions is fair, it is reasonable, and it

enables us to keep the overall rate down for the majority of our citizens.

Between now and the end of the session, there will be virtually continuous debate between those who say we should spend more and those who will argue for less. And I intend to be an active participant in those discussions. But we cannot allow ourselves to be consumed by that debate. We must not lose sight of what I believe to be our common goal -- a government dedicated to providing opportunities for individuals to pursue their future with a sense of hope that tomorrow can be better than today.

I want to turn now to my recommendations for the key areas of agriculture, education, and economic development before turning to a number of additional issues which are inextricably tied to the state of the State.

## AGRICULTURE

First, agriculture.

We are currently in a time of crisis.

In a state which has relied upon agriculture as its mainstay since 1867, this past year has been one of the bleakest for significant numbers of Nebraska farmers and ranchers, and many individuals whose lives are closely linked to agriculture. Foreclosures, bankruptcies, and bank closings are higher than in any period since the 1930's.

National policies, international events, and weather disasters have contributed to these adverse conditions. These outside factors make it difficult for the state to initiate corrective measures -- other than band-aid measures -- to help.

Despite the crisis, however, it is critical that we invest in the basic assets of agriculture -- natural resources. And as I think about those resources, I cannot help but recall the contributions of the late Senator Martin Kahle.

We in Nebraska have been blessed with a rich base of natural resources. The future viability of agriculture in this state depends in large part on our willingness to conserve soil, water, and energy. That we act decisively today is imperative. Each year we lose 142 million tons of soil in Nebraska. That translates into lost productivity, increased agricultural production costs, and water pollution. We cannot tolerate soil erosion at such a rapid pace, nor can we tolerate the results.

Spurred by individuals like Senators Scofield, Beutler, Sieck, Schmit, and Hoagland, we have devoted much attention to our natural resources in the past. In 1983 we increased soil conservation funds by 40%, began a 5-year program with the University Extension to encourage conservation tillage, ecofallow, and improved irrigation management, and launched the "Trees for Energy Conservation and

Growth Program" to increase tree planting for building protection. In 1984, my administration's water conservation and development plan was passed by this body. Work began on a statewide soil conservation strategy. The Department of Energy, under Kandra Hahn's direction, expanded its tree planting effort and started a community level program to change energy use and decrease dependence on imported energy.

To continue our work, I am recommending a $4.3 million dollar increase for soil and water conservation, which includes $3.3 million dollars from the Nebraska Future Fund -- a fund to be created by state assumption of the eight-cent reduction in the federal cigarette tax. This will make state conservation funds available to more farmers every year as they work to implement effective conservation practices.

Failure to act, however, could have serious, long-term implications for our future as an agricultural state. Soil is the basic production asset for the agriculture industry. We know that in any other industry, maintenance of production equipment is necessary to avoid the rapid deterioration which can cause business failure. We must make a similar commitment to our soil resource.

In addition, my budget for fiscal year 1985-86 addresses several recommendations of the Water Independence Congress. A number of the Congress' suggestions were implemented through LB 1106, passed last year under the able leadership of Senator Loran Schmit who has been involved in so many important water issues. My budget includes continued funding for planning and technical assistance through the Water Management Fund. Another area addressed by the Water Congress which is receiving increased attention is groundwater quality protection. The Department of Environmental Control has developed a groundwater protection strategy, and a number of those elements are being addressed by the 1985 Legislature, including underground chemical and petroleum storage and chemigation. Additional funding is provided in my budget for the Department of Environmental Control for groundwater quality protection.

Obviously, our efforts in agriculture have not been confined to natural resources.

-- Since January 1, 1983, with the dedicated assistance of Rob Raun and Chuck Schroeder, we have been successful in securing federal disaster assistance for 47 counties and 56 contiguous counties because of drought or flood conditions. It was the misfortune of some of these counties to suffer the ravages of both of these natural disasters, thus they have been declared eligible more than once.

-- We have initiated a program whereby our Nebraska Department of Agriculture was involved in a cooperative effort with the Farmers

Home Administration. Staff members were hired by state government and assigned to the Farmers Home Administration for the specific purpose of assisting private lenders in the preparation of Farmers Home Administration Guaranteed Loan Applications. Private lenders supported this program with voluntary contributions, and state controlled funds were used to continue the project after contributed funds were exhausted. As a result of this effort, Farmers Home Administration Guaranteed Loan approvals in Nebraska increased nine-fold.

-- We have provided additional funds to farm financial management education programs so that their services are available to more individuals.

-- We now have a constitutional amendment which allows farm land to be assessed differently than other types of property for tax purposes.

-- We have funded the Ag Crisis Hotline to assist farm families in distress.

-- We have, through the Department of Labor under Ron Sorensen, created the "Farmers in Transition" program. We have received for this year about a half-million dollars under the Job Training Partnership Act. Funds are currently focused on individuals who are leaving farming and ranching.

-- We have persuaded the National Governors' Association to create a national Task Force on Agricultural Finance and Rural Development. As chairman of this Task Force, I have worked to draw national attention to the financial stress being felt by significant numbers of farmers and ranchers nationwide due to high interest rates. I have urged a reduction in the federal deficit to bring interest rates down. I have also called for federal programs to subsidize interest rates to farmers and ranchers during this period of stress -- much like the subsidies granted to New York City and the Chrysler Corporation during their periods of stress.

-- I will continue to advocate these and other policies which would aid our agricultural sector as Congress develops the 1985 Farm Bill. I encourage this Legislature and Nebraska farm groups to join me in sending a resolution to Congress outlining components which should be included in that bill.

The agriculture sector's slow recovery from this most recent recession and the less than favorable predictions for major farm commodity export markets have prompted some to recommend we give up our "romantic attachment to agriculture" and diversify our economic base. Many point to the telecommunications industry as a logical avenue for diversification.

My administration's successful push for legislation last session to create the Telecommunication Center demonstrates my commitment

to diversification in that area.

However, my administration's successful push for the creation and continued financial support of the Food Processing Center also demonstrates my commitment to diversification -- diversification within agriculture. The Food Processing Center provides the research, technical assistance, and promotional assistance to encourage the processing of more agricultural products within our borders. We can also diversify by continuing our search for alternative uses of the commodities traditionally grown in Nebraska. And we can diversify by intensifying research efforts to determine which food and fibers not traditionally raised in Nebraska could be. Of course, an equally intensive effort to develop the markets for these products will also be needed.

Efforts to diversify the agricultural base make sense in a state where we count among our greatest resources our land base, our abundant water supply, and the tremendous productive capacity of our farm families. It makes more sense than "abandoning our attachment to agriculture." I challenge those who say we should give up this attachment to instead join us in our efforts to diversify food and fiber production in Nebraska.

Although federal policies constrain us and the situation is grim today, we must continue to look for opportunities. I know that Senator Rod Johnson, chair of the Agriculture Committee, will provide strong leadership as we do so. Agricultural experts are not describing the current crisis as one of short duration. Consequently, we must begin to ask ourselves how we can use our resources wisely to ensure the future viability of agricultural production.

EDUCATION

Second, education.

We have already accomplished much in elementary and secondary education. We have restored education as a top priority for the state and focused the state's attention on "excellence in education." We have created a Task Force on Excellence in Education and, through its process, studied the status of elementary and secondary education in the state. We have passed and signed the Comprehensive Education Improvement Bill, LB 994; and we have taken steps to resolve the Christian school issue through LB 928.

I want to recognize the contributions of the Education Committee and virtually all segments of the education community in developing and passing LB 994. I also want to recognize the Department of Education for including over 200 lay citizens and educators in the process of developing rules, regulations, and guidelines for the several new programs authorized by LB 994.

Now, I propose that we continue in the direction we established last year. I am recommending an appropriation of $13.9 million

dollars for the implementation of programs authorized by LB 994. I must emphasize that these programs are necessary in order to begin to implement the various provisions of the bill which have already been authorized. They include:

-- Entry Year Assistance Program, designed to provide assistance and supervision of new teachers.

-- Extended teacher contracts, grants to local school districts and ESU's which provide lengthened contracts for teachers. The extended contracts are for the purposes of improving the education program of students in need of remedial teaching or individualization, and to provide enrichment curriculum.

-- Instructional technology, support for projects to assist local school districts in the orderly introduction of technology.

-- Curriculum dissemination, designed to encourage collaboration among teachers. It provides grants to teachers who have designed or adapted especially effective or innovative curricula, and to institutions which assist in the dissemination of such curricula.

-- Scientist-in-Residence, grants to schools to finance instruction of students and/or teachers by visiting scientists on a short-term basis.

-- And the Career Teacher Incentive Fund, which funds the certification/career ladder established in LB 994. This is an optional tool for local districts which is designed to:

1) Provide an incentive for current Nebraska teachers to convert their current certificates to the new, more rigorous standards established in LB 994.

2) It is intended to attract more of the most capable students into teaching by demonstrating a state commitment to establishing career ladders and to raising teachers' salaries and status.

3) It will provide an incentive for both current as well as new teachers to reach higher levels of performance and educational attainment.

4) It will assist local school districts in raising all teachers' salaries.

5) It is designed to initiate the process of raising Nebraska's teachers' salaries into the top 10% in the nation.

6) And it should improve the quality of instruction by both requiring as well as recognizing and rewarding teachers for the improvement of their teaching skills.

The importance of these proposals is illustrated by the case of Susan Petska, a student at Chadron State, who testified before the Education Committee at their interim study hearings last September. She is a bright, intelligent, poised young woman who was previously appointed as a student member of the State College Board of Trustees. While she is studying to go into business, she frequently is called upon to tutor others. When asked why she is not going into teaching, she says that her tutoring experience has been positive, and there are many things she would like about being a teacher. Then she asks, "Why should I work hard for four years preparing for a profession that only pays $11,000 dollars? And why should I enter a

profession where there are no real opportunities for advancement?"

In order to attract young people like Susan into teaching we must forge a career path that offers challenge, opportunity, and reward.

If we fail to act, we can expect:

-- Nebraska teachers' salaries will fall still farther behind since many states are developing and funding career ladder programs aimed at raising teachers' salaries.

-- Fewer of the most academically capable students will choose to go into teaching.

-- Severe shortages will develop in many teaching specialities by 1990 because of certain demographic patterns:

-- In short, if we fail to act, we will be unable to assure either the number or quality of teachers needed in the future.

But if we act now as I am suggesting:

-- The teaching profession will be at once more demanding and more rewarding;

-- The exodus of the most highly qualified teachers will be slowed;

-- More highly qualified students will be attracted into the teaching profession;

-- Nebraska will have no (or at least fewer) painful teacher shortages;

-- Nebraska's schools will be more responsive to the needs of our students.

These proposals will benefit students, first and foremost, by invigorating the teaching profession. And as we benefit students, we will benefit the entire state, economically and socially.

These proposals also represent an investment in Nebraska's future. To neglect education this year, based on the premise that the economy is bad, would be analogous to the farmer who would not invest in seed corn because it was a bad year. It saves money in the short run, but is a disastrous decision in the long run.

In terms of higher education, the University would receive an increase of $6.5 million dollars, or 4% over the current year. While the State Colleges would receive a higher percentage increase, the same policies were applied to both.

In addition, I have proposed that $3.3 million dollars from the Nebraska Future Fund be used to fund the state scholarship program to allow more Nebraska students to afford higher education.

Postsecondary education is an area in with we are faced with serious challenges and powerful opportunities. The Citizens Commission for the Study of Higher Education, which I appointed last July, focused on those challenges and opportunities in their recent report, Toward the 21st Century. The Commission found that on one hand, Nebraskans value postsecondary education highly and depend upon it to provide them with opportunities as individuals. They are

proud of their colleges and universities, and with good reason. On the other hand, we are faced with a long-term reduction in enrollments and a difficult economy, both of which present problems for funding our higher education institutions.

These are basic realities. The issue, however, is whether the people of Nebraska are up to the challenge they present. I believe we are, and I believe Nebraskans expect you, their Legislators, along with their Governor and the governing boards, administrators, faculty, and students who make up Nebraska's system of postsecondary education, to rise to the challenge with them.

The 30 recommendations that Jim Olson, Bill Strauss, Dave Buntain, Jack Thompson, and the other dedicated Nebraskans who made up the Commission have arrived at provide the foundation for a strategic plan for the future. If we are to maintain a high degree of individual access and quality, we must capitalize on existing assets, focus available resources more effectively, and provide better overall coordination as well as better linkages to other public and private economic development and quality of life enhancement efforts.

In order to meet the challenge, several specific legislative actions are required. Some are already in progress through the initiative of individual senators. I applaud them for their efforts. Other actions are still under discussion and may result in bills being introduced by committees or individual senators on behalf of the Governor.

The list includes the following legislative topics:

-- Funding the State Scholarship Program for the first time, from the Nebraska Future Fund that I have proposed.

-- Creating a faculty compensation challenge fund that combines increased state funding with major reallocations and new non-state funding at each institution.

-- Reversing the brain drain by recruiting non-Nebraskans of high ability and allowing them to enroll at resident tuition rates.

-- Providing for faculty renewal and redeployment through incentives for early retirement.

-- Creation of a Research and Development Corporation.

-- Development of a Center for Educational Technology.

-- Initiating constitutional changes for a single, appointed governing board for Nebraska's public four year institutions.

I will support this governing board recommendation, and I will return with more specifics regarding the other Commission recommendations. None of the changes are easy ones. However, students, educators, and taxpayers have a right to know that we are prepared to discuss, review, and act on the tough questions. We, ourselves, must be up to the challenge.

ECONOMIC DEVELOPMENT

Third, Economic Development.

We have not as yet even scratched the surface of what can be done in economic development. I urge this body to give its attention to looking at the need to increase employment opportunities in this state and to our success in accomplishing this end.

It is obvious that food related industries which add value to the product we grow are of great benefit to us. The Agricultural Credit and Rural Development Citizens Committee made this recommendation and I agree. The Food Processing Center started two years ago will help. The first alcohol plant will open in Hastings in a few weeks. Senator Chronister helped to insure that we used the Job Partnership Training money to help re-open the Land O'Lakes plant in Schuyler. Utilization research at the University needs to be increased.

If you doubt the merit of such efforts, look at what any feedlot or packing house can do for a local community and the local producers. Visit the Kellogg plant in Omaha where 900 Nebraskans work every day processing 12,000 bushels of corn. Drop by Omaha Steaks International or Delicious Foods in Grand Island and you'll begin to feel the excitement of targeting these industries.

In addition, few would argue that we need to diversify our economic base. Last year, the Telecommunications Task Force recommended the creation of the Telecommunications and Information Center. This Center was created last year by this legislature to ask fundamental questions about how we regulate this industry, how we introduce the new technologies into our schools and to our children, and how we target and recruit new businesses into the state. Senator Labedz should be recognized for her leadership in securing passage of the legislation which created the Center.

In January, Rod Bates assumed control of the Center. Rod has an exceptional board of advisors who are knowledgeable of telecommunications. Already they have established a data base of existing Nebraska businesses to enable us to identify potential expansion opportunities. In November, Nebraska responded to the leadership of one of its own natives, Bill Norris, Chief Executive Officer of Control Data, to join six other states in the formation of the Midwest Technology Consortium. This consortium will help us target our research and use the research of other states as well as helping us make good economic decisions about the development and deployment of technology.

Again, if you doubt the potential of telecommunications industry for employment opportunities, look at the rapid growth of the reservation and credit card industries in our state. Look at the Nebraska Television Network and the lead they have taken in helping Nebraskans overcome their individual isolation. Visit Offut Air Force Base and talk to their communications specialists about the future

of this industry. Listen to Senator Morehead and Senator Harris describe the recommendations of a group of leading Nebraska businesses that we establish a Research Center at UN-L in the area of fibre optics.

I know you will look at the large increase in Economic Development that I am recommending and wonder whether the investment is worth it. I urge you to consider the success of the Nebraska Investment Finance Authority, which Senator DeCamp was instrumental in securing for us. We were all concerned two years ago when we combined the three tax exempt boards. But let's look at the results of this effort under Don Dworak's leadership:

1. We have increased tax exempt financing by 44%. This represents a $8.8 million dollar reduction in interest charges to the individuals and businesses. Last year I told you the story of Bob Allington and his success creating 280 jobs using tax exempt financing. Bob will tell you that without this tool he would have located his business in Denver. This year, many more success stories were continued and begun because of NIFA.

2. The Ag Finance Authority under NIFA had an unprecedented increase in activity. This fund truly acted as a beginning farmer program and provided affordable financing to many Nebraskans in 1983 and 1984.

3. The total new employment through NIFA since this legislature created it in 1983 has been 1,025 permanent and 2,750 temporary jobs. We have a very strong board, and exceptional new Executive Director in Dennis Vellek, and an excellent staff who will be working hard in 1985 to break the records they set in 1984.

Look at what we have accomplished by using the Community Development Block Grants for Economic Development. 1,600 new jobs were created or retained in 1984. Ask Senator Rupp about what the block grants did in Columbus, or Senator Lundy in Kearney, or Senator Nichol in Scottsbluff, or Senator Lowell Johnson in Fremont. In addition, we have finally begun to crack the Department of Housing and Urban Development to get favorable approval of UDAG funds.

In 1985, we will see the implementation of the Business Development Authority which you created last year. In the past two years, Nebraska has moved up from 35 to 21, according to Inc. magazine, in its attractiveness for small businesses. This is good news for all of us who want to see our state prosper and grow. With your assistance, we'll see even greater progress in 1985.

Clearly, we have a strong base to build on in 1985.

To that end, my budget for 1985-86 includes the recommendation that a $3.3 million dollar fund be created in the Department of Economic Development. This would be a flexible source of monies

which would be used in cooperation with local resources and perhaps Federal Community Development Block Grant funds to assist with specific job creation opportunities. Funds could be used for job training, local improvements, research, or any number of other uses. The key to the success of this recommendation is that it would work on projects identified at the local level and would hopefully be the additional incentive often needed to move a project from conception to reality.

The Economic Development Opportunity Fund will provide for expanded opportunities in economic development. The teacher salary program will assist us in our pursuit of still higher levels of excellence in education. And it is my hope to establish a Nebraska Innovation Center to allow inventors with products to be completed to use University expertise and facilities to complete them, and to move the research ideas from the University into commercially viable products.

In addition, I share Senator Landis' interest in the enterprise zone concept.

The enterprise zone is a designated area marked by various types of economic distress. That area is targeted for regulatory relief, tax incentives, and new public investment. Through this approach, new private investment, economic activity, and job creation can occur, improving the quality of life and encouraging new economic growth. It is vital that this assistance be targeted to areas of greatest need.

Efforts of the past several years have given us much to build on in the area of economic development. We can write more success stories if we are willing to invest in them today.

And as we invest, we must remember that food production is one of the most critical components of our economy. Farmers and ranchers, of all types, communities, and businesses in Nebraska are suffering today from several consecutive years of no profits for our food producers.

Although federal policies set the prices we receive for our products and set the interest rates for our agricultural businesses, we are responding as a state calling for a change in those policies. Food consumers, farmers, and ranchers need a profit.

Farm and ranch organizations throughout our state are united. They are calling for short-term responses to our current financial crisis and long-term profitability for food producers. Twelve prominent Nebraska farm and ranch organizations recently met and asked President Reagan to take immediate action to resolve the financial crisis. They asked the Nebraska delegation in Washington to form a coalition in the House of Representatives and Senate to change federal policies so Nebraska food producers have an opportunity for profits.

Agriculture, education, and economic development are three areas

in which I believe our immediate investment is essential. The efforts we exert and the substance we provide for each will do much to shape the face of our future.

However, there are obviously more issues affecting the state of this State as we begin 1985.

## BANKING

First, the state of banking in Nebraska.

1984 was a bleak year in this area, as well. The Commonwealth problem lingers. The whirlpool it created trapped State Security Savings. Rural banks in David City, Verdigre, Kilgore, Cody, Uehling, and Dannebrog failed.

In 1985, we must take steps to rectify this situation. The Commonwealth Special Committee gives us a basis to do so. Morris Miller has generously provided his skills -- demonstrating again that Nebraskans are willing to serve their state if asked. He has secured the confidence of the creditors, he has secured my confidence, and he should have yours as he fashions a plan to remedy this terrible problem.

At the same time, a number of pieces of legislation are being proposed to insure that bank regulators have the tools to avert further catastrophe.

I urge your support for these important measures.

## CORRECTIONS

Second, we continue to face the challenge of rehabilitating adult and juvenile offenders using resources we already possess. To meet this challenge, we must be flexible in the use of our resources and we must be willing to place offenders in the least restrictive environment, consistent with the threat they pose to society.

At the same time, we must regularly evaluate the merits of operating specific institutions which may have outlived their usefulness. Rather than serving the needs of our offender population and our society, such institutions may become a terrific drain on public dollars. For this reason, I am recommending that the Youth Development Center at Geneva be closed. The girls now housed at Geneva would be transferred to the Youth Development Center at Kearney, with no deterioration in the services provided them. I am recommending this action because Geneva has become an inefficient facility while Kearney is actually underutilized.

We can also maximize our resources in corrections by placing individual offenders in the least restrictive environments possible. With my approval the Department of Correctional Services, under Frank Gunter, and the Board of Parole are working together to determine which offenders are safe and worthy candidates for furlough, work release, educational release, and parole. Not only is the cost of maintaining offenders on such programs far less than the

cost of confining them in institutions, but the offenders' likelihood of reentering society successfully is greater if reentry is guided and supervised.

With wise and creative management of existing resources, Nebraska's correctional system can continue to maintain exemplary standards of quality.

## HEALTH CARE

Third, we Nebraskans continue to face the challenge of providing quality and affordable health care. As a nation, we spend over 10.5% of our GNP for health care. While a comparable figure is not available for Nebraska, we have experienced a constant upward trend in health care expenditures. Per capita expenses increased from $178 dollars a year in 1966 to $796 dollars in 1980.

As we consider the allocation of health care dollars, we must maintain our commitment to the health care needs of Nebraska's elderly, poor, handicapped, and others who depend on state aid.

However, as much as possible, we should reallocate monies to programs which encourage good health behavior and wellness. We must continue to seek alternatives to institutionalization for the aged and mentally disabled. We must continue to support efforts like the Governor's Health Promotion Council, which is acting to encourage more health conscious communities.

And we should applaud efforts which are being made by Helen Boosalis and her staff in the Department on Aging, Gina Dunning and her staff in Social Services, Dr. Gregg Wright and the Health Department, and Ron Jensen and the Department of Public Institutions to keep health care costs down.

1) Independence for the elderly and development of community services are being promoted.

2) Wellness is being stressed.

3) Prospective payment systems are being developed administratively.

4) Nursing home construction is being restricted so that private congregate living arrangements have a chance to be developed.

5) Efforts are being made to make consumers more aware of health care costs.

6) Community services for the handicapped and mentally ill are being created.

These are commendable efforts which deserve our support and appreciation.

I support Senator Wesely's efforts to contain escalating health care costs. Of special interest is the Uniform Billing and Data Collection Act. This Act, proposed by Senator Don Wesely, is an important and major step in containing the spiraling cost of health care in Nebraska.

Senator Wesely's proposal would require all insurers and

participants in insurance arrangements in Nebraska and the Medicaid program to utilize and accept the Uniform Billing Form Number 82 on claims filed for the payment of hospital claims. A uniform cost reporting system will provide comparable health care utilization and cost data, from which the Department of Health would then develop a diagnostic cost index on individual hospital charges. Such information will enable the consumers to make cost effective choices about when to purchase health care services and promote price-based competition among health care providers.

I encourage your support for this Act.

VIOLENCE AGAINST WOMEN AND CHILDREN

Fourth, the final report of the Task Force on Violence Against Women and Children was made public in September. I want to take this opportunity to thank once again the Nebraskans who were involved in this task force.

We must recognize that a single child, abused or neglected, is one child too many.

We must recognize that one incident of sexual or other physical violence against a woman is one act too many.

The problem of violence against women and children is a burden borne by our friends, our neighbors; perhaps our own families. It is both a community issue and a governmental one. Our role in law enforcement and in government is to intervene in situations of violence. The community's role is to begin working toward the prevention of violence.

I have included in my budget $150,000 dollars for a Resource Center in the Department of Social Services to focus on violence against women and children, including sexual assault, domestic abuse, and child abuse and neglect.

In addition, I have advised the Department of Social Services to take a number of actions based on the Task Force recommendations.

Although these are positive steps, much, much more remains to be done. It is a challenge, and a critical one. As the Task Force report stated:

"If we believe that the problem is not our problem because our family, neighborhood or community is immune, we must remember that child victims of violence grow up to be violent adolescents and adults who live in the same world with our children and grandchildren.

POVERTY

Fifth, we face a tremendous challenge in the form of poverty in this state.

Poverty exists in Nebraska, here, in the midst of the "Good Life." And as long as it exists, the quality of all of our lives is diminished.

We are taking steps to deal with this immensely complex question of poverty.

For example, the Department of Social Services is starting a new program for recipients of Aid to Dependent Children, called Job Support. Unlike often costly or the sometimes punitive work programs, it is designed to assist individuals to enter employment. The focus is to not find employment situations for individuals but rather to enable the individual to find employment.

The job support program will be created by diverting existing department resources, and the private sector will be encouraged to help through donated time and facilities. If successful, it will lower public assistance caseloads and allow greater time to be spent in insuring timely and equitable benefits for those still in transition.

Granted, this is one effort in the context of an imposing, confounding problem, but it does suggest that we can, with creativity and determination, confront the issue squarely.

PROPERTY TAX

The need for property tax relief is a concern that I share with all of you. Obviously, I am also concerned about the sales and income tax rates; this budget reflects that concern.

The average property tax levy against assessed valuation is 2.26% in Nebraska. This is fourth highest in the nation. Action obviously is called for. However, as we debate what should be done, consider the following:

1. Of the approximately $41 million dollar increase in my recommended budget, $28.2 million goes to local government and property tax relief.

2. We will not relieve property taxes without doing two things which are always difficult: Increasing state spending and interfering with local control with some form of a lid.

3. There is a nationwide movement of our people to broaden the base of taxing transactions. Do not be fooled into thinking it is easier to simply raise the rates just because the Rotunda does not fill up with lobbyists when you do.

REVENUE

Finally, revenue.

I have raised the issue of taxes on several occasions to encourage public discussion. Specifically, I raised the issue in the context of closing sales tax loopholes to fund a 25% reduction in the property tax.

Perhaps a little history of the Nebraska sales tax is in order. The original Nebraska sales tax proposal was included in the McClelland Report. That report was the result of a 1962 study of Nebraska by a well-known tax expert and it recommended very few sales tax exemptions. The Legislature amended the proposal to exclude several

specific items or services from sales taxation prior to the passage of the sales tax law in 1967. Since that time over 30 additional exemptions have been granted by the Legislature resulting in a loss of over $66,000,000 dollars of state revenues per year at present rates. Every year special interest groups lobby the Legislature claiming that they too should be exempted from our sales tax.

The granting of additional exemptions from the original sales tax without a consistent objective criteria to justify the exemption has severely eroded our sales tax base so that fewer people and businesses are contributing to their tax responsibilities.

My concern over this issue has led us to a study of sales tax loopholes in Nebraska. The study, when finally completed, identified 177 sales tax exemptions. I am proposing that we use an objective criteria to decide which of those exemptions to eliminate.

In addition to studying the Nebraska sales tax, we also studied the sales tax structure of six surrounding states. Using that information, I am proposing that with the exception of food, we eliminate any Nebraska sales tax exemption that three or more surrounding states do not grant. This results in eliminating 56 sales tax exemptions.

This approach will close loopholes, bring us in line with some of our sister states, and reverse some of the damaging erosion of our sales tax

It will add $44,600,000 dollars in revenue over a twelve month period but because of timing of implementation for fiscal year 1985-86, we will only receive eight months of that revenue for a total of $29,700,000 dollars.

While a few services are included on the list of exemptions proposed for elimination, a general sales tax on services is not proposed. However, I believe this issue deserves further study also.

## CONCLUSION

In summary, I think it is critical for all Nebraskans to realize that our commitment as a state to agriculture, education, economic development, and a host of other areas should not be measured by the allocation of state monies alone.

Our commitment encompasses more than state dollar expenditures. It includes the kinds of efforts I cited in the beginning of this address: the work of volunteers, artists, innovators, risk-takers, and business people; the qualities of compassion, humor, and faith; the public-private partnerships and the entrepreneurial spirit; the courage of a little girl and the determination of a farmer.

Let me try to illustrate this dynamic with a story. In November 1983, I attended a banquet in the Rotunda of the Capitol just ouside this Chamber. The reason for the dinner fades from my memory. I remember that it was only a few weeks after Commonwealth had been closed. I ate, made my speech, and rose to leave.

As I was heading for the door, one of the dinner guests shook my hand. He said, "Governor, I used your name today. I hope you don't mind. My wife and I came to town earlier to visit a boy who is at the Lincoln Regional Center. I met the boy and want to adopt him. But you know, mother needed to meet him first. So my wife and I came early and went to the Center. But the people who worked there wouldn't let a couple of poor dirt farmers like us in. I didn't know what to do. So, I said: "Listen, I'm going to have dinner with the Governor tonight and I don't think he'd want you to keep us out." I hope you don't mind me doing this."

This man and his wife were so happy, so solid, so wonderful, that I knew somehow everything would be all right. I feel the same way watching my parents. Or Rob and Eileen Raun. Knowing that Gene Mahoney will be awake tomorrow before the sun comes up, knowing of his dedication to enhancing our lives through Game and Parks, makes me feel a whole lot better. I thrill at the intense feelings of Father Battiato. I am moved by the words of Ted Kooser and the smooth, easy work of Henry Spomer, a Lincoln cabinet maker. The images of our people breathe life into my own work: A Christmas picture of John Cavanaugh and the 7 red-headed kids, the tireless efforts of my brother-in-law Dean Rasmussen, the sacrifice of Bob Spire, the sweetness of the March of Dime's poster girl, Jody Andersen, the strength of Howard Phelps after Rosemary, his bride for 50 years and my friend for ten, died last September.

It should give all of us comfort and hope to know of these and hundreds of other Nebraskans who are working every day to enrich this state. It should remind us that the expenditures we in government make do not represent the sum of our commitment. It should persuade us of the need to invest as we are able in the areas which form the foundation of our future.

And whatever our differences, it should inspire us to keep foremost in mind our shared goal: opportunities for individuals to pursue their dreams with some real hope that they will be realized.

The Committee escorted Governor Kerrey from the Chamber.

## PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolution: LR 2.

## BILLS ON FIRST READING

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

**LEGISLATIVE BILL 173.** By DeCamp, 40th District.

A BILL FOR AN ACT relating to schools; to provide for a period of silence.

**LEGISLATIVE BILL 174.** By DeCamp, 40th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-1510, Reissue Revised Statutes of Nebraska, 1943, and section 77-1502, Revised Statutes Supplement, 1984; to provide for notice of certain final decisions on property assessments; to change provisions relating to appeals from actions of a county board of equalization; and to repeal the original sections.

**LEGISLATIVE BILL 175.** By DeCamp, 40th District.

A BILL FOR AN ACT to appropriate funds to aid in the planning, designing, and rebuilding of Atkinson Dam at Atkinson State Recreation Area; and to declare an emergency.

**LEGISLATIVE BILL 176.** By DeCamp, 40th District.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-2521.01, Reissue Revised Statutes of Nebraska, 1943, and section 29-2522, Revised Statutes Supplement, 1984; to change certain provisions relating to the death penalty; to eliminate proportionality review; to harmonize provisions; and to repeal the original sections, and also section 29-2521.03, Reissue Revised Statutes of Nebraska, 1943.

**LEGISLATIVE BILL 177.** By DeCamp, 40th District.

A BILL FOR AN ACT relating to civil rights; to amend section 20-201, Reissue Revised Statutes of Nebraska, 1943; to limit the right of privacy as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 178.** By DeCamp, 40th District.

A BILL FOR AN ACT relating to elections; to amend section 32-532, Reissue Revised Statutes of Nebraska, 1943; to provide for runoff primary elections as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 179.** By DeCamp, 40th District.

A BILL FOR AN ACT relating to streets, roads, and highways; to provide for payment of certain damages incurred by businesses due to construction and maintenance.

**LEGISLATIVE BILL 180.** By DeCamp, 40th District.

A BILL FOR AN ACT relating to search and seizure; to prohibit the suppression of certain evidence as prescribed.

**LEGISLATIVE BILL 181.** By DeCamp, 40th District; V. Johnson, 8th District; Conway, 17th District; Pappas, 42nd District.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2715.04 and 84-612, Revised Statutes Supplement, 1984; to state intent; to define terms; to provide a formula for property tax relief; to provide duties; to provide penalties; to provide an exception; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 182.** By DeCamp, 40th District.

A BILL FOR AN ACT relating to education; to amend sections 79-1233 and 79-1247.07, Reissue Revised Statutes of Nebraska, 1943, and sections 79-1247.06, 79-12,107, 79-12,109 to 79-12,111, 79-12,114, 79-12,116 to 79-12,118, and 79-12,120, Revised Statutes Supplement, 1984; to adopt the Quality Education Act; to require certain students to earn credit hours in certain subject matters as prescribed; to provide for teacher testing as prescribed; to change provisions relating to teacher certification; to provide for student testing as prescribed; to define and redefine terms; to change provisions relating to tenure; to harmonize provisions; to eliminate certain provisions relating to tenure; and to repeal the original sections, and also sections 79-1254.02, 79-12,108, 79-12,112, 79-12,113, and 79-12,115, Revised Statutes Supplement, 1984.

**LEGISLATIVE BILL 183.** By DeCamp, 40th District.

A BILL FOR AN ACT relating to liquors; to amend sections 53-168, 53-168.01, 53-168.03, and 53-179, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to certain prohibited acts; to change a provision relating to price changing; to change a provision relating to the time when alcoholic liquors may be sold at retail; and to repeal the original sections.

**LEGISLATIVE BILL 184.** By DeCamp, 40th District.

A BILL FOR AN ACT relating to state administrative departments; to provide certain state agencies with the authority to contract with collection agencies as prescribed.

**LEGISLATIVE BILL 185.** By DeCamp, 40th District.

A BILL FOR AN ACT relating to schools; to amend section 79-201, Revised Statutes Supplement, 1984; to restrict school year opening dates; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 186.** By DeCamp, 40th District; Pappas, 42nd District; V. Johnson, 8th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2702, 77-2703, 77-2704, and 77-2715.01, Revised Statutes Supplement, 1984; to provide a sales tax on services; to define a term; to harmonize provisions; to change provisions relating to the setting of tax rates; to provide an additional exemption; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 187.** By Chizek, 31st District.

A BILL FOR AN ACT relating to criminal procedure; to provide definitions; to provide for dissemination of information relating to missing persons; to provide a procedure for certain missing persons; and to provide a penalty.

**LEGISLATIVE BILL 188.** By Haberman, 44th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2704, Revised Statutes Supplememt, 1984; to exempt certain charges from the sales tax; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 189.** By Peterson, 21st District.

A BILL FOR AN ACT relating to towing; to amend sections 39-671 and 60-2401 to 60-2411, Reissue Revised Statutes of Nebraska, 1943; to change provisions regarding liability; to adopt the Towing and Storage Lien Act; and to repeal the original sections.

**LEGISLATIVE BILL 190.** By Chronister, 18th District; Hoagland, 6th District; Smith, 33rd District; Eret, 32nd District; Goodrich, 20th District; Nichol, 48th District; Hartnett, 45th District; Barrett, 39th District; Nelson, 35th District; Miller, 37th District; Pappas, 42nd

District; Lynch, 13th District; R. Johnson, 34th District; Withem, 14th District; Hefner, 19th District; Baack, 47th District; Sieck, 24th District; Scofield, 49th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2602 and 77-2602.03, Revised Statutes Supplement, 1984; to adopt the Nebraska Future Fund Act; to change provisions regarding the cigarette tax; to harmonize provisions; to provide operative dates; to provide severability; and to repeal the original sections.

**LEGISLATIVE BILL 191.** By Banking, Commerce and Insurance Committee: DeCamp, 40th District, Chairperson; Beyer, 3rd District; Haberman, 44th District; Higgins, 9th District; Labedz, 5th District; Pappas, 42nd District; Schmit, 23rd District.

A BILL FOR AN ACT relating to itinerant merchants; to amend sections 75-329, 75-332, 75-334, and 75-335, Reissue Revised Statutes of Nebraska, 1943, and sections 75-325 and 75-327, Revised Statutes Supplement, 1984; to increase the license fee and bond amount; to require that the occupation tax be paid at the local level; to require the showing of certain documents; to eliminate the state occupation tax; to change a penalty; to harmonize provisions; and to repeal the original sections, and also section 75-328, Revised Statutes Supplement, 1984.

**LEGISLATIVE BILL 192.** By DeCamp, 40th District.

A BILL FOR AN ACT relating to securities; to amend section 8-1109.01, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the registration of securities; and to repeal the original section.

**LEGISLATIVE BILL 193.** By DeCamp, 40th District.

A BILL FOR AN ACT relating to monopolies and unlawful combinations; to amend section 59-1617, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to exempted transactions; and to repeal the original section.

**LEGISLATIVE BILL 194.** By DeCamp, 40th District.

A BILL FOR AN ACT relating to title insurance; to amend section 44-1907, Reissue Revised Statutes of Nebraska, 1943; to require title insurance agents to be licensed abstracters; and to repeal the original

section.

**LEGISLATIVE BILL 195.** By Speaker Nichol, 48th District, at the request of the Governor.

A BILL FOR AN ACT relating to state institutions; to amend section 83-376, Reissue Revised Statutes of Nebraska, 1943; to change the counties' cost of patient care; and to repeal the original section.

**LEGISLATIVE BILL 196.** By Speaker Nichol, 48th District, at the request of the Governor.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for the payment of salaries of members of the Nebraska State Legislature and payments to be made as provided by Chapter 68, article 6, for the year ending June 30, 1986; and to declare an emergency.

**LEGISLATIVE BILL 197.** By Speaker Nichol, 48th District, at the request of the Governor.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for the payment of the salaries of certain state officers and payments to be made as provided by Chapter 68, article 6, for the year ending June 30, 1986; and to declare an emergency.

**LEGISLATIVE BILL 198.** By Speaker Nichol, 48th District, at the request of the Governor.

A BILL FOR AN ACT relating to appropriations; to make deficiency appropriations; to amend Laws 1984, LB 761A, section 2, Laws 1984, LB 882, section 1, and Laws 1984, LB 1128, sections 1, 3, 4, 9, 11, 14, 17, 18, 19, 23, 24, 29, 35, 48, 49, 52, 61, 69, 74, and 82; to repeal the original sections, and also Laws 1984, LB 1129, section 12; and to declare an emergency.

**LEGISLATIVE BILL 199.** By Speaker Nichol, 48th District, at the request of the Governor.

A BILL FOR AN ACT relating to appropriations; to make appropriations for the expenses of Nebraska State Government, including capital construction and capital construction reaffirmations and reappropriations, for the year ending June 30, 1986; to provide an operative date; to provide severability; to repeal Laws 1984, LB

286A, Laws 1984, LB 403A, Laws 1984, LB 416A, Laws 1984, LB 457A, Laws 1984, LB 466A, Laws 1984, LB 470A, Laws 1984, LB 477A, Laws 1984, LB 478, Laws 1984, LB 516A, Laws 1984, LB 724A, Laws 1984, LB 751A, Laws 1984, LB 761A, Laws 1984, LB 767A, Laws 1984, LB 801A, Laws 1984, LB 825A, Laws 1984, LB 832A, Laws 1984, LB 833A, Laws 1984, LB 835A, Laws 1984, LB 845A, Laws 1984, LB 848A, Laws 1984, LB 867, Laws 1984, LB 880A, Laws 1984, LB 930A, Laws 1984, 931A, Laws 1984, LB 970A, Laws 1984, LB 976A, Laws 1984, LB 981A, Laws 1984, LB 990A, Laws 1984, LB 991A, Laws 1984, LB 994A, Laws 1984, LB 1001A, Laws 1984, LB 1089A, Laws 1984, LB 1106A, Laws 1984, LB 1125A, Laws 1984, LB 1126A, Laws 1984, LB 1127A, and Laws 1984, LB 1129, sections 18, 21, 26, 27, 29, 30, 37, 43, 44, 45, and 46; and to declare an emergency.

## RESOLUTION

## LEGISLATIVE RESOLUTION 13CA.

Introduced by DeCamp, 40th District.

A Resolution to propose an amendment to Article III, sections 7 and 19, of the Constitution of Nebraska and the further amendment to Article XV of the Constitution of Nebraska by adding a new section 19 thereto.

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

Section 1. That at the general election in November 1986 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article III, sections 7 and 19, of the Constitution of Nebraska and the further amendment to Article XV of the Constitution of Nebraska by adding a new section 19 thereto, which is hereby proposed by the Legislature:

"Article III, Sec. 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; PROVIDED, that 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 compensation to be established in the manner provided by Article XV, section 19. ~~a salary of not to exceed four hundred dollars per month during the term of his office. In addition to his salary, each member shall receive an amount equal to his 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 said salary and expenses, and employees of the Legislature shall receive no compensation other than their salary or per diem.~~

Article III, Sec. 19. The Legislature shall never grant any extra compensation to any public officer, agent, or servant after the services have been rendered nor to any contractor after the contract has been entered into, except that 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. Except as provided in Article XV, section 19, ~~nor shall~~ the compensation of any public officer, including any officer whose compensation is fixed by the Legislature, shall not be increased or diminished during his or her term of office, except that, when there are ~~members elected or appointed to the Legislature or~~ officers elected or appointed to a court, board, or commission having more than one member and the terms of one or more members commence and end at different times, the compensation of all members ~~of the Legislature or~~ of such court, board, or commission may be increased or diminished at the beginning of the full term of any member thereof. Nothing in this section shall prevent local governing bodies from reviewing and adjusting vested pension benefits periodically as prescribed by ordinance.

The surviving spouse of any retired public officer, agent, or servant, who has retired under a pension plan or system, shall be considered as having pensionable status and shall be entitled to the same benefits which may, at any time, be provided for or available to spouses of other public officers, agents, or servants who have retired under such pension plan or system at a later date, and such benefits shall not be prohibited by the restrictions of this section or of Article XIII, section 3, of the Constitution of Nebraska.

Article XV, Sec. 19. There is hereby created a commission consisting of seven members to be known as the Legislative Compensation Commission. The members of the commission, each representing a different geographical area, shall be appointed by the Governor subject to the approval of the Legislature. Members shall serve for terms of four years, except that three of the members first

appointed shall be appointed for terms of two years. The members of such commission shall receive no compensation for the performance of their duties, but may be reimbursed for their actual and necessary expenses. The commission shall review salaries and expenses for members of the Legislature, and before the beginning of each regular session of the Legislature, recommend to the Legislature any adjustments in compensation it deems appropriate. In no event shall the salary received by members of the Legislature exceed the median family income in the state. The Legislature may approve, reject, or reduce any recommendation of the commission. Compensation recommended by the commission shall not become effective until approved by the Legislature and when so approved shall become effective at the beginning of the next regular session of the Legislature following the session in which such compensation was approved.".

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by Article XVI, section 1, of the Constitution of Nebraska. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

"A constitutional amendment to create the Legislative Compensation Commission which shall have the authority to recommend certain changes in salaries and allowable expenses for members of the Legislature.

For

Against".

Sec. 3. That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.

Referred to the Reference Committee.

## ANNOUNCEMENTS

Mr. R. Johnson announced the Agriculture and Environment Committee elected Mr. Remmers as Vice Chairperson.

Mr. Barrett announced the Business and Labor Committee will meet in Executive Session Wednesday, January 16, 1985 at 1:00 p.m. in Room 1019, the J. N. Norton Hearing Room.

## BILLS ON FIRST READING

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

**LEGISLATIVE BILL 200.** By V. Johnson, 8th District.

A BILL FOR AN ACT relating to visitors' and arts' development; to amend sections 81-1245, 81-1246, 81-1251, 81-1253, 81-1254, 81-1255, and 81-1257 to 81-1263, Reissue Revised Statutes of Nebraska, 1943; to rename an act; to create a fund and provide for its use; to authorize the county to create a fund as prescribed; to rename a committee; to increase a tax; to decrease an administrative fee; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 201.** By V. Johnson, 8th District.

A BILL FOR AN ACT relating to maternal and infant care; to state intent; to provide for funding of certain maternal and infant care; to establish a high-risk pregnancy support program; to define a term; to provide powers and duties; to create funds; to provide for rules and regulations; and to create a committee.

**LEGISLATIVE BILL 202.** By V. Johnson, 8th District.

A BILL FOR AN ACT relating to elections; to amend sections 49-1401, 49-1403, and 49-1455, Reissue Revised Statutes of Nebraska, 1943; to define terms; to create a fund and provide for its use; to create a mechanism for the public financing of campaigns for election to the Legislature; to provide the Accountability and Disclosure Commission with certain powers and duties; to provide a penalty; to harmonize provisions; to provide operative dates; and to repeal the original sections.

**LEGISLATIVE BILL 203.** By Schmit, 23rd District.

A BILL FOR AN ACT relating to liquors; to limit the number of licenses to sell alcoholic liquors at retail issued as prescribed; and to provide exceptions.

**LEGISLATIVE BILL 204.** By Vickers, 38th District; R. Johnson, 34th District.

A BILL FOR AN ACT relating to the college of veterinary medicine; to amend section 85-107, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the authorized program; to change provisions relating to construction and operation of facilities; to repeal the original section, and also sections 85-180 to 85-180.02 and

85-180.07 to 85-180.10, Reissue Revised Statutes of Nebraska, 1943, and sections 85-180.03 to 85-180.05 and 85-180.12, Revised Statutes Supplement, 1984; and to declare an emergency.

**LEGISLATIVE BILL 205.** By Vickers, 38th District.

A BILL FOR AN ACT relating to educational television; to amend section 79-2103, Revised Statutes Supplement, 1984; to provide additional powers and duties for the Nebraska Educational Television Commission; to prohibit certain acts; to provide a penalty; and to repeal the original section.

**LEGISLATIVE BILL 206.** By Landis, 46th District; DeCamp, 40th District; Chambers, 11th District; Marsh, 29th District; Morehead, 30th District; Withem, 14th District; Higgins, 9th District; Labedz, 5th District; Hoagland, 6th District; Hartnett, 45th District; V. Johnson, 8th District; Lynch, 13th District; Vickers, 38th District.

A BILL FOR AN ACT relating to sex discrimination; to state intent; to define terms; to establish a committee; to provide duties; to provide for a study and reports; to provide a termination date; and to provide for severability.

**LEGISLATIVE BILL 207.** By Withem, 14th District.

A BILL FOR AN ACT relating to sanitary and improvement districts; to amend sections 31-727, 31-739, 31-740, and 31-744, Reissue Revised Statutes of Nebraska, 1943; to allow sanitary and improvement districts to contract for additional government services as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 208.** By Withem, 14th District.

A BILL FOR AN ACT relating to motor vehicle fuels; to amend section 66-414, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to shrinkage allowances; and to repeal the original section.

**LEGISLATIVE BILL 209.** By Smith, 33rd District.

A BILL FOR AN ACT relating to hospitals; to amend sections 44-772, 44-3602, and 71-2017.01, Reissue Revised Statutes of Nebraska, 1943, and sections 71-2017 and 71-2021, Revised Statutes Supplement, 1984; to provide additional purposes; to define and

redefine terms; to eliminate a definition; to provide for exceptions; to change provisions relating to licenses; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 210.** By Pappas, 42nd District.

A BILL FOR AN ACT relating to homestead exemptions; to amend sections 77-3509.01, 77-3509.02, 77-3510, 77-3512 to 77-3514, and 77-3516, Revised Statutes Supplement, 1984; to eliminate an exemption based on actual value; to eliminate certain requirements for property tax statements; to harmonize provisions; and to repeal the original sections, and also sections 77-3506.01 and 77-3516.01, Revised Statutes Supplement, 1984.

**LEGISLATIVE BILL 211.** By Warner, 25th District.

A BILL FOR AN ACT relating to rules of the road; to amend section 39-663, Reissue Revised Statutes of Nebraska, 1943; to change a provision relating to the setting of speed limits; and to repeal the original section.

**LEGISLATIVE BILL 212.** By Warner, 25th District.

A BILL FOR AN ACT relating to the Uniform Disposition of Unclaimed Property Act; to amend section 69-1317, Reissue Revised Statutes of Nebraska, 1943; to provide a date for the transfer of excess funds; to harmonize provisions; to provide for the investment of funds; and to repeal the original section.

**LEGISLATIVE BILL 213.** By Wesely, 26th District.

A BILL FOR AN ACT relating to labor; to amend section 48-838, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to collective bargaining; and to repeal the original section.

**LEGISLATIVE BILL 214.** By Hefner, 19th District.

A BILL FOR AN ACT relating to rules of the road; to amend section 39-669.26, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the assessment of points for speeding violations; to eliminate a provision relating to the fine and court costs for certain speeding violations; and to repeal the original section, and also section 39-662.02, Reissue Revised Statutes of Nebraska, 1943.

**LEGISLATIVE BILL 215.** By Goodrich, 20th District.

A BILL FOR AN ACT relating to retirement; to amend sections 79-1035 and 79-1046, Reissue Revised Statutes of Nebraska, 1943, and sections 79-1032, 79-1044.01, 79-1047 to 79-1049, and 79-1056.06, Revised Statutes Supplement, 1984; to redefine terms; to change provisions relating to retirement benefits for employees of Class V school districts; to provide duties for the Revisor of Statutes; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 216.** By Hall, 7th District.

A BILL FOR AN ACT relating to employment security; to amend sections 48-624 and 48-669, Reissue Revised Statutes of Nebraska, 1943; to change the unemployment benefit table; to provide for the determination of certain benefit amounts; and to repeal the original sections.

**LEGISLATIVE BILL 217.** By Beutler, 28th District; Landis, 46th District.

A BILL FOR AN ACT relating to regulated substances; to adopt the Petroleum Products and Hazardous Substances Storage and Handling Act; to amend sections 81-526 and 81-551, Reissue Revised Statutes of Nebraska, 1943, and sections 81-502 and 81-1504, Revised Statutes Supplement, 1984; to provide additional duties and clarify duties; to provide for enforcement; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 218.** By DeCamp, 40th District.

A BILL FOR AN ACT relating to children; to amend sections 28-722, 43-246, and 43-248, Reissue Revised Statutes of Nebraska, 1943, and sections 28-710, 28-711, 28-723, 28-726, and 28-727, Revised Statutes Supplement, 1984; to adopt the Child Protection Act; to harmonize provisions; and to repeal the original sections, and also sections 28-714 and 28-718, Reissue Revised Statutes of Nebraska, 1943.

**LEGISLATIVE BILL 219.** By Haberman, 44th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2704, Revised Statutes Supplement, 1984; to provide a sales and use tax exemption for materials used to repair and maintain farm machinery as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 220.** By Haberman, 44th District.

A BILL FOR AN ACT relating to sales and income tax; to amend section 77-2702, Revised Statutes Supplement, 1984; to exempt federal excise taxes from the computation of gross receipts; and to repeal the original section.

**LEGISLATIVE BILL 221.** By DeCamp, 40th District.

A BILL FOR AN ACT relating to civil procedure; to amend section 87-303, Reissue Revised Statutes of Nebraska, 1943, and section 25-824, Revised Statutes Supplement, 1984; to state intent; to define terms; to change the award of litigation expenses in certain cases; to provide factors in the determination of litigation expenses; to provide for certain stipulations; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 222.** By Abboud, 12th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2786, Reissue Revised Statutes of Nebraska, 1943, and sections 77-2715 and 77-2734.03, Revised Statutes Supplement, 1984; to adopt the Capital Companies Tax Credit Act; to provide for tax credits; to harmonize provisions; and to repeal the original sections.

## RESOLUTIONS

**LEGISLATIVE RESOLUTION 14.**

Introduced by Lundy, 36th District; Goll, 16th District; Hall, 7th District; Rogers, 41st District; Vickers, 38th District; Miller, 37th District; Nelson, 35th District; R. Johnson, 34th District; Abboud, 12th District; Conway, 17th District; Rupp, 22nd District; Goodrich, 20th District; Hefner, 19th District; Peterson, 21st District; Sieck, 24th District; Barrett, 39th District; Marsh, 29th District; Smith, 33rd District; Nichol, 48th District; Pirsch, 10th District; Carsten, 2nd District; Remmers, 1st District; Eret, 32nd District; Beyer, 3rd District; Baack, 47th District; Harris, 27th District; Hannibal, 4th District; Chizek, 31st District; Chronister, 18th District; Hartnett, 45th District; Lynch, 13th District; Higgins, 9th District; Schmit, 23rd District; Lamb, 43rd District.

WHEREAS, the federal government contributes billions of dollars in foreign aid; and

WHEREAS, the money contributed leaves this country and may

not necessarily return; and

WHEREAS, this contributes to balance of trade problems; and

WHEREAS, if money which goes to foreign aid was used to support farm commodities, the farmers would benefit without using additional tax dollars; and

WHEREAS, foreign aid consisting of agricultural products would aid the people who receive it and also provide reimbursement for agricultural products produced in Nebraska and other "farm belt" states; and

WHEREAS, the federal government should examine using agricultural products as a way of providing aid to other countries.

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

1. That the delegation of Nebraska legislators going to Washington, D.C. pursuant to LR 2 carry this concept and proposal with them.

2. That this proposal be presented to federal officials as a partial solution to boost the agricultural industry.

Laid over.

**LEGISLATIVE RESOLUTION 15CA.**

Introduced by Hefner, 19th District.

A Resolution to propose an amendment to Article III, section 22, of the Constitution of Nebraska.

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

Section 1. That at the general election in November 1986 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article III, section 22, of the Constitution of Nebraska, which is hereby proposed by the Legislature:

"Sec. 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.

When any act of the Legislature requires any new program or

service be provided by any municipality, county, or other political subdivision or when the Legislature requires the expansion or change in any existing program or service, which creation, expansion, or change will result in an increased expenditure of funds by the affected political subdivision, the Legislature shall appropriate the necessary funds for the benefit of the affected political subdivision each and every year during which the program or service is required to continue, except that if any county, municipality, 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. After January 1, 1987, when any act of the Legislature removes property from the tax base of any political subdivision or reduces the taxing allowance or authority of any political subdivision, the Legislature shall appropriate funds to the affected political subdivision in an amount equivalent to the revenue lost to such political subdivision as a result of such removal or reduction each and every year during which the removal or reduction remains in effect.".

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by Article XVI, section 1, of the Constitution of Nebraska. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

"A constitutional amendment to require the Legislature to appropriate funds for certain newly created or changed programs and services provided by political subdivisions and for revenue lost by political subdivisions due to tax exemptions or reduced taxing authority.

For

Against".

Sec. 3. That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.

Referred to the Reference Committee.

## ANNOUNCEMENT

Mr. L. Johnson announced the Building Maintenance Committee (309 Com.) will meet in executive session Wednesday, January 16, 1985, at 11:00 a.m. under the north balcony.

## VISITORS

Visitors to the Chamber were Mr. Don Overman, Mayor of Scottsbluff; and former Senator Elvin Adamson.

## ADJOURNMENT

At 12:17 p.m., on a motion by Mr. Rogers, the Legislature adjourned until 10:00 a.m., Wednesday, January 16, 1985.

Patrick J. O'Donnell
Clerk of the Legislature

# SIXTH DAY - JANUARY 16, 1985

## LEGISLATIVE JOURNAL

## EIGHTY-NINTH LEGISLATURE
## FIRST SESSION

## SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, January 16, 1985

Pursuant to adjournment, the Legislature met at 10:00 a.m., President McGinley presiding.

## PRAYER

The prayer was offered by Dr. Robert Palmer, Westminster Presbyterian Church, Lincoln, Nebraska.

## ROLL CALL

The roll was called and all members were present except Messrs. Hoagland, V. Johnson, and Sieck who were excused; and Messrs. Landis and Rogers who were excused until they arrive.

## CORRECTIONS FOR THE JOURNAL

The Journal for the Fifth Day was approved.

## ANNOUNCEMENTS

Mr. Withem announced the Urban Affairs Committee will hold an Executive Session on January 16, 1985, for the purpose of electing a Vice Chairperson at 11:00 a.m. under the North Balcony.

Mr. Hefner announced the Miscellaneous Subjects Committee elected Mr. Haberman as Vice Chairperson.

Mr. Vickers announced the Education Committee elected Mr. Lamb as Vice Chairperson.

Mr. Rupp announced the Constitutional Revision and Recreation Committee elected Mrs. Labedz as Vice Chairperson.

## UNANIMOUS CONSENT - Add Co-Introducers

Mr. Lundy asked unanimous consent to have his name added as co-introducer to LB 90. No objections. So ordered.

Mr. Hartnett asked unanimous consent to have his name added as co-introducer to LB 140. No objections. So ordered.

## REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative bills 136, 173 through 222, LR 13, and LR 15.

| LB | Committee |
|---|---|
| 136 | Banking, Commerce and Insurance |
| 173 | Judiciary |
| 174 | Revenue |
| 175 | Appropriations |
| 176 | Judiciary |
| 177 | Judiciary |
| 178 | Government, Military and Veterans Affairs |
| 179 | Public Works |
| 180 | Judiciary |
| 181 | Revenue |
| 182 | Education |
| 183 | Miscellaneous Subjects |
| 184 | Government, Military and Veterans Affairs |
| 185 | Education |
| 186 | Revenue |
| 187 | Judiciary |
| 188 | Revenue |
| 189 | Judiciary |
| 190 | Revenue |
| 191 | Banking, Commerce and Insurance |
| 192 | Banking, Commerce and Insurance |
| 193 | Public Works |
| 194 | Banking, Commerce and Insurance |
| 195 | Appropriations |
| 196 | Appropriations |
| 197 | Appropriations |
| 198 | Appropriations |

| | |
|---|---|
| 199 | Appropriations |

| **LR** | **Committee** |
|---|---|
| 13 | Constitutional Revision and Recreation |

| **LB** | **Committee** |
|---|---|
| 200 | Revenue |
| 201 | Public Health and Welfare |
| 202 | Miscellaneous Subjects |
| 203 | Miscellaneous Subjects |
| 204 | Education |
| 205 | Education |
| 206 | Government, Military and Veterans Affairs |
| 207 | Urban Affairs |
| 208 | Revenue |
| 209 | Public Health and Welfare |
| 210 | Revenue |
| 211 | Public Works |
| 212 | Appropriations |
| 213 | Business and Labor |
| 214 | Public Works |
| 215 | Nebraska Retirement Systems |
| 216 | Business and Labor |
| 217 | Agriculture and Environment |
| 218 | Public Health and Welfare |
| 219 | Revenue |
| 220 | Revenue |
| 221 | Judiciary |
| 222 | Revenue |

| **LR** | **Committee** |
|---|---|
| 15 | Constitutional Revision and Recreation |

(Signed) Chris Beutler, Chairperson
Legislative Council
Executive Board

## REPORT

Received the Final Report of the Special Commonwealth Committee of the Eighty-Eighth Legislature, Second Session, of the State of Nebraska.

Mr. Carsten asked unanimous consent to have his name added to the minority report of the Commonwealth Committee report.

## RESOLUTION

**LEGISLATIVE RESOLUTION 14.** Read. Considered.

Messrs. Baack and Nichol asked unanimous consent to be excused until they return. No objections. So ordered.

LR 14 was adopted with 36 ayes, 0 nays, and 13 not voting.

Messrs. L. Johnson and Haberman asked unanimous consent to have their names added as co-introducers to LR 14. No objections. So ordered.

## BILLS ON FIRST READING

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

**LEGISLATIVE BILL 223.** By Constitutional Revision and Recreation Committee: Rupp, 22nd District, Chairperson; Labedz, 5th District; Hall, 7th District; Beutler, 28th District; Wesely, 26th District; Baack, 47th District; Miller, 37th District.

A BILL FOR AN ACT relating to federal lands; to provide concurrent jurisdiction with the federal government over certain federal lands as prescribed.

**LEGISLATIVE BILL 224.** By Constitutional Revision and Recreation Committee: Rupp, 22nd District, Chairperson; Labedz, 5th District; Hall, 7th District; Wesely, 26th District; Baack, 47th District; Miller, 37th District; Beutler, 28th District.

A BILL FOR AN ACT relating to game and parks; to amend section 37-202, Reissue Revised Statutes of Nebraska, 1943; to change the information required on a permit; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 225.** By Hefner, 19th District.

A BILL FOR AN ACT relating to highways; to amend section 39-2308, Reissue Revised Statutes of Nebraska, 1943; to change licensing provisions; and to repeal the original section.

**LEGISLATIVE BILL 226.** By Hefner, 19th District; Peterson, 21st District.

A BILL FOR AN ACT relating to crimes and punishments; to amend section 28-611, Revised Statutes Supplement, 1984; to change provisions relating to bad checks; and to repeal the original section.

**LEGISLATIVE BILL 227.** By Eret, 32nd District.

A BILL FOR AN ACT relating to ground water; to amend section 46-612.01, Reissue Revised Statutes of Nebraska, 1943; to require certain irrigation methods when applying fertilizers and chemical pesticides; and to repeal the original section.

**LEGISLATIVE BILL 228.** By Eret, 32nd District; Schmit, 23rd District; Sieck, 24th District.

A BILL FOR AN ACT relating to school funds; to amend section 79-1340, Reissue Revised Statutes of Nebraska, 1943; to provide for a reimbursement as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 229.** By DeCamp, 40th District.

A BILL FOR AN ACT relating to collective bargaining; to amend section 48-816, Reissue Revised Statutes of Nebraska, 1943; to change provisions regarding police officers' and firefighters' bargaining units; and to repeal the original section.

**LEGISLATIVE BILL 230.** By DeCamp, 40th District.

A BILL FOR AN ACT relating to the Nebraska Political Accountability and Disclosure Act; to amend section 49-1474, Reissue Revised Statutes of Nebraska, 1943; to eliminate a provision relating to advertisements and false statement of material fact; and to repeal the original section.

**LEGISLATIVE BILL 231.** By DeCamp, 40th District.

A BILL FOR AN ACT relating to the Free Flow of Information Act; to amend sections 20-144, 20-146, and 20-147, Reissue Revised Statutes of Nebraska, 1943; to provide for certain exceptions to the privilege of keeping news sources confidential; to allow courts to compel disclosure of confidential news sources; and to repeal the original sections.

**LEGISLATIVE BILL 232.** By DeCamp, 40th District.

A BILL FOR AN ACT relating to agriculture; to declare intent; to define terms; to provide that no corporation shall engage in farming operations except as authorized; to require reports of farming operations as prescribed; and to provide a penalty.

**LEGISLATIVE BILL 233.** By Beutler, 28th District.

A BILL FOR AN ACT relating to fees; to amend section 33-139.01, Reissue Revised Statutes of Nebraska, 1943; to change a provision prohibiting witness and other fees to certain employees; and to repeal the original section.

**LEGISLATIVE BILL 234.** By Beutler, 28th District.

A BILL FOR AN ACT relating to schools; to amend sections 79-204, 79-451, and 79-2011, Reissue Revised Statutes of Nebraska, 1943, and section 79-201, Revised Statutes Supplement, 1984; to change age limits relating to compulsory education as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 235.** By Conway, 17th District.

A BILL FOR AN ACT relating to certain state property; to provide for the conveyance of easements to the City of Wayne, Nebraska; and to declare an emergency.

**LEGISLATIVE BILL 236.** By Haberman, 44th District.

A BILL FOR AN ACT relating to real property; to amend sections 76-901 and 76-903, Revised Statutes Supplement, 1984; to change provisions relating to the taxation of certain deeds; and to repeal the original sections.

**LEGISLATIVE BILL 237.** By Chambers, 11th District.

A BILL FOR AN ACT relating to penal and correctional institutions; to amend sections 83-4,122 and 83-4,123, Reissue Revised Statutes of Nebraska, 1943; to provide for tape recording certain hearings; to provide for judicial review as prescribed; and to repeal the original sections.

**LEGISLATIVE BILL 238.** By DeCamp, 40th District; Lynch, 13th District; Chizek, 31st District; Labedz, 5th District; Hall, 7th District; Chronister, 18th District.

A BILL FOR AN ACT relating to the Nebraska Bingo and Lottery Control Act; to amend section 9-126, Revised Statutes Supplement, 1984; to change provisions relating to lawful purposes for which proceeds may be utilized; and to repeal the original section.

## RESOLUTION

**LEGISLATIVE RESOLUTION 16CA.**

Introduced by DeCamp, 40th District.

A Resolution to propose an amendment to Article XII, section VIII, of the Constitution of Nebraska.

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

Section 1. That at the general election in November 1986 there shall be submitted to the electors of the State of Nebraska for approval the repeal of Article XII, section VIII, of the Constitution of Nebraska, which is hereby proposed by the Legislature:

"That Article XII, section VIII, is hereby repealed.".

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by Article XVI, section 1, of the Constitution of Nebraska. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

> "A constitutional amendment to repeal Article XII, section VIII, which was added to the Constitution of this state by initiative 300. Article XII, section VIII prohibits non-family farm corporations from further purchase of Nebraska farm and ranch land. Article XII, section VIII also prohibits further establishment of non-family corporate crop and livestock operations.
>
> For
>
> Against".

Sec. 3. That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.

Referred to the Reference Committee.

## GENERAL FILE

**LEGISLATIVE BILL 1.** Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 2.** Title read. Considered.

Advanced to E & R for Review with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 3.** Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 4.** Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 5.** Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 6.** Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

## UNANIMOUS CONSENT - Add Co-Introducers

Mrs. Labedz asked unanimous consent to have her name added as co-introducer to LB 140. No objections. So ordered.

Mr. Lundy asked unanimous consent to have his name added as co-introducer to LB 89. No objections. So ordered.

## ANNOUNCEMENTS

Mr. Withem announced the Urban Affairs Committee elected Mrs. Higgins as Vice Chairperson.

Mr. Wesely announced the Public Health and Welfare Committee elected Mr. Lynch as Vice Chairperson.

## PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolutions: LR 3, LR 6, and LR 10.

## ANNOUNCEMENT

Mr. L. Johnson announced the Building Maintenance Committee elected Mr. Carsten as Vice Chairperson.

## RESOLUTION

**LEGISLATIVE RESOLUTION 17.**

Introduced by Carsten, 2nd District; Vickers, 38th District.

WHEREAS the 89th Legislature of Nebraska has recognized the gravity of the economic crisis in agriculture by the passage of LR 2; and

WHEREAS it is also recognized that the problems in agriculture extend beyond Nebraska's borders; and

WHEREAS no state acting alone can influence the federal government to solve what is a nationwide problem in the agriculture industry;

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

1. The Speaker of the Legislature will send a request to the Midwest Conference of State Governments to call a joint meeting of the agriculture, banking and finance committees as soon as possible at a central location and to discuss not only the problems in agriculture but to propose solutions for those problems.

2. Each state represented at the conference shall choose a group of representatives to represent each member state and to send that group of delegates to Washington, D.C., and to invite representatives from other agricultural states to join them if they so desire as expressed under Legislative Resolution 2.

3. The coalition of selected delegates shall have an audience with the President and meet with members of congress to request assistance for our states from the federal government.

4. That a copy of this resolution be sent to each member of the Congressional delegations of the states included in Legislative Resolution 2 and those belonging to the Midwest Conference of State

Governments.

Laid over.

## ANNOUNCEMENT

Mr. Beutler announced bill requests submitted to the bill drafting staff by Thursday, January 17, 1985, before 5:00 p.m. will be guaranteed to be ready for introduction before adjournment on the 10th legislative day.

Requests received after 5:00 p.m. Thursday will be drafted if time permits; however priority will be given to the requests received before 5:00 p.m. Thursday.

## MOTION - Rerefer LB 130

Mr. Wesely moved to re-refer LB 130 from the Judiciary Committee to the Public Health and Welfare Committee.

Laid over.

## BILLS ON FIRST READING

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

**LEGISLATIVE BILL 239.** By Schmit, 23rd District.

A BILL FOR AN ACT relating to county attorneys; to amend section 23-1222, Reissue Revised Statutes of Nebraska, 1943, and section 81-1429, Revised Statutes Supplement, 1984; to create a fund and provide for its use; to provide for the payment of certain expenses as prescribed; to change a fee and provide for its distribution; and to repeal the original sections.

**LEGISLATIVE BILL 240.** By Beyer, 3rd District; Hartnett, 45th District.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-411, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to motor vehicle operator's license renewal; and to repeal the original section.

**LEGISLATIVE BILL 241.** By Speaker Nichol, 48th District, at the request of the Governor.

A BILL FOR AN ACT relating to courts; to amend Laws 1984, LB 13, section 87; to change an operative date; and to repeal the original section.

**LEGISLATIVE BILL 242.** By Goodrich, 20th District; Lundy, 36th District.

A BILL FOR AN ACT relating to schools; to define terms; authorize the State Board of Education to issue bonds and make loans as prescribed; to provide powers for the State Board of Education and school districts; to provide requirements and procedures; to provide for the use of bond proceeds; to state intent; to provide for the construction of this act; to provide severability; and to declare an emergency.

**LEGISLATIVE BILL 243.** By Pappas, 42nd District; Higgins, 9th District; Schmit, 23rd District.

A BILL FOR AN ACT relating to health; to adopt the Dietician and Nutritionist Licensing Act; to provide an operative date; and to provide severability.

**LEGISLATIVE BILL 244.** By Beutler, 28th District; Marsh, 29th District; Warner, 25th District; Wesely, 26th District; Landis, 46th District.

A BILL FOR AN ACT relating to schools; to amend section 79-438, Reissue Revised Statutes of Nebraska, 1943, and section 79-902.01, Revised Statutes Supplement, 1984; to specify in which school districts the county superintendent may be required to prepare an estimate of expenses; to increase the number of members on a Class IV school district board; and to repeal the original sections.

**LEGISLATIVE BILL 245.** By Landis, 46th District.

A BILL FOR AN ACT relating to crimes and punishments; to amend section 28-106, Revised Statutes Supplement, 1984; to change certain sentences as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 246.** By Landis, 46th District.

A BILL FOR AN ACT relating to postsecondary education; to amend section 85-910, Revised Statutes Supplement, 1984; to state intent; to create the Eminent Scholar Program; to create a fund; to provide procedures and criteria; to provide duties; and to repeal the

original section.

## ANNOUNCEMENT

Mr. Schmit announced the Public Works Committee elected Mr. Lamb as Vice Chairperson.

## BILL ON FIRST READING

The following bill was read for the first time by title:

**LEGISLATIVE BILL 247.** By Pirsch, 10th District; Chizek, 31st District.

A BILL FOR AN ACT relating to crimes and punishments; to amend section 28-431, Revised Statutes Supplement, 1984; to change provisions relating to seizure and forfeiture of certain property; to create funds; to create boards; to provide powers and duties; and to repeal the original section.

## VISITORS

Visitors to the Chamber were Mr. Bennie Hochman; 25 students and sponsor from Southeast Community College, Fairbury; and members of the Nebraska Health Care Association.

## ADJOURNMENT

At 11:27 a.m., on a motion by Mr. Conway, the Legislature adjourned until 10:00 a.m., Thursday, January 17, 1985.

Patrick J. O'Donnell
Clerk of the Legislature

# SEVENTH DAY - JANUARY 17, 1985

## LEGISLATIVE JOURNAL

## EIGHTY-NINTH LEGISLATURE
## FIRST SESSION

## SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, January 17, 1985

Pursuant to adjournment, the Legislature met at 10:02 a.m., President McGinley presiding.

## PRAYER

The prayer was offered by Dr. Robert Palmer, Westminster Presbyterian Church, Lincoln, Nebraska.

## ROLL CALL

The roll was called and all members were present except Messrs. Hoagland, R. Johnson, Landis, and Schmit who were excused until they arrive.

## CORRECTIONS FOR THE JOURNAL

Page 195, after line 39, insert "No objections. So ordered."
The Journal for the Sixth Day was approved as corrected.

## ANNOUNCEMENT

Mrs. Morehead announced a meeting of the Rules Committee this morning, January 17, at 11:30 a.m., under the north balcony for the purpose of selecting a Vice Chairperson.

## NOTICE OF COMMITTEE HEARINGS
### Urban Affairs

| | | |
|---|---|---|
| LB 46 | Wednesday, January 30, 1985 | 1:30 p.m. |
| LB 51 | Wednesday, January 30, 1985 | 1:30 p.m. |

(Signed) Ron Withem, Chairperson

## ANNOUNCEMENT

Mr. Barrett announced the Business and Labor Committee elected Mr. Eret as Vice Chairperson.

## REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative bills 223 through 226, 228 through 247, LR 16, and the rereferral of legislative bill 98.

| LB | Committee |
|---|---|
| 98 | Revenue |
| 223 | Constitutional Revision and Recreation |
| 224 | Constitutional Revision and Recreation |
| 225 | Public Works |
| 226 | Judiciary |
| 228 | Education |
| 229 | Business and Labor |
| 230 | Miscellaneous Subjects |
| 231 | Judiciary |
| 232 | Agriculture and Environment |
| 233 | Judiciary |
| 234 | Education |
| 235 | Miscellaneous Subjects |
| 236 | Revenue |
| 237 | Judiciary |
| 238 | Miscellaneous Subjects |
| 239 | Judiciary |
| 240 | Public Works |
| 241 | Judiciary |
| 242 | Education |
| 243 | Public Health and Welfare |
| 244 | Education |
| 245 | Judiciary |
| 246 | Education |
| 247 | Judiciary |

| LR | Committee |
|---|---|
| 16 | Constitutional Revision and Recreation |

(Signed) Chris Beutler, Chairperson
Legislative Council
Executive Board

## UNANIMOUS CONSENT - Withdraw Co-Introducer

Mr. Haberman asked unanimous consent to have his name withdrawn as co-sponsor to LB 66. No objections. So ordered.

## REPORT OF EXECUTIVE BOARD

January 16, 1985

At the December, 1984, meeting of the Executive Board of the Legislative Council, the following senators were elected to membership of the Nebraska Retirement Systems Committee:

Bill Harris, Chairman
Don Wesely
Glenn Goodrich
Jerome Warner
Tom Vickers
Chris Abboud

(Signed) Vard Johnson, Chairperson
Legislative Council
1983-84 Executive Board

## UNANIMOUS CONSENT - Add Co-Introducers

Mr. Hannibal asked unanimous consent to have his name added as co-introducer to LB 243. No objections. So ordered.

Mrs. Nelson asked unanimous consent to have her name added as co-introducer to LB 173. No objections. So ordered.

## MOTION - Introduction of Bills

Mr. Hoagland moved to suspend Rule 5, Section 4(d) to permit the introduction of more than eight bills by the Judiciary Committee.

Laid over.

## RESOLUTION

**LEGISLATIVE RESOLUTION 17.** Read. Considered.

LR 17 was adopted with 32 ayes, 0 nays, and 17 not voting.

## MOTION - Rerefer LB 130

Mr. Wesely renewed his pending motion found in the Journal on page 202 to rerefer LB 130.

**SPEAKER NICHOL PRESIDING**

Mr. Wesely moved for a call of the house. The motion prevailed with 11 ayes, 0 nays, and 38 not voting.

The Wesely motion to rerefer LB 130 prevailed with 26 ayes, 9 nays, 13 present and not voting, and 1 excused and not voting.

## BILLS ON FIRST READING

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

**LEGISLATIVE BILL 248.** By Public Health and Welfare Committee: Wesely, 26th District, Chairperson; Hall, 7th District; Peterson, 21st District; Withem, 14th District.

A BILL FOR AN ACT relating to health services; to amend section 71-2017.01, Reissue Revised Statutes of Nebraska, 1943, and section 71-2017, Revised Statutes Supplement, 1984; to provide for standards for home health agencies; to provide a waiver; to provide for satellite clinics; to define terms; and to repeal the original sections.

**LEGISLATIVE BILL 249.** By Public Health and Welfare Committee: Wesely, 26th District, Chairperson; Chronister, 18th District; Hall, 7th District; Lynch, 13th District; Peterson, 21st District; Smith, 33rd District; Withem, 14th District.

A BILL FOR AN ACT relating to crippled children; to amend section 71-1404, Revised Statutes Supplement, 1984; to redefine a term; and to repeal the original section.

**LEGISLATIVE BILL 250.** By Public Health and Welfare Committee: Wesely, 26th District, Chairperson; Chronister, 18th District; Hall, 7th District; Lynch, 13th District; Peterson, 21st District; Smith, 33rd District; Withem, 14th District.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 71-161.10, 71-174.01, 71-179.01, 71-180.01, 71-180.03 to 71-180.05, 71-1,104, 71-1,136.01, and 71-2709, Reissue Revised Statutes of Nebraska, 1943, and sections 71-161.09, 71-185, and 71-1,162, Revised Statutes Supplement, 1984; to change provisions regarding continuing education requirements; to harmonize provisions; to change requirements for professional and occupational licenses; to eliminate a waiver; to define a term; to provide for rules and regulations to govern apprenticeships in massage; to prohibit certain practices; and to repeal the original sections.

**LEGISLATIVE BILL 251.** By Public Health and Welfare Committee: Wesely, 26th District, Chairperson; Hall, 7th District; Lynch, 13th District; Peterson, 21st District; Smith, 33rd District; Withem, 14th District.

A BILL FOR AN ACT relating to medical assistance; to require certain facilities to be certified as prescribed.

**LEGISLATIVE BILL 252.** By Public Health and Welfare Committee: Wesely, 26th District, Chairperson; Hall, 7th District; Lynch, 13th District; Peterson, 21st District; Smith, 33rd District; Withem, 14th District.

A BILL FOR AN ACT relating to mental health commitment; to amend sections 83-1006, 83-1009, 83-1019, 83-1041, and 83-1054, Reissue Revised Statutes of Nebraska, 1943; to define and redefine terms; to provide commitment procedures for drug abusers; to authorize continuances for voluntary treatment; to harmonize provisions; to eliminate certain provisions relating to the commitment of drug users; and to repeal the original sections, and also sections 83-701 to 83-707, Reissue Revised Statutes of Nebraska, 1943.

**LEGISLATIVE BILL 253.** By Public Health and Welfare Committee: Wesely, 26th District, Chairperson; Chronister, 18th District; Peterson, 21st District; Smith, 33rd District;

A BILL FOR AN ACT relating to hospitals; to amend sections 44-772, 44-3602, 71-2017.01, 71-2017.03, and 71-2018, Reissue Revised Statutes of Nebraska, 1943, and sections 71-2017, 71-2020, 77-2704, and 81-502, Revised Statutes Supplement, 1984; to change definitions relating to intermediate care facilities; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 254.** By Withem, 14th District; DeCamp, 40th District; Vickers, 38th District; Hartnett, 45th District; Marsh, 29th District; Goodrich, 20th District; Lynch, 13th District.

A BILL FOR AN ACT relating to education; to amend sections 79-4,140.01 and 79-4,140.02, Revised Statutes Supplement, 1984; to specify an additional mission of the public school system; to state additional legislative intent; and to repeal the original sections.

**LEGISLATIVE BILL 255.** By Chambers, 11th District.

A BILL FOR AN ACT relating to children; to amend sections 43-101, 43-102, 43-104, and 43-291, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to adoption and termination of parental rights; and to repeal the original sections.

**LEGISLATIVE BILL 256.** By Chizek, 31st District.

A BILL FOR AN ACT relating to disability compensation; to amend sections 48-121 and 81-2026, Reissue Revised Statutes of Nebraska, 1943; to change compensation benefits for certain state employees as prescribed; and to repeal the original sections.

**LEGISLATIVE BILL 257.** By Chizek, 31st District.

A BILL FOR AN ACT relating to the Department of Personnel; to amend section 81-1307, Reissue Revised Statutes of Nebraska, 1943; to provide duties for the Director of Personnel relating to labor-management relations; and to repeal the original section.

**LEGISLATIVE BILL 258.** By Warner, 25th District.

A BILL FOR AN ACT relating to appropriations; to provide for biennial appropriations.

**LEGISLATIVE BILL 259.** By Marsh, 29th District.

A BILL FOR AN ACT relating to relating to rules of the road; to amend section 39-6,103.01, Reissue Revised Statutes of Nebraska, 1943; to provide an exception to the use of child passenger restraint systems as prescribed; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 260.** By Warner, 25th District.

A BILL FOR AN ACT relating to state colleges; to amend sections 85-954 to 85-956 and 85-958, Revised Statutes Supplement, 1984; to delete obsolete language; to change provisions relating to master's degree programs in business administration; and to repeal the original section.

**LEGISLATIVE BILL 261.** By Warner, 25th District.

A BILL FOR AN ACT relating to postsecondary education; to amend section 85-9,106, Revised Statutes Supplement, 1984; to change provisions relating to instructional program review; and to repeal the original section.

**LEGISLATIVE BILL 262.** By Pappas, 42nd District.

A BILL FOR AN ACT relating to health and sanitation; to require restrooms in retail establishments as prescribed; and to provide a penalty.

**LEGISLATIVE BILL 263.** By Pappas, 42nd District.

A BILL FOR AN ACT relating to county government; to amend section 23-362, Reissue Revised Statutes of Nebraska, 1943; to provide for an audit of certain funds; to change provisions relating to reports as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 264.** By Beutler, 28th District.

A BILL FOR AN ACT relating to farmers; to eliminate provisions for farmers' institutes; and to repeal sections 2-401 to 2-404, Reissue Revised Statutes of Nebraska, 1943.

**LEGISLATIVE BILL 265.** By Beutler, 28th District.

A BILL FOR AN ACT relating to the Department of Correctional Services; to authorize the department to grant easements as prescribed; and to declare an emergency.

**LEGISLATIVE BILL 266.** By Miscellaneous Subjects Committee: Hefner, 19th District, Chairperson; Conway, 17th District; Hartnett, 45th District; Higgins, 9th District; V. Johnson, 8th District; Morehead, 30th District; Pappas, 42nd District.

A BILL FOR AN ACT relating to bingo and other gambling; to amend sections 9-140.07, 9-140.08, and 9-146, Reissue Revised

Statutes of Nebraska, 1943, and sections 9-124, 9-125, 9-140.01, 9-140.09, 9-145, 9-153, 9-170, 9-173, 9-178.01, 9-179, 9-186 to 9-189, 28-1101, 28-1105, and 28-1115, Revised Statutes Supplement, 1984; to state intent; to define and redefine terms; to limit compensation for certain people involved in the conducting of bingo; to eliminate certain frequency restrictions on bingo; to change provisions relating to the information required on pickle cards; to provide for the licensure and regulation of pickle card manufacturers, sales agents, and pickle card operators as prescribed; to provide a permit for a special raffle; to provide duties for the Tax Commissioner; to change provisions relating to the suspension of licenses as prescribed; to provide for the seizure of certain goods; to change provisions relating to distributors' licenses and the restrictions placed on such distributors as prescribed; to change a provision relating to certain tax exemptions as prescribed; to eliminate obsolete language; to harmonize provisions; to provide an operative date; and to repeal the original sections, and also section 9-1,100, Revised Statutes Supplement, 1984.

**LEGISLATIVE BILL 267.** By V. Johnson, 8th District.

A BILL FOR AN ACT relating to dentistry; to amend sections 71-115, 71-193.13, and 71-193.14, Reissue Revised Statutes of Nebraska, 1943, and sections 71-113, 71-114, 71-116, and 71-183.01, Revised Statutes Supplement, 1984; to provide for the registration of dental assistants as prescribed; to define terms; to provide for an additional appointment to the Board of Examiners in Dentistry; to harmonize provisions; to provide penalties; and to repeal the original sections.

**LEGISLATIVE BILL 268.** By Revenue Committee: V. Johnson, 8th District, Chairperson; Hartnett, 45th District; Hefner, 19th District; Landis, 46th District; Miller, 37th District; Rogers, 41st District; Sieck, 24th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-506, 77-601 to 77-609, 77-611, 77-616, 77-621, 77-623, 77-626, 77-627, 77-632, 77-633, and 77-1209.03, Reissue Revised Statutes of Nebraska, 1943, and sections 77-202, 77-624, 77-625, 77-628, 77-27,137, and 77-27,137.02, Revised Statutes Supplement, 1984; to change provisions relating to assessment and equalization of railroad property; to provide powers and duties for the Tax Commissioner; to eliminate provisions relating to the State Board of Equalization and Assessment; to harmonize provisions; to provide an operative date; to eliminate provisions relating to terminal taxation

and sleeping car companies; and to repeal the original sections, and also sections 77-610, 77-612 to 77-615, 77-617 to 77-620, 77-622, and 77-634 to 77-675, Reissue Revised Statutes of Nebraska, 1943.

**LEGISLATIVE BILL 269.** By Revenue Committee: V. Johnson, 8th District, Chairperson; Hartnett, 45th District; Hefner, 19th District; Landis, 46th District; Miller, 37th District; Rogers, 41st District; Sieck, 24th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-801 and 77-802, Revised Statutes Supplement, 1984; to define a term; to change provisions relating to public service entity tax as prescribed; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 270.** By Revenue Committee: V. Johnson, 8th District, Chairperson; Hartnett, 45th District; Hefner, 19th District; Landis, 46th District; Miller, 37th District; Rogers, 41st District; Sieck, 24th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-201, Reissue Revised Statutes of Nebraska, 1943; to provide for the valuation of agricultural and horticultural land as prescribed; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 271.** By Revenue Committee: V. Johnson, 8th District, Chairperson; Hartnett, 45th District; Hefner, 19th District; Landis, 46th District; Miller, 37th District; Rogers, 41st District; Sieck, 24th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-201, Reissue Revised Statutes of Nebraska, 1943; to provide for the valuation of agricultural and horticultural land as prescribed; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 272.** By Revenue Committee: V. Johnson, 8th District, Chairperson; Hartnett, 45th District; Hefner, 19th District; Landis, 46th District; Miller, 37th District; Pirsch, 10th District; Rogers, 41st District; Sieck, 24th District.

A BILL FOR AN ACT relating to aeronautics; to amend sections 3-148 and 3-149, Reissue Revised Statutes of Nebraska, 1943; to change the tax on aircraft fuel; to delete a fund requirement; to

harmonize provisions; to eliminate a reimbursement; to provide an operative date; and to repeal the original sections, and also section 3-150.01, Reissue Revised Statutes of Nebraska, 1943.

**LEGISLATIVE BILL 273.** By Revenue Committee: V. Johnson, 8th District, Chairperson; Landis, 46th District; Miller, 37th District; Rogers, 41st District; Hartnett, 45th District; Hefner, 19th District; Sieck, 24th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 52-1001, 52-1004, 66-410.06, 66-416, 66-514, 66-605, 66-616, 66-618, 66-628, 66-631, 77-1704.01, 77-2106.01, 77-2709, 77-2717, 77-2727, 77-2772, 77-2781, 77-2786, 77-2793, 77-27,105, and 81-1561, Reissue Revised Statutes of Nebraska, 1943, sections 66-410.03, 66-602, 66-606, 66-607, 66-619, 66-624, 66-1047, 66-1048, 66-1050, 66-1055, 76-214, 77-2702, 77-2703, 77-2704, 77-2708, 77-2712, 77-2715, 77-2716, 77-2734.01, 77-2734.03, 77-2734.10, 77-2734.12, 77-2734.14, 77-2734.15, 77-2769, 77-2788, 77-2790, and 77-27,119, Revised Statutes Supplement, 1984, and sections 9-403 and 9-414, Uniform Commercial Code; to adopt the Tax Refund Setoff Act; to provide for the electronic transfer of funds; to create a fund; to provide penalties for corporate officers and employees as prescribed; to change the amount of security required for the importation of fuels; to provide for the taxation of certain special fuel storage facilities; to provide for the refund of certain fees; to provide for the furnishing of a cash bond by certain dealers; to provide for the use of certain funds; to create a committee; to provide exemptions for certain fuels and quantities of fuels and to change other exemptions as prescribed; to change provisions relating to statements which accompany deeds; to limit the time period for the filing of certain estate tax claims; to define and redefine terms; to clarify provisions; to authorize combined sales tax returns as prescribed; to change notice requirements and provisions as prescribed; to change the time a lien takes effect; to harmonize corporate tax credit provisions; to change provisions relating to tax credits, adjustments of taxable income, nonresident payment of income tax, a unitary business apportionment of income for state tax purposes, payment of estimated tax, income tax delinquency, and an income tax claim for refund; to provide duties for persons filing certain documents with county officials; to provide fees; to provide requirements and procedures for the Auditor of Public Accounts to conduct a financial audit; to provide penalties; to reimburse the Tax Commissioner for certain costs as prescribed; to permit the Commissioner to require certain filings; to place the burden of proof on the Tax Commissioner as prescribed; to harmonize provisions; to provide operative dates; and to repeal the original sections.

**LEGISLATIVE BILL 274.** By Pappas, 42nd District; Eret, 32nd District; Chronister, 18th District; Hefner, 19th District; DeCamp, 40th District.

A BILL FOR AN ACT relating to liens; to amend sections 9-310 and 9-414, Uniform Commercial Code; to adopt the Agricultural Lien Act; to repeal certain lien provisions; to change provisions relating to priority of certain liens; to harmonize provisions; and to repeal the original sections, and also sections 52-901 to 52-904 and 52-1101 to 52-1103, Reissue Revised Statutes of Nebraska, 1943.

**LEGISLATIVE BILL 275.** By Pappas, 42nd District.

A BILL FOR AN ACT relating to personal property; to adopt the American Indian Arts and Crafts Sales Act; to provide a penalty; and to provide severability.

**LEGISLATIVE BILL 276.** By Pappas, 42nd District; Labedz, 5th District.

A BILL FOR AN ACT relating to group insurance; to amend sections 44-1636 to 44-1638, Reissue Revised Statutes of Nebraska, 1943; to provide for optional continuation of health insurance for a covered former spouse or retiree's spouse; to provide duties; and to repeal the original sections.

**LEGISLATIVE BILL 277.** By Chronister, 18th District; DeCamp, 40th District.

A BILL FOR AN ACT relating to health care; to adopt the Respiratory Care Act.

**LEGISLATIVE BILL 278.** By DeCamp, 40th District.

A BILL FOR AN ACT relating to the Nebraska Investment Finance Authority Act; to amend sections 58-201 and 58-239, Reissue Revised Statutes of Nebraska, 1943; to state intent; to provide additional powers as prescribed; to provide for an expenditure, an appropriation, and rules and regulations; and to repeal the original sections.

**LEGISLATIVE BILL 279.** By Scofield, 49th District.

A BILL FOR AN ACT relating to liquors; to amend sections 53-103,

53-123, 53-124, 53-160, 53-164.01, 53-169, and 53-171, Reissue Revised Statutes of Nebraska, 1943; to define a term; to state intent; to provide licensing requirements for farm wineries; to provide duties; to provide fees; to provide a tax; and to repeal the original sections.

**LEGISLATIVE BILL 280.** By Nelson, 35th District; Lundy, 36th District; V. Johnson, 8th District; Sieck, 24th District; Pirsch, 10th District.

A BILL FOR AN ACT relating to liquor; to amend section 53-160, Reissue Revised Statutes of Nebraska, 1943; to change certain tax rates as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 281.** By Landis, 46th District.

A BILL FOR AN ACT relating to landlord and tenant; to amend section 76-14,109, Revised Statutes Supplement, 1984; to change provisions relating to removal of abandoned mobile homes; and to repeal the original section.

**LEGISLATIVE BILL 282.** By Landis, 46th District; Rogers, 41st District; Hartnett, 45th District; Hefner, 19th District; V. Johnson, 8th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2715.01 and 81-125.01, Revised Statutes Supplement, 1984; to eliminate certain provisions relating to setting the rate of tax; to change a meeting date; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 283.** By Landis, 46th District; Rogers, 41st District; Hartnett, 45th District; Hefner, 19th District; V. Johnson, 8th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-27,157, Revised Statutes Supplement, 1984; to change provisions relating to the Nebraska Economic Forecasting Advisory Board's membership and expenses; and to repeal the original section.

**LEGISLATIVE BILL 284.** By Public Works Committee: Schmit, 23rd District, Chairperson; Nelson, 35th District; Smith, 33rd District; Lamb, 43rd District; Beyer, 3rd District; Lynch, 13th District; DeCamp, 40th District.

A BILL FOR AN ACT relating to relating to irrigation; to amend

section 46-612.01, Reissue Revised Statutes of Nebraska, 1943; to adopt the Nebraska Chemigation Act; to provide penalties; and to repeal the original section.

**LEGISLATIVE BILL 285.** By Abboud, 12th District; Schmit, 23rd District; V. Johnson, 8th

A BILL FOR AN ACT relating to certificate of need; to amend sections 71-5801, 71-5853, and 71-5858, Revised Statutes Supplement, 1984; to provide additional factors for issuance for a period of time as prescribed; to provide for a preference; to harmonize provisions; to provide severability; and to repeal the original sections.

**LEGISLATIVE BILL 286.** By Morehead, 30th District; Marsh, 29th District; Scofield, 49th District; Hartnett, 45th District; Nichol, 48th District; Peterson, 21st District; Hall, 7th District, Smith, 33rd District.

A BILL FOR AN ACT relating to social work; to amend section 33-150, Reissue Revised Statutes of Nebraska, 1943; to adopt the Nebraska Social Work Licensing Act; to provide for the transfer of funds; to provide severability; and to repeal the original section.

**LEGISLATIVE BILL 287.** By Nichol, 48th District; Baack, 47th District; Scofield, 49th District.

A BILL FOR AN ACT relating to judicial districts; to amend section 5-105, Reissue Revised Statutes of Nebraska, 1943, and section 24-503, Revised Statutes Supplement, 1984; to change the boundaries of certain judicial districts; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 288.** By Miscellaneous Subjects Committee: Hefner, 19th District, Chairperson; Conway, 17th District; Haberman, 44th District; Hartnett, 45th District; Higgins, 9th District; V. Johnson, 8th District; Morehead, 30th District; Pappas, 42nd District; and Marsh, 29th District; Nichol, 48th District; Smith, 33rd District.

A BILL FOR AN ACT relating to libraries; to amend sections 24-523 and 51-214, Reissue Revised Statutes of Nebraska, 1943, and 24-524, Revised Statutes Supplement, 1984; to provide that certain acts are evidence of intent; to define a term; to provide a penalty; to restrict liability; to provide for restitution; to provide for posting of certain provisions; to permit libraries to bring claims in Small Claims Court;

to exempt libraries from certain fees; to permit the recovery of certain costs; to provide severability; and to repeal the original sections.

**LEGISLATIVE BILL 289.** By Hannibal, 4th District.

A BILL FOR AN ACT relating to political subdivisions; to amend section 23-2420, Revised Statutes Supplement, 1984; to provide for suits against employees of political subdivisions; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 290.** By Harris, 27th District.

A BILL FOR AN ACT relating to the University of Nebraska; to amend section 85-106.04, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to accumulation of retirement benefits; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 291.** By Chronister, 18th District.

A BILL FOR AN ACT relating to ophthalmic dispensing; to adopt the Ophthalmic Dispensing Act; to provide an operative date; and to provide severability.

**LEGISLATIVE BILL 292.** By Abboud, 12th District.

A BILL FOR AN ACT relating to powers of attorney; to amend sections 30-2201, 30-2639, 30-2640, and 30-2662, Reissue Revised Statutes of Nebraska, 1943, and section 30-2627, Revised Statutes Supplement, 1984; to adopt the Uniform Durable Power of Attorney Act; to change provisions relating to the appointment of guardians and conservators; to harmonize provisions; to provide severability; and to repeal the original sections, and also section 30-2663, Reissue Revised Statutes of Nebraska, 1943.

**LEGISLATIVE BILL 293.** By Abboud, 12th District.

A BILL FOR AN ACT relating to decedents' estates; to amend sections 30-2314, 30-2317, and 30-2429.01, Revised Statutes Supplement, 1984; to change provisions relating to augmented estates; to change provisions relating to elective shares; to change provisions relating to formal testacy proceedings; to eliminate certain provisions relating to powers of attorney; and to repeal the original sections, and also sections 30-2662 and 30-2663, Reissue Revised Statutes of Nebraska, 1943.

**LEGISLATIVE BILL 294.** By Hartnett, 45th District; Eret, 32nd District.

A BILL FOR AN ACT relating to revenue and taxation; to create a fund; and to provide for contributions from tax refunds as prescribed.

**LEGISLATIVE BILL 295.** By DeCamp, 40th District.

A BILL FOR AN ACT relating to banks and banking; to amend sections 8-157 and 8-903, Revised Statutes Supplement, 1984; to change provisions relating to branch banks; to change provisions relating to bank holding companies; to provide for severability; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 296.** By DeCamp, 40th District.

A BILL FOR AN ACT relating to energy conservation; to amend section 66-1037, Revised Statutes Supplement, 1984; to change the definition of active solar space heating systems; and to repeal the original section.

**LEGISLATIVE BILL 297.** By DeCamp, 40th District.

A BILL FOR AN ACT relating to energy conservation; to amend sections 66-1047 and 66-1055, Revised Statutes Supplement, 1984; to extend the termination date on certain tax credits; and to repeal the original sections.

**LEGISLATIVE BILL 298.** By Hall, 7th District.

A BILL FOR AN ACT relating to interest rates and loans; to amend section 45-103, Reissue Revised Statutes of Nebraska, 1943; to change certain interest rates on judgments or decrees; and to repeal the original section.

**LEGISLATIVE BILL 299.** By Banking, Commerce and Insurance Committee: DeCamp, 40th District, Chairperson; Beyer, 3rd District; Haberman, 44th District; Labedz, 5th District; Pappas, 42nd District; Schmit, 23rd District.

A BILL FOR AN ACT relating to insurance; to amend sections 44-107, 44-203.01, 44-401, 44-409, and 44-417, Reissue Revised Statutes of Nebraska, 1943; to provide for credit for reinsurance as prescribed; to harmonize provisions; to change the frequency of examinations of domestic companies; to eliminate provisions relating

to reinsured risk deductions; and to repeal the original sections, and also sections 44-416 and 44-418, Reissue Revised Statutes of Nebraska, 1943.

**LEGISLATIVE BILL 300.** By Schmit, 23rd District.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 39-669.22, 39-669.34, 39-6,104, 39-6,104.04, 60-303, 60-407, 60-426, 60-505, 60-507, 60-511, 60-2304, and 60-2307, Reissue Revised Statutes of Nebraska, 1943; to eliminate a provision relating to assessment of points; to provide for the revocation of employment driving permits; to change a requirement for accident reports and security deposits; to require proof of payment of certain federal taxes; to provide an additional requirement to obtain a learner's permit; to change a provision relating to license suspension or revocation; to provide an additional authorization for termination of suspension of a license and registration; to change provisions relating to odometer statements; to provide operative dates; and to repeal the original sections.

**LEGISLATIVE BILL 301.** By Schmit, 23rd District.

A BILL FOR AN ACT relating to motor carriers; to amend section 60-302, Reissue Revised Statutes of Nebraska, 1943; to adopt certain federal regulations concerning motor carrier safety; to provide for inspection of a motor carrier's materials; to provide a penalty; to provide an operative date; to provide for severability; and to repeal the original section.

**LEGISLATIVE BILL 302.** By Schmit, 23rd District.

A BILL FOR AN ACT relating to natural resources districts; to amend section 2-3213, Reissue Revised Statutes of Nebraska, 1943; to allow changes in the number of directors; and to repeal the original section.

**LEGISLATIVE BILL 303.** By Lynch, 13th District.

A BILL FOR AN ACT relating to employers; to prohibit certain actions by employers or their officers or agents as prescribed; to define terms; and to provide a penalty.

**LEGISLATIVE BILL 304.** By Miscellaneous Subjects Committee: Hefner, 19th District, Chairperson; Conway, 17th District; Haberman, 44th District; Hartnett, 45th District; Higgins, 9th

District; V. Johnson, 8th District; Morehead, 30th District; Pappas, 42nd District.

A BILL FOR AN ACT relating to gambling; to amend sections 9-144, 9-181, and 9-195, Revised Statutes Supplement, 1984; to change provisions relating to the location of certain gambling activities; to change provisions relating to records; to change provisions relating to lottery by the sale of pickle cards; and to repeal the original sections.

## UNANIMOUS CONSENT - Member Excused

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

## GENERAL FILE

**LEGISLATIVE BILL 7.** Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 22 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 8.** Title read. Considered.

Advanced to E & R for Review with 28 ayes, 0 nays, 19 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 9.** 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 10.** 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 11.** Title read. Considered.

Advanced to E & R for Review with 30 ayes, 0 nays, 17 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 12.** Title read. Considered.

Mr. Hall asked unanimous consent to be excused. No objections. So

ordered.

Advanced to E & R for Review with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

## ANNOUNCEMENT

Mrs. Morehead announced the Rules Committee elected Mr. Vickers as Vice Chairperson.

## UNANIMOUS CONSENT - Add Co-Introducer

Mr. Sieck asked unanimous consent to have his name added as co-introducer to LB 118, 119, and 120. No objections. So ordered.

## ANNOUNCEMENTS

Mr. L. Johnson announced the Building and Maintenance Committee will meet at 8:30 a.m., Friday, January 18, 1985 on the 10th floor of the Capitol in Mr. Hoffman's office.

Mr. Goodrich announced the Telecommunications Committee elected Mr. Peterson as Vice Chairperson.

## EASE

The Legislature was at ease from 12:01 p.m. until 12:28 p.m.

**MRS. MARSH PRESIDING**

## BILLS ON FIRST READING

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

**LEGISLATIVE BILL 305.** By Nelson, 35th District.

A BILL FOR AN ACT relating to insurance; to amend section 44-3604, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to Medicare supplement and limited indemnity policies; and to repeal the original sections.

**LEGISLATIVE BILL 306.** By Schmit, 23rd District.

A BILL FOR AN ACT relating to tax credit gasoline; to amend section 66-452, Reissue Revised Statutes of Nebraska, 1943; to

change the rate of a certain credit as prescribed; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 307.** By Morehead, 30th District; Schmit, 23rd District; Chronister, 28th District; DeCamp, 40th District.

A BILL FOR AN ACT relating to aeronautics; to amend sections 3-507, 3-617, and 3-710, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the issuance of bonds by an airport authority; and to repeal the original sections.

**LEGISLATIVE BILL 308.** By Schmit, 23rd District.

A BILL FOR AN ACT relating to fire protection districts; to amend section 35-508, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the powers of the board of directors; and to repeal the original section.

**LEGISLATIVE BILL 309.** By Schmit, 23rd District.

A BILL FOR AN ACT relating to ground water; to amend sections 46-684 and 46-687, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to a permit; to change a penalty; and to repeal the original sections.

**LEGISLATIVE BILL 310.** By Schmit, 23rd District.

A BILL FOR AN ACT relating to water; to amend section 46-602, Reissue Revised Statutes of Nebraska, 1943; to adopt the Water Well Contractors' Licensing Act; to require additional information on a well registration form; to provide an operative date; to provide severability; and to repeal the original section.

**LEGISLATIVE BILL 311.** By Wesely, 26th District.

A BILL FOR AN ACT relating to retirement; to amend sections 16-1008, 23-2315, and 79-1529, Reissue Revised Statutes of Nebraska, 1943, and sections 23-2319, 84-1317, 84-1320, and 84-1321, Revised Statutes Supplement, 1984; to authorize the establishment of early retirement incentive programs as prescribed; to provide for the establishment of a preretirement planning program by the Department on Aging; to change provisions relating to retirement options; to allow employees to choose early retirement; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 312.** By Wesely, 26th District.

A BILL FOR AN ACT relating to environmental protection; to amend sections 81-1534, 81-1535, 81-1560, and 81-1561, Reissue Revised Statutes of Nebraska, 1943; to provide an additional legislative purpose; to change provisions relating to the calculation of a fee; to provide for the distribution of funds; to provide duties for the Revisor of Statutes; to eliminate a termination date for the Nebraska Litter Reduction and Recycling Act; and to repeal the original sections, and also section 81-1566, Reissue Revised Statutes of Nebraska, 1943.

**LEGISLATIVE BILL 313.** By Wesely, 26th District.

A BILL FOR AN ACT relating to mobile homes and recreational vehicles; to amend sections 71-4601 to 71-4604, 71-4605, 71-4606, 71-4608 to 71-4611, 71-4613 to 71-4620, Reissue Revised Statutes of Nebraska, 1943, and section 71-4604.01, Revised Statutes Supplement, 1984; to redesignate mobile homes as manufactured homes; to rename an act; to define and redefine terms; to provide for rules and regulations as prescribed; to provide for enforcement; to harmonize provisions; to provide powers and duties; and to repeal the original sections, and also section 71-4607, Reissue Revised Statutes of Nebraska, 1943.

**LEGISLATIVE BILL 314.** By Wesely, 26th District.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 71-5810, 71-5813, 71-5830, 71-5834, 71-5836, 71-5836.01, 71-5838, 71-5842, 71-5844, 71-5844.01, 71-5849, 71-5853, 71-5858, 71-5859, and 71-5867, Revised Statutes Supplement, 1984; to redefine a term; to change provisions relating to certificate of need; to change duties of the Department of Health and a committee as prescribed; to harmonize provisions; to change review procedures; to change a committee membership requirement; to provide for certain criteria; to eliminate provisions relating to certain public meetings and public hearings; to eliminate certain duties of a review committee; to eliminate an appeal panel; and to repeal the original sections, and also sections 71-5860 to 71-5863, Reissue Revised Statutes of Nebraska, 1943, and sections 71-5840, 71-5841, 71-5846 to 71-5848, 71-5850, and 71-5864 to 71-5866, Revised Statutes Supplement, 1984.

**LEGISLATIVE BILL 315.** By Wesely, 26th District; Withem, 14th District.

A BILL FOR AN ACT relating to the Department of Public Institutions; to amend section 83-109, Reissue Revised Statutes of Nebraska, 1943; to authorize the release of certain records as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 316.** By Wesely, 26th District.

A BILL FOR AN ACT relating to capital improvement projects; to state intent; to create a fund; and to provide for the financing of certain projects as prescribed.

**LEGISLATIVE BILL 317.** By Wesely, 26th District.

A BILL FOR AN ACT relating to community action agencies; to state intent; to define terms; to provide duties; to provide for allocation of funds; and to declare an emergency.

**LEGISLATIVE BILL 318.** By Wesely, 26th District; Peterson, 21st District.

A BILL FOR AN ACT relating to cosmetology; to amend section 33-150, Reissue Revised Statutes of Nebraska, 1943; to adopt the Nebraska Cosmetology Act; to harmonize provisions; to repeal current provisions relating to cosmetology; to provide for severability; and to repeal the original section, and also sections 71-312.01 to 71-320, 71-321, 71-322, and 71-322.02 to 71-339, Reissue Revised Statutes of Nebraska, 1943, and section 71-320.01, Revised Statutes Supplement, 1984.

**LEGISLATIVE BILL 319.** By Morehead, 30th District; Eret, 32nd District; Remmers, 1st District; Nelson, 35th District.

A BILL FOR AN ACT relating to sales and use tax; to amend section 77-2702, Revised Statutes Supplement, 1984; to change provisions relating to occasional sale of household goods and personal effects; and to repeal the original section.

**LEGISLATIVE BILL 320.** By Wesely, 26th District; Smith, 33rd District; Marsh, 29th District; Morehead, 30th District.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-712 and 28-715, Reissue Revised Statutes of Nebraska, 1943, and sections 28-101, 28-710, 28-711, 28-713, 28-726, 71-2052, and 71-6039, Revised Statutes Supplement, 1984; to adopt the Adult

Protective Services Act; to harmonize provisions; and to repeal the original sections, and also section 28-708, Revised Statutes Supplement, 1984.

**LEGISLATIVE BILL 321.** By Pirsch, 10th District.

A BILL FOR AN ACT relating to insurance; to provide legislative findings; to define terms; and to require that accident and health policies include coverage for mental, emotional, and nervous illnesses.

**LEGISLATIVE BILL 322.** By Eret, 32nd District.

A BILL FOR AN ACT relating to contracts; to define a term; to prohibit certain deferred pricing contracts; and to provide remedies.

**LEGISLATIVE BILL 323.** By Lynch, 13th District.

A BILL FOR AN ACT relating to controlled substances; to amend sections 28-406, 28-408, and 28-409, Reissue Revised Statutes of Nebraska, 1943, and sections 28-401 and 28-405, Revised Statutes Supplement, 1984; to define a term; to change schedules of controlled substances; to increase registration fees; to delete an obsolete provision; to provide additional cause for revocation of registration; to clarify hearing procedures; and to repeal the original sections.

**LEGISLATIVE BILL 324.** By Landis, 46th District; Wesely, 26th District.

A BILL FOR AN ACT relating to labor; to amend sections 48-1104 to 48-1107, Reissue Revised Statutes of Nebraska, 1943; to provide an additional unlawful employment practice; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 325.** By Goodrich, 20th District.

A BILL FOR AN ACT relating to retirement benefits; to amend sections 79-1565 and 81-1325, Reissue Revised Statutes of Nebraska, 1943, and sections 84-1307, 84-1317, 84-1319, 84-1320, 84-1321, and 84-1332, Revised Statutes Supplement, 1984; to provide an opportunity for certain employees to change retirement systems as prescribed; to change requirements for certain benefits; to change membership provisions; to change the early retirement age; to provide a lump sum plus annuity retirement option as prescribed; to eliminate a restriction on certain employees; and to repeal the original sections.

**LEGISLATIVE BILL 326.** By Conway, 17th District.

A BILL FOR AN ACT relating to courts; to amend sections 24-532 and 29-424, Reissue Revised Statutes of Nebraska, 1943; to provide for the investment of money by the clerk of the county court as prescribed; to provide for payment of citation fines and costs by credit card; and to repeal the original sections.

**LEGISLATIVE BILL 327.** By Beutler, 28th District.

A BILL FOR AN ACT relating to law enforcement; to abolish the Nebraska Law Enforcement and Justice Advisory Committee; and to repeal sections 50-601 and 50-602, Reissue Revised Statutes of Nebraska, 1943.

**LEGISLATIVE BILL 328.** By Withem, 14th District.

A BILL FOR AN ACT relating to elections; to amend sections 32-216.01, 32-221, and 32-225, Reissue Revised Statutes of Nebraska, 1943; to provide for voter registration on election day; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 329.** By Withem, 14th District.

A BILL FOR AN ACT relating to income tax; to amend section 77-2715, Revised Statutes Supplement, 1984; to authorize a credit; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 330.** By Lynch, 13th District; Hartnett, 45th District.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-1823, Reissue Revised Statutes of Nebraska, 1943; to provide that the costs of commitment be paid by the state; and to repeal the original section.

**LEGISLATIVE BILL 331.** By Lynch, 13th District.

A BILL FOR AN ACT relating to a homestead exemption; to amend sections 77-3508 and 77-3513, Revised Statutes Supplement, 1984; to provide an exception for certain widowers and widows; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 332.** By Lynch, 13th District.

A BILL FOR AN ACT relating to identification; to amend sections 60-403.01, 60-404, 60-406, 60-406.04, and 60-415, Reissue Revised Statutes of Nebraska, 1943; to eliminate color photographs from motor vehicle operators' licenses; to harmonize provisions; to

eliminate provisions relating to color-photograph identification cards; to eliminate certain rule and regulation authority and an advisory committee; and to repeal the original sections, and also sections 23-393 to 23-396 and 60-406.06, Reissue Revised Statutes of Nebraska, 1943.

**LEGISLATIVE BILL 333.** By Barrett, 39th District; Marsh, 29th District; Baack, 47th District; Chronister, 18th District; Beyer, 3rd District; Rupp, 22nd District; Labedz, 5th District; Conway, 17th District; R Johnson, 34th District; Miller, 37th District; Scofield, 49th District; Withem, 14th District; Nelson, 35th District; Remmers, 1st District; Chizek, 31st District; Goodrich, 20th District; V. Johnson, 8th District.

A BILL FOR AN ACT relating to child abuse and neglect; to amend sections 24-532 and 33-126.05, Reissue Revised Statutes of Nebraska, 1943, and sections 71-612, 71-623, 71-627, and 71-628, Revised Statutes Supplement, 1984; to state intent; to define terms; to create a board; to provide powers and duties; to create a fund; to provide for funding; to harmonize provisions; to provide severability; and to repeal the original sections.

**LEGISLATIVE BILL 334.** By Hefner, 19th District; Peterson, 21st District; Lamb, 43rd District.

A BILL FOR AN ACT relating to the Nebraska Political Accountability and Disclosure Act; to amend section 49-1469, Reissue Revised Statutes of Nebraska, 1943; to prohibit certain corporations and associations from requiring contributions as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 335.** By Goodrich, 20th District; Goll, 16th District; L. Johnson, 15th District; Lundy, 36th District.

A BILL FOR AN ACT relating to the state investment officer; to amend sections 72-1239, 72-1243, 72-1244, and 83-133, Reissue Revised Statutes of Nebraska, 1943; to authorize the state investment officer to invest certain funds as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 336.** By Business and Labor Committee: Barrett, 39th District, Chairperson; Chronister, 18th District; Eret, 32nd District; Hall, 7th District; Labedz, 5th District; Vickers, 38th District; Wesely, 26th District.

A BILL FOR AN ACT relating to labor; to amend section 48-654, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the assumption of employers' experience accounts; and to repeal the original section.

**LEGISLATIVE BILL 337.** By Business and Labor Committee: Barrett, 39th District, Chairperson; Chronister, 18th District; Hall, 7th District; Labedz, 5th District; Vickers, 38th District; Wesely, 26th District.

A BILL FOR AN ACT relating to employment security; to amend section 48-655, Reissue Revised Statutes of Nebraska, 1943; to change the interest rate on certain contributions and payments; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 338.** By Business and Labor Committee: Barrett, 39th District, Chairperson; Chronister, 18th District; Eret, 32nd District; Hall, 7th District; Labedz, 5th District; Vickers, 38th District; Wesely, 26th District.

A BILL FOR AN ACT relating to employment security; to amend sections 48-630, 48-639, and 48-640, Reissue Revised Statutes of Nebraska, 1943; to change certain appeal procedures for claims; and to repeal the original sections.

**LEGISLATIVE BILL 339.** By Business and Labor Committee: Barrett, 39th District, Chairperson; Chronister, 18th District; Eret, 32nd District; Hall, 7th District; Labedz, 5th District; Vickers, 38th District; Wesely, 26th District.

A BILL FOR AN ACT relating to employment security; to amend sections 48-601 to 48-609, 48-612, 48-613, 48-616 to 48-619, 48-621 to 48-623, 48-626 to 48-628, 48-628.02, 48-629, 48-632, 48-635, 48-636, 48-640, 48-643, 48-645 to 48-652, 48-654, 48-657, 48-659 to 48-662, 48-664, 48-665, 48-666 to 48-668, 48-668.02, 48-668.03, 48-670, and 48-671, Reissue Revised Statutes of Nebraska, 1943; to change internal references; to redefine a law; to change provisions relating to rules and regulations; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 340.** By Business and Labor Committee: Barrett, 39th District, Chairperson; Chronister, 18th District; Eret, 32nd District; Hall, 7th District; Labedz, 5th District; Vickers, 38th District; Wesely, 26th District.

A BILL FOR AN ACT relating to employment security; to amend section 48-663, Reissue Revised Statutes of Nebraska, 1943; to change the limitations period; and to repeal the original section.

**LEGISLATIVE BILL 341.** By Business and Labor Committee: Barrett, 39th District, Chairperson; Chronister, 18th District; Eret, 32nd District; Hall, 7th District; Labedz, 5th District; Vickers, 38th District; Wesely, 26th District.

A BILL FOR AN ACT relating to labor; to amend section 48-628, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the disqualification for employment benefits; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 342.** By Business and Labor Committee: Barrett, 39th District, Chairperson; Chronister, 18th District; Eret, 32nd District; Hall, 7th District; Labedz, 5th District; Vickers, 38th District; Wesely, 26th District.

A BILL FOR AN ACT relating to labor; to amend section 48-650, Reissue Revised Statutes of Nebraska, 1943; to change a provision relating to standing in certain judicial review proceedings; and to repeal the original section.

**LEGISLATIVE BILL 343.** By Business and Labor Committee: Barrett, 39th District, Chairperson; Chronister, 18th District; Eret, 32nd District; Hall, 7th District; Labedz, 5th District; Vickers, 38th District; Wesely, 26th District.

A BILL FOR AN ACT relating to employment security; to amend section 48-601, Reissue Revised Statutes of Nebraska, 1943; to authorize the Commissioner of Labor to require periodic wage reports as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 344.** By V. Johnson, 8th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 66-461, Reissue Revised Statutes of Nebraska, 1943, and sections 13-203, 13-207, 77-2769, 77-2769.01, 77-2770, and 77-27,119, Revised Statutes Supplement, 1984; to change references to a repealed statute which provided for a corporate franchise tax; and to repeal the original sections.

**LEGISLATIVE BILL 345.** By Revenue Committee: Hartnett, 45th District; Hefner, 19th District; Landis, 46th District; Miller, 37th District; Pirsch, 10th District; Rogers, 41st District; Sieck, 24th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend

section 77-27,119, Revised Statutes Supplement, 1984; to define terms; to provide requirements and procedures for the Auditor of Public Accounts to conduct a financial audit as prescribed; to provide a penalty; and to repeal the original section.

**LEGISLATIVE BILL 346.** By Schmit, 23rd District.

A BILL FOR AN ACT relating to motor fuels; to amend sections 66-410, 66-452, and 66-821, Reissue Revised Statutes of Nebraska, 1943, and section 66-428, Revised Statutes Supplement, 1984; to change the tax on certain fuels as described; to eliminate public policy statements; to redefine a term; to provide operative dates; to repeal the original sections, and also sections 66-471 and 66-472, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

**LEGISLATIVE BILL 347.** By Nebraska Retirement Systems Committee: Harris, 27th District, Chairperson; Goodrich, 20th District; Vickers, 38th District; Warner, 25th District; Wesely, 26th District.

A BILL FOR AN ACT relating to county government; to amend sections 23-2302, 23-2305, 23-2309, 23-2310, 23-2312, 23-2317, 23-2320, 23-2321, 23-2322, 23-2326, 23-2327, 23-2328, 23-2329, 23-2330, and 23-2331, Reissue Revised Statutes of Nebraska, 1943, and sections 23-2301 and 23-2307, Revised Statutes Supplement, 1984; to define terms; to change provisions relating to the investment of retirement funds; to authorize retirement investment options as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 348.** By Nebraska Retirement Systems Committee: Harris, 27th District, Chairperson; Abboud, 12th District; Goodrich, 20th District; Vickers, 38th District; Warner, 25th District; Wesely, 26th District.

A BILL FOR AN ACT relating to retirement; to amend section 79-1528, Reissue Revised Statutes of Nebraska, 1943, and sections 23-2306, 79-1047, 84-1307, and 84-1503, Revised Statutes Supplement, 1984; to change provisions relating to membership in certain retirement systems; to change provisions relating to years of creditable service as prescribed; to provide a duty of the Public Employees Retirement Board; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 349.** By Nebraska Retirement Systems

Committee: Harris, 27th District, Chairperson; Abboud, 12th District; Goodrich, 20th District; Vickers, 38th District; Warner, 25th District; Wesely, 26th District.

A BILL FOR AN ACT relating to the County Employees Retirement Act; to amend section 23-2306, Revised Statutes Supplement, 1984; to eliminate an age requirement as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 350.** By Nebraska Retirement Systems Committee: Harris, 27th District, Chairperson; Abboud, 12th District; Goodrich, 20th District; Vickers, 38th District; Warner, 25th District; Wesely, 26th District.

A BILL FOR AN ACT relating to the school retirement system; to amend section 79-1501, Revised Statutes Supplement, 1984; to provide the manner for computing certain retirement benefits; to harmonize provisions; to provide duties for the Revisor of Statutes; and to repeal the original section.

**LEGISLATIVE BILL 351.** By Nebraska Retirement Systems Committee: Harris, 27th District, Chairperson; Abboud, 12th District; Goodrich, 20th District; Vickers, 38th District; Warner, 25th District; Wesely, 26th District.

A BILL FOR AN ACT relating to judges' retirement; to amend section 24-701, Revised Statutes Supplement, 1984; to redefine military service; and to repeal the original section.

## RESOLUTIONS

**LEGISLATIVE RESOLUTION 18CA.**

Introduced by Schmit, 23rd District.

A Resolution to propose an amendment to Article XIII, section 1, of the Constitution of Nebraska.

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

Section 1. That at the general election in November 1986 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article XIII, section 1, of the Constitution of Nebraska, which is hereby proposed by the

Legislature:

"Sec. 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, except ~~; 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) projects for the development, preservation, and maintenance of Nebraska's water and related land resources ~~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 (a) authorize the issuance of revenue bonds for such ~~construction~~ projects, 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~~ projects, (b) authorize the issuance of state general obligation bonds for such projects, and for the payment of the interest and the retirement of such bonds it may pledge the full faith and credit of the state, (c) authorize the issuance of state limited obligation bonds for such projects, and for the payment of the interest and retirement of such bonds it may pledge all or any part of any state revenue designated therefor by the Legislature, and (d) authorize the state guarantee of general obligation bonds, limited obligation bonds, and revenue bonds issued by political subdivisions of the state for such projects, and for the payment of the interest and the retirement of such bonds it may pledge the full faith and credit of the state or all or any part of any state revenue designated therefor by the Legislature. The Board of Regents of the University of Nebraska, the Board of Trustees of the Nebraska State Colleges, 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.".

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by Article XVI, section 1, of the Constitution of Nebraska. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

"A constitutional amendment to expand the scope of water projects for which the state may issue bonds and to allow the issuance and guarantee of certain general obligation bonds and limited obligation bonds.

For

Against".

Sec. 3. That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.

Referred to the Reference Committee.

**LEGISLATIVE RESOLUTION 19CA.**

Introduced by Withem, 14th District; DeCamp, 40th District; Vickers, 38th District; Hartnett, 45th District; Marsh, 29th District; Lynch, 13th District.

A Resolution to propose an amendment to Article VII, section 1, of the Constitution of Nebraska.

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

Section 1. That at the primary election in May 1986 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article VII, section 1, of the Constitution

of Nebraska, which is hereby proposed by the Legislature:

"Sec. 1. The Legislature shall provide for the free instruction in the common schools of this state of all persons between the ages of five and twenty-one years. The Legislature may provide for the education of other persons in educational institutions owned and controlled by the state or a political subdivision thereof. The Legislature shall assure that all public elementary and secondary schools in Nebraska shall have the financial resources necessary to provide an education of sufficient quality and quantity to allow all persons of school age to progress and develop to the maximum of their ability and potential.".

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by Article XVI, section 1, of the Constitution of Nebraska. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

"Constitutional amendment to assure that all public elementary and secondary schools in Nebraska have the financial resources necessary to provide all persons of school age with an opportunity for an appropriate educational program.

For

Against".

Sec. 3. That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.

Referred to the Reference Committee.

**LEGISLATIVE RESOLUTION 20CA.**

Introduced by Pappas, 42nd District; Baack, 47th District; Conway, 17th District; Remmers, 1st District.

A Resolution to propose an amendment to Article XI, section 1, and Article XIII, section 3, of the Constitution of Nebraska.

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

Section 1. That at the general election in November 1986 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article XI, section 1, and Article XIII, section 3, of the Constitution of Nebraska, which is

hereby proposed by the Legislature:

"Article XI, Sec. 1. No city, county, town, precinct, municipality, or other sub-division 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, except that a hospital which is owned or operated by a political subdivision, state agency, or other governmental entity may own shares of stock in a business corporation for the purpose of entering into a joint venture with the corporation.

Article XIII, Sec. 3. The credit of the state shall never be given or loaned in aid of any individual, association, or corporation, except that the state may guarantee or make long-term, low-interest loans to Nebraska residents seeking adult or post high school education at any public or private institution in this state. Qualifications for and the repayment of such loans shall be as prescribed by the Legislature.

Revenue generated by a hospital owned or operated by a political subdivision, state agency, or other governmental entity shall not be considered public funds, and the use of such revenue by the hospital in a joint venture with any other entity shall not be considered to be giving or lending the credit of the state.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by Article XVI, section 1, of the Constitution of Nebraska. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

"A constitutional amendment to authorize public hospitals to own certain shares of stock and to use revenue generated by the hospital for joint ventures.

For

Against".

Sec. 3. That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.

Referred to the Reference Committee.

**LEGISLATIVE RESOLUTION 21.**

Introduced by Schmit, 23rd District; Peterson, 21st District.

WHEREAS, Hallmark Cards Inc. is celebrating seventy-five years in business; and

WHEREAS, Hallmark's founder, Joyce Hall, a native of David City, Nebraska, began his business in Norfolk, Nebraska; and

WHEREAS, Joyce Hall built his business from two shoe boxes full of picture post cards to a $1.5 billion corporation, the undisputed leader of its industry; and

WHEREAS, Hallmark is known as one of the country's top ten employers, has sponsored the "Hallmark Hall of Fame" which has won more Emmy awards than any other program on television, and has contributed to innovations in marketing and product development.

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

1. That the Legislature send a message of best wishes to Donald Hall, Chairman of the board of Hallmark Cards Inc. and the employees of Hallmark Cards Inc. as they celebrate the seventy-fifth anniversary of the company.
2. That the Clerk send a copy of this resolution to Donald Hall.

Laid over.

## BILLS ON FIRST READING

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

**LEGISLATIVE BILL 352.** By Nebraska Retirement Systems Committee: Harris, 27th District, Chairperson; Abboud, 12th District; Goodrich, 20th District; Vickers, 38th District; Warner, 25th District; Wesely, 26th District.

A BILL FOR AN ACT relating to retirement; to amend sections 16-1001, 16-1002, 16-1013, 16-1015, 16-1026, 16-1033, and 16-1035, Reissue Revised Statutes of Nebraska, 1943; to redefine a term; to change provisions relating to the retirement benefits of certain police officers and firefighters; to provide for an actuarial report; to change provisions relating to membership on certain retirement committees; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 353.** By Nebraska Retirement Systems Committee: Harris, 27th District, Chairperson; Abboud, 12th District; Goodrich, 20th District; Vickers, 38th District; Warner, 25th District; Wesely, 26th District.

A BILL FOR AN ACT relating to retirement; to amend sections 23-1118 and 79-1531, Revised Statutes Supplement, 1984; to provide for the employer to pick up certain county and school employee contributions; and to repeal the original sections.

## VISITORS

Visitor to the Chamber was Allan Bligh, from South Sioux City.

## ADJOURNMENT

At 12:39 p.m., on a motion by Mrs. Smith, the Legislature adjourned until 10:00 a.m., Friday, January 18, 1985.

Patrick J. O'Donnell
Clerk of the Legislature

# EIGHTH DAY - JANUARY 18, 1985

## LEGISLATIVE JOURNAL

## EIGHTY-NINTH LEGISLATURE
## FIRST SESSION

## EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, January 18, 1985

Pursuant to adjournment, the Legislature met at 10:01 a.m., Speaker Nichol presiding.

## PRAYER

The prayer was offered by Reverend Ray Daniel, College View Adventist Church, Lincoln, Nebraska.

## ROLL CALL

The roll was called and all members were present except Mrs. Labedz and Mr. Withem who were excused; and Messrs. Barrett, Beutler, Chambers, DeCamp, V. Johnson, Landis, Schmit, Vickers, Warner, Mesdames Marsh, Morehead, and Pirsch who were excused until they arrive.

## CORRECTIONS FOR THE JOURNAL

Page 217, line 6, insert "District" after "8th".
Page 236, line 4, strike "," and insert ".".
The Journal for the Seventh Day was approved as corrected.

## RESOLUTION

**LEGISLATIVE RESOLUTION 21.** Read. Considered.

LR 21 was adopted with 31 ayes, 0 nays, and 18 not voting.

## MOTION - Escort Chief Justice

Speaker Nichol moved that a committee of five be appointed to escort the Chief Justice for the purpose of delivering the State of the Judiciary address.

The motion prevailed.

Speaker Nichol appointed Mesdames Nelson, Smith, Messrs. Miller, Chizek, and Baack to serve on said Committee.

The Committee escorted Chief Justice Norman Krivosha to the rostrum where he delivered the following message:

STATE OF THE JUDICIARY MESSAGE
January 18, 1985
Presented by Chief Justice Norman Krivosha

Mr. President, Mr. Speaker, distinguished Senators, Fellow Nebraskans:

As I begin this, my fourth State of the Judiciary message to you, I wish, on behalf of myself and the other members of the Supreme Court, to extend to you, the members of the Legislature, our deep appreciation for this very kind invitation. I am particularly pleased by this opportunity to report to you on the State of the Judiciary because, unfortunately, this occasion presents one of the few opportunities we in the Judiciary have of sharing with you, the Legislature, the needs and aspirations of the third branch of government. I regret that we are so limited in opportunity to share ideas and I continue to hope that at some time in the future we all may be able to develop some type of vehicle which will permit representatives of the three branches of government to regularly meet, not for purposes of debating specific legislation but, rather, to provide us with an opportunity of sharing with each other our particular problems. Perhaps by sharing those problems, we can arrive at solutions. I remain convinced that such a procedure can and should be developed, and, if done, will not cause any branch of government to sacrifice any of its authority or responsibility. But I leave that for another day.

Because the time I have with you this morning is of necessity very limited, I wish not to bore you with a host of statistics which, standing alone, may be of little aid or assistance to you in your work. I would only again call your attention to the fact that the responsibility of the Supreme Court is more than to serve as the court of last resort, reviewing acts of lower courts and administrative agencies. By reason of a constitutional amendment approved by the people of the State of Nebraska in 1971, the duties of the Supreme

Court is substantially greater. As you may recall, the Nebraska Constitution now provides in Article V, Section 1, that not only is the judicial power of the State vested in the Supreme Court, District Courts and County Courts, but that the general administrative authority over all of the courts in the State are vested in the Supreme Court and are to be exercised by the Chief Justice. By reason of that amendment we now have the responsibility for supervising nearly 600 State employees located in 94 offices throughout the State of Nebraska. I mention this only so that you may appreciate that the Supreme Court is required to assume responsibility for more than simply deciding cases presented to it on appeal, and does have a real interest in what you do to effect the administration of justice in Nebraska. In an effort to fulfill that obligation, the Court is fortunate to have its able Court Administrator, Joseph Steele, and his fine staff, who have consistently provided the Court with reliable and efficient support, thereby making the job of supervising this rather large and dispersed work force possible. One other statistic which may be of interest to you because of future problems you may be asked to solve is the continually increasing docket at the Supreme Court.

For the 12-month period ending September 1, 1984, 1,002 new cases have been docketed in the Supreme Court. During that same period of time, the Court disposed of 986 cases, an increase of 72 cases over the previous 12-month period. Of that number 499 cases were decided by full opinion, or an average of 71 opinions per judge. That number may not be significant to you, but it is a number significantly in excess of both the ideal number for an appellate court and the number of opinions written by many other courts around the nation, including states having intermediate courts of appeal. We are beginning to reach the place where, if we are to continue disposing of these cases as promptly as we have in the past, we will not be able to give each case the thoughtful consideration it may desire. Nevertheless, we continue to proceed as best we can to address the work presented to us. It may very well be that if the numbers continue to grow without any change, the creation of some form of intermediate court of appeals may be necessary. We are not yet convinced that we have exhausted all other avenues and, therefore, we are not yet prepared to ask you to consider such a move at this time. Nevertheless, we do not wish this to come as some great surprise in the future and, therefore, we call this fact to your attention so that you may be mindful of the fact that sometime in the future the creation of some form of intermediate court of appeals may be necessary. We are obviously reluctant to suggest such a creation at this time because of the fiscal impact it would have upon the State. Nevertheless, there is some point at which the Court will reach its limit, if in fact we have not already. At the moment, we shall continue

to attack the problem with the tools at hand. We do, however, want you to be aware of the problem.

We continue to develop programs to assist in meeting this growing number of cases.

As you are further aware, we have earlier created a Prehearing Conference Office and now require all civil cases to be processed through the Prehearing Conference before the case may be argued to the Court. The program, at least on its face, would appear to be successful in assisting us. Nearly a third of all of the cases which are processed through the Prehearing Conference are disposed of without the necessity of the Court writing a full opinion. Additionally, the Supreme Court has adopted guidelines for courts regarding the time in which various law suits filed in the several courts throughout the State, including the Supreme Court itself, must be tried. Through the use of these guidelines we are hopeful that cases will be promptly attended to by lawyers or dismissed by judges. While this will not necessarily reduce the workload, it should discourage the filing of cases which are wholly frivolous; and further, should assist the public in getting swifter justice through the courts.

Several other programs which have been created or are in the process of being created may also be of interest to you. During this past year, a judicial poll, developed by the State Bar Association, was completed. The purpose of the poll is twofold. On the one hand, it is to give the people of the State an opportunity to know how the Bar feels about a particular judge. This is of some importance when the public is requested to cast a vote on whether a judge should be retained. There is, however, a second purpose and one which I am hopeful will be of equal importance. That purpose is to advise the judge of possible shortcomings so that the judge, interested in improving his or her judicial demeanor, may examine the results of the poll and, where the criticism is justified, may make adjustments. The results of the first poll appeared to be quite satisfactory. This poll will be conducted every two years, several months in advance of the retention election.

I cannot talk about judicial polls and retention without taking a moment to make reference to the current merit selection system which has been the method by which judges in Nebraska have been selected since 1962. It is without question a system which has provided the citizens of the State of Nebraska with extremely qualified judges, free of partisan commitments. There are those who periodically promote the notion that the merit selection system should be abolished and the State should once again return to the former practice of electing judges. By doing this they say judges will be subject to the will of the majority. In saying that, of course, they completely ignore what the function of a judge is. Unlike a governor or a member of the

Legislature, a judge does not have a constituency. Judges are precluded by law from having constituents and are duty-bound to act fairly and impartially in accordance with the law and not in accordance with popular sentiment. The significance of that duty cannot be sufficiently emphasized.

Alexander Hamilton, writing in "The Federalist", noted:

> The complete independence of the courts of justice is peculiarly essential in a limited constitution. By a limited constitution, I understand one which contains certain specified exceptions to the legislative authority; such, for instance, as that it shall pass no bills of attainder, no ex post facto laws, and the like. Limitations of this kind can be preserved in practice no other way than through the medium of the courts of justice; whose duty it must be to declare all acts contrary to the manifest tenor of the constitution void. Without this, all the reservations or particular rights or privileges would amount to nothing.

Those who argue that judges should be elected and, therefore, subject to the will of the majority, fail to recognize that such a result would be destructive of our system of government and not possible of accomplishment. How does a judge determine the will of the majority? Shall he or she, before deciding a case, conduct a poll to determine what the majority believes about a matter, regardless of what the Constitution or the laws may have to say? Or, shall judges be required, in accordance with the oath that they take when assuming office, to simply decide the case based upon the facts and the law? How impartial can a judge be who has declared his position on a matter even before he has heard the evidence or the arguments of counsel? We must not lose sight of what the role of the judiciary is and why it is important that it remain independent in decision-making so that it may act fairly and impartially and fulfill the role given it by the Constitution.

Most often those who talk about repealing the merit selection system and returning to the election of judges generally do so when a particular cause they espouse is not supported by the courts because it is contrary to the Constitution or the laws. How they propose to elect single-issue judges is beyond my comprehension. Moreover, they rarely, if ever, discuss matters such as campaign funds. How does one run for office without soliciting campaign funds? And, how does one running for office of judge who solicits campaign funds do so without creating the appearance of impropriety? In the State of Texas, as an example, where judges are still popularly elected, one member of the Texas Supreme Court seeking reelection reported spending $554,000 seeking reelection. He was identified in the newspapers as being affiliated with a particular group. Judges who run for election oftentimes are identified as plaintiff's judges or defendant's judges,

or union's judges, or management's judges. Is that what we wish for our State? I think not. I think it is also ironic that after the Graylord scandal in Chicago, the Illinois Bar has now recommended that Illinois should eliminate the election of judges and go to a merit selection system similar to the system already in place in Nebraska. In doing so, they suggest that they will eliminate corruption and bossism in the judiciary. Similar editorials are now appearing in the State of Texas. We have, during the past 25 years, developed a fine system for the selection of judges, free of corruption. I therefore suggest that those who would seek to undo our system by suggesting we return to the popular election, simply do not understand what the role of the judiciary is all about. We should make it clear that we have no interest in such a plan.

In another area which may be of interest to you, I would like to advise you that we are now in the process of creating a State Judicial College. The purpose of that college will be to assist us in providing further continuing legal education for all members of the Nebraska judiciary. By conducting local programs we are hopeful that we can provide more frequent programs at less cost. We are hopeful that the college will be operational sometime during 1985. I should make it clear that the college is a program and not a physical plant. It will operate out of the Court Administrator's office as a part of continuing judicial education.

Another program which has been instituted by the judiciary this year and one in which we take a great deal of pride, is the high school mock trial program. It started out as a very small program in but a few counties and has now grown in size. This program is now gaining national attention. Nebraska will in the next year host a multi-state competition, pitting our young people against high school students from a number of other states. Additionally, plans are in the work to make this a national program. By using civil cases, rather than criminal cases; by having young students, acting as lawyers, attempting to elicit from witnesses facts, and thereby recognizing the problems confronting judges and lawyers alike, young people participating in this program are beginning to understand the wonders of our American legal system and its limitations. If such a program is not now available in your county and there are those who are interested in promoting such a program, I urge you to have them contact either your local judges or the office of the Court Administrator.

Let me now turn to another area. There are people today who suggest that there is much too much litigation and action should be taken to prevent the ease with which people may get into court. While I do not encourage litigation, and would be pleased to see the numbers decrease, nevertheless, I ask you to keep in mind that

litigation is the civilized way in which people resolve their disputes. If the choice given to us is litigation on the one hand, and violence on the other, then I, for one, must opt for increased litigation. I believe that ultimately we would be better off spending dollars to provide the means that allows all disputes to be reasonably, quietly, fairly, and impartially resolved in court than to permit individuals to turn to violence such as in the case of the New York subway vigilante. That, I believe, is one of the first responsibilities of a democratic form of government. John Foster Dulles observed: "Of all the tasks of government the most basic is to protect its citizens against violence." While the notion of using self-help may, in a particular situation, provide some emotional comfort, promoting such behavior can only result in further damage and injury. As the eminent jurist, Charles E. Wyzanski, Jr., observed: "Violent disorder once set in motion may spawn tyranny, not freedom." Violent disorder can rarely, if ever, be controlled.

We are often asked to look to other countries where litigation is not as popular or as available as it is in America. What we also find are societies that frequently resort to violence in order to resolve disputes. Japan may not have as many lawyers per capita as America, but I suspect it may have far more riot police per capita than does America. In any event, it has more riots.

The Nebraska State Bar Association, initially under the direction of Attorney General-Designate Robert Spire, who was then its president, initiated a program whereby Nebraska lawyers offer to provide legal assistance at little or no cost to those who can not otherwise secure a lawyer. However, as federal funding for such programs are reduced, or worse, eliminated, the State will have to consider replacing those lost funds. We must keep the courtroom open to those who need to have their disputes quietly resolved. Let us not, in any event, lose heart or faith in a system which has served us well.

As I discuss the present, let me mention two bills among several which we hope will be presented to you during this session at the request of the Court. As you are undoubtedly aware, the various courts throughout the State of Nebraska receive moneys, some of which belong to the State of Nebraska, in the form of court costs. Currently, County Courts to which this money is paid has no authority to place these funds in interest-bearing accounts and, therefore, multiple thousands of dollars belonging to the State of Nebraska remains each day in bank accounts earning no interest. We will ask you to consider amending the statutes so as to grant to the County Courts the same authority which you earlier granted to the District Courts, thereby permitting the County Courts to place these funds on deposit in interest-bearing accounts. The interest,

when earned, is to be deposited into the general fund of the State. We anticipate that this can produce perhaps as much as $200,000 a year additional funds for the State of Nebraska. I hope that you will look with favor upon this suggestion.

The second matter which I urge you to pay particularly close attention to is the bill which implements the requirements of H.R. 4325, the Federal Child Support Enforcement Act of 1984. This federal act imposes upon the State and the state judiciary a number of responsibilities regarding the collection of child support. The mere passage of the legislation, however, without adequate funding will not permit us to fulfill the duties imposed upon us by this act. If it is your desire that we accept the mandate of the federal legislation, then I hope that it is your desire that we be provided the means with which to carry out those functions.

Let me now turn for the remaining few minutes and address the future. In doing so, let me, however, begin by making it abundantly clear that nothing I say here this morning is intended to intrude into your area of responsibility. Just as I would not want your branch of government to intrude into the judicial branch of the government, neither would I propose to intrude into your area. But, what you do in fulfilling your area of responsibility impacts upon the judiciary. To that extent, therefore, I believe it is critical that we share with you what problems may be created by your actions.

I have for some time now become thoroughly convinced that attempting to manage government by crisis, at least insofar as the judiciary of Nebraska is concerned, is ill-advised. The number of choices available in a crisis is substantially reduced. For that reason, our staff has been asked to develop long-range plans for the Nebraska judicial system. Your body, obviously, plays a critical role in that plan. Attempting to develop such a plan is not very easy because of a number of factors.

To begin with, change never comes easy. But, as Thomas Jefferson noted: "Nothing then is unchangeable but the inherent and inalienable rights of man." Frequently, when we discuss making some change, we are admonished that "if the clock isn't broken, don't fix it." To those soothsayers I simply say, "A stitch in time saves nine." While none of that makes any sense, what is apparent to me is that finding comfort in slogans or refusing to accept needed change will not eliminate the problems nor ultimately prevent the happening of a crisis. I continue to believe that by attempting to develop long-range plans and anticipating the necessary changes, we shall avoid having to make decisions in a crisis. That must be a better way to try and administer a system as large as the Nebraska Judiciary. It should also assist you in knowing what laws need to be passed and further assist you in bringing the judicial system into the Twenty-first

Century, now only 15 years away.

Attempting to maintain a system as we enter the Twenty-first Century which was developed under conditions which existed at the turn of the Twentieth Century simply fails to recognize what has developed in the interim. What impact the computer and closed circuit television, as an example, will have on how legal and judicial services are rendered is at present totally a mystery; though, to be sure, we are already beginning to see how such changes can improve the delivery of services and yet reduce the cost. This is particularly true in a state in which two-thirds of the judicial system is made up of circuit-riders who have no one permanent situs. Mass-communication systems, computers, and close-circuit television will undoubtedly play a critical and important role in what we do. The planning for such changes must occur now.

I am not prepared this morning to provide you with a laundry list of recommended changes. I am not able to do that simply because we have not yet finished designing the plan. That will involve a great deal of input from a large number of people. What we have however learned thusfar is that attempting to find solutions to problems we do not fully understand is not as easy as it may appear at first blush. To some extent, simply trying to determine what is the problem is more important than arriving at the solution.

Again, without in any manner attempting to intrude into your area of responsibility, I would simply urge you to move cautiously in these areas. Give us a chance to present to you for your consideration a complete plan so that you need not act by passing piecemeal legislation which may be counter productive.

If we were beginning a new society perhaps some of the solutions offered from time to time would indeed be appropriate. But we are not writing on a clean slate. We have more than 100 years of history and untolled numbers of laws. Oftentimes an amendment to a single act, thought to fine-tune a project, simply results in putting the whole thing out of focus because the amendment fails to take into account a number of other provisions of the law not amended and now completely in conflict. Solving a single problem may only create several others.

Let me use as one example the problems of furloughs for convicted, incarcerated felons. I recognize that the topic is sensitive at this time and I express no view to you as to whether such furloughs should be permitted. That is a matter which the executive and legislative branches of government must address. But, I would remind you that except for those relatively few who may be executed, all persons sent to the Penitentiary will, by reason of laws already passed by you, be returned to society one day. Can an individual spend 12 or 15 or 22 years confined to a society in prison, totally unlike that

which exists on the outside, and then one day be released without any prior preparation? Will society indeed be safer when such an individual, unfamiliar with the ways in which the world now operates, returns? I am not sure of what the answer to that question is, but I am sure that the question needs to be addressed. Will you, indeed, be solving the problem or merely postponing its adverse effect? Is there a better way to address the problem and must other laws be considered? That is simply meant as an example.

Let me further suggest that perhaps the difficulty with regard to problems created by furloughs is merely the tip of the iceberg and simply reflects a manifestation of a much more severe problem. I speak of the problem of prisons generally. All of us are concerned about the level of crime and, desire to find ways to reduce the level. But it would appear that neither the threat of prison nor prison itself will accomplish that purpose. One need only look at how many people return to prison within a relatively short time after their release to recognize that the fear of imprisonment is not an effective deterant to one who has already done hard time. A former inmate recently expressed a view which I have long believed to be true. The greatest fear occurs before imprisonment. Once you have done time and learned you can survive, the fear is not nearly so great. Holding people in prison does not seem to address the real problems. The questions which must be addressed rather deal with matters such as education, employment skills, emotional stability, and the development of a sense of worth of those who are to be released. Can someone who cannot read or write--who cannot obtain gainful employment because of lack of skills--who has no sense of worth, survive in a computer-age society? And if they cannot, what must we do?

I suggest to you that now is the time for us to call a halt to merely enacting legislation and a time for bringing knowledgeable persons together so that we may attempt to understand the nature of the problems. I do not mean to imply that this is something which should be done in a month with the expectation that 7 specific recommendations will thereafter be made. Rather, I believe that this is a project which requires many months of study, but one which must begin now. And, once completed, will unquestionably require the commitment of additional State funds.

I am not unmindful of the financial problems faced by the State. I simply suggest to you, however, that the taxpayers of the State of Nebraska are already paying for crime through the damage and loss of life and property. It is simply a question of whether they prefer to pay for crime without benefit or pay for it in a manner which may hopefully provide some benefit. In any event, attempting to develop quick fixes and patchwork solutions to this problem will not be

successful. Persons who enter the Penitentiary must be released with the ability, at a minimum, to read and write. Persons who enter the Penitentiary must be released with the ability, at a minimum, to engage in some type of needed, lawful employment. And, persons entering the Penitentiary must be released with some understanding of what prompts them to behave in an anti-social manner.

It seems ironic that we have arrived at a place where we can create a nearly bionic person, create life in a test tube, and travel at will through space. Yet, given the custody of individuals for 8 or 10 or 12 years, we are unable to do anything about correcting their lifestyles. There are many unanswered questions. One question, however, is not unanswered. The mere threat of punishment to an irrational criminal does not deter crime. That may not be very popular to say, but time and experience proves it to be true. To take positive action now is not to coddle the criminal but, rather, to seek to protect the public. I am hopeful that we may begin to examine the problems in a way that will at last provide some security and benefit to the community. We must act and not react.

Furthermore, in developing programs, it is not sufficient to put them on paper. They must in fact be in place and must be adequately staffed and properly funded if they are to accomplish the purposes which you contemplate when enacting such laws. Let me give you an example. Currently we have 102 adult probation officers. For the fiscal year ending September 30, 1984, those 102 probation officers handled 19,255 cases. Additionally, those same 102 probation officers prepared 12,078 presentence reports. How can anyone believe that a probation officer in Nebraska, burdened with that workload, can provide any meaningful supervision or guidance for persons on probation.

As I close, let me share one last thought with you. Events of recent years have caused us to demand that the rights of criminals be reduced. Unfortunately, however, our form of government does not permit us to have one law for the innocent and another for the guilty. All persons must be treated equally. When we reduce the rights of the criminal, we likewise reduce the rights of the noncriminal.

I suspect it has been some time since most of us read through the entire Constitution of the United States or the Constitution of the State of Nebraska. The restraints imposed upon government by our forefathers in drafting those documents were carefully considered and purposely intended. They had experienced the absence of those freedoms and wished no longer to gamble on the good faith of honest men, unrestrained by law.

By and large their concerns have proven valid and the restrictions and limitations developed by them necessary. Few places in the world know freedom and democracy as do we in the United States and, in

particular, the State of Nebraska. An editorial appearing this week noted that 1984 was a rough year for freedom. A Freedom House report said that 42% of the world's population lives in countries where governments routinely suppress civil liberties and political rights. I would suggest, therefore, that we not be so anxious to give up our freedoms nor to trade off our constitutional rights. When we propose to limit the rights of citizens or expand the rights of government, perhaps we should ask how would that law be applied against me in the hands of an unreasonable government official? Or think about the treatment received by the Polish Solidarity leader Lech Walesa by a government without constitutional restraints. Unless we are confident that we remain well protected, we should be hesitant to expand the rights of government over our persons in contravention of the Constitution or to eliminate any of the rights afforded to us as citizens of this State, no matter how anxious we are to reduce crime.

As I close this message to you, I am reminded of the words of Thoreau when he said: "I know of no more encouraging fact than the unquestionable ability of man to elevate his life by a conscious endeavor."

We of the judiciary, greatly appreciate the spirit of cooperation which exists between our two branches of government. You have been understanding of our problems as we have presented them to you and have greatly assisted us by providing us with the tools necessary to perform our tasks. In that we are grateful. There is much yet to be done, but I am confident that through understanding and cooperation we can continually improve the society in which we live.

Dorothy Carl observed: "Anything we can conceive, we can achieve." By coming together and sharing ideas, I believe we can indeed achieve what we conceive should be done. The State of the Nebraska Judiciary is good. There are problems which require our attention; but, by and large, we are alive and healthy.

Thank you.

The Committee escorted the Chief Justice from the Chamber.

## ANNOUNCEMENT

Mrs. Pirsch announced the Intergovernmental Cooperation Committee will have a meeting under the South Balcony at the end of the session this morning.

## REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report

on the referral of legislative bills 227, 248 through 295, 298 through 318.

| LB | Committee |
|---|---|
| 227 | Agriculture and Environment |
| 248 | Public Health and Welfare |
| 249 | Public Health and Welfare |
| 250 | Public Health and Welfare |
| 251 | Public Health and Welfare |
| 252 | Public Health and Welfare |
| 253 | Public Health and Welfare |
| 254 | Education |
| 255 | Judiciary |
| 256 | Business and Labor |
| 257 | Business and Labor |
| 258 | Appropriations |
| 259 | Public Health and Welfare |
| 260 | Education |
| 261 | Education |
| 262 | Public Health and Welfare |
| 263 | Government, Military and Veterans Affairs |
| 264 | Agriculture and Environment |
| 265 | Miscellaneous Subjects |
| 266 | Miscellaneous Subjects |
| 267 | Public Health and Welfare |
| 268 | Revenue |
| 269 | Revenue |
| 270 | Revenue |
| 271 | Revenue |
| 272 | Revenue |
| 273 | Revenue |
| 274 | Banking, Commerce and Insurance |
| 275 | Miscellaneous Subjects |
| 276 | Banking, Commerce and Insurance |
| 277 | Public Health and Welfare |
| 278 | Banking, Commerce and Insurance |
| 279 | Miscellaneous Subjects |
| 280 | Revenue |
| 281 | Judiciary |
| 282 | Revenue |
| 283 | Revenue |
| 284 | Agriculture and Environment |
| 285 | Public Health and Welfare |
| 286 | Public Health and Welfare |
| 287 | Judiciary |

288 Judiciary
289 Judiciary
290 Nebraska Retirement Systems
291 Public Health and Welfare
292 Judiciary
293 Judiciary
294 Revenue
295 Banking, Commerce and Insurance
298 Banking, Commerce and Insurance
299 Banking, Commerce and Insurance
300 Public Works
301 Public Works
302 Public Works
303 Business and Labor
304 Miscellaneous Subjects
305 Banking, Commerce and Insurance
306 Revenue
307 Banking, Commerce and Insurance
308 Public Works
309 Public Works
310 Public Works
311 Nebraska Retirement Systems
312 Agriculture and Environment
313 Public Health and Welfare
314 Public Health and Welfare
315 Public Health and Welfare
316 Government, Military and Veterans Affairs
317 Public Health and Welfare
318 Public Health and Welfare

(Signed) Chris Beutler, Chairperson
Legislative Council
Executive Board

**UNANIMOUS CONSENT - Add Co-Introducer**

Mr. Lundy asked unanimous consent to have his name added as co-introducer to LB 288. No objections. So ordered.

**UNANIMOUS CONSENT - Withdraw Co-Introducers**

Mr. DeCamp asked unanimous consent to have his name withdrawn as co-introducer to LB 274. No objections. So ordered.

Mr. Pappas asked unanimous consent to have his name withdrawn as co-introducer to LB 274. No objections. So ordered.

## REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of January 17, 1985. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Ackerman, Anne Marie - Kearney, NE, Kearney State College, Student Senate
Agee, W. B. - Lincoln, NE, Nebraska Independent Bankers' Association
Apking, Sharon A. - Alexandria, NE, Association of Nebraska Schools
Ardoin, Kenneth A. - Dallas, TX, Pfizer Pharmaceuticals
Brashear II, Kermit A. - Omaha, NE, Nebraska Republican Party
Brown, James A. - Lincoln, NE, Nebraska Association of Community Mental Health Centers
Clark, Jerry L. - Lyons, NE, Association of Nebraska Community Action Agencies
Cline, Williams, Wright, Johnson & Oldfather
Buntain, David R. - Lincoln, NE, GTE Sprint Communication Corporation
Crosby, Guenzel, Davis, Kessner & Kuester
Crosby, Robert B. - Lincoln, NE, Better Nebraska Association; Burlington Northern Railroad; First Federal Savings & Loan Association of Lincoln; Lower Platte South NRD
Guenzel, Robert C. - Lincoln, NE, Nebraska Cooperative Council
Seglin, Steven G. - Lincoln, NE, Lower Platte South NRD
Hall, Norma L. - Elmwood, NE, Women Involved in Farm Economics - W.I.F.E.
Hammer, Elaine G. - Lincoln, NE, Nebraska Republican Party
Horton, Victoria G. - Lincoln, NE, AT&T Information Systems; Nebraska Dental Assistants Association; Nebraska Liquor Wholesalers Association
Kelley, Michael - Omaha, NE, Horsemen's Benevolent Protective Association; Nebraska Land Title Association
McCullough, Mardy - Grant, NE, Nebraska Land Title Association

Mills, Jack D. - Lincoln, NE, Nebraska County Attorneys Association
Moeller, James B. - Lincoln, NE, Brotherhood of Locomotive Engineers State Legislative Board
Moulton, William S. - Omaha, NE, Nebraska and Omaha Food Retailers Assn., Inc.
Rasmussen, Dennis - Lincoln, NE, Great Plains Communications
Suttle, Deborah S. - Omaha, NE, Omaha Council of PTA/PTSA's
Wallis, Gerald L. - Omaha, NE, Christian Science Committee on Publication for Nebraska
Willford, Alexander G. - Kearney, NE, Kearney State College, Student Senate
Wilson, H. Donald - Omaha, NE, Chilton Credit Reporting
Wylie, William M. - Lincoln, NE, Nebraska Insurance Information Service
Zanolli, Claudia - Lincoln, NE, Nebraska Association of Community Mental Health Centers

## SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolutions: LR 14 and LR 17.

## BILLS ON FIRST READING

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

**LEGISLATIVE BILL 354.** By Hartnett, 45th District.

A BILL FOR AN ACT relating to the State Board of Education; to amend section 79-1247.05, Revised Statutes Supplement, 1984; to provide for reimbursement for expenses as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 355.** By Goll, 16th District.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 71-2702 and 71-2802, Reissue Revised Statutes of Nebraska, 1943; to define terms; to create a board and procedures incident thereto; to require licensing of athletic trainers; to provide powers and duties; to provide licensing procedures; to provide exemptions; to provide a penalty; and to repeal the original sections.

**LEGISLATIVE BILL 356.** By Peterson, 21st District.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-430.01, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to illegal operation of a motor vehicle; to change a penalty; and to repeal the original section.

**LEGISLATIVE BILL 357.** By Chizek, 31st District.

A BILL FOR AN ACT relating to retirement systems; to amend section 84-1503, Revised Statutes Supplement, 1984; to change duties of the Public Employees Retirement Board; to change the duties of the Director of Personnel; to provide for the transfer of certain personnel, records, and equipment as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 358.** By Baack, 47th District; Hartnett, 45th District.

A BILL FOR AN ACT relating to state officers; to amend section 84-1410, Revised Statutes Supplement, 1984; to change a provision relating to closed sessions of public bodies as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 359.** By DeCamp, 40th District.

A BILL FOR AN ACT relating to liquors; to amend section 53-164.01, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the alcoholic liquors tax; and to repeal the original section.

**LEGISLATIVE BILL 360.** By Wesely, 26th District; Hoagland, 6th District.

A BILL FOR AN ACT relating to natural resources districts; to amend sections 2-3213, 2-3214, and 2-3218, Reissue Revised Statutes of Nebraska, 1943; to change the number of directors on certain boards; to provide certain election requirements; to restrict voting in certain districts; to provide population requirements for certain subdistricts; to provide an option; to change per diem payments; to provide for court challenges; to provide severability; and to repeal the original sections.

**LEGISLATIVE BILL 361.** By Hoagland, 6th District.

A BILL FOR AN ACT relating to death; to amend sections 23-1820

and 71-605, Reissue Revised Statutes of Nebraska, 1943; to harmonize provisions; to provide for certain autopsies as prescribed; and to repeal the original sections.

**LEGISLATIVE BILL 362.** By Wesely, 26th District; Hoagland, 6th District.

A BILL FOR AN ACT relating to accidents; to amend sections 39-6,104.06 to 39-6,104.08, and 39-6,104.11, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the filing and use of certain accident reports; to transfer certain duties from the Department of Motor Vehicles to the Department of Roads; and to repeal the original sections.

**LEGISLATIVE BILL 363.** By Warner, 25th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-112, 77-1301.01, and 77-1301.13, Reissue Revised Statutes of Nebraska, 1943; to provide a temporary valuation system for agricultural and horticultural land; to redefine a term; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 364.** By Warner, 25th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-112, 77-1301.01, and 77-1301.13, Reissue Revised Statutes of Nebraska, 1943; to provide a temporary assessment rate; to provide a method of valuing agricultural and horticultural land based on market value changes; to redefine a term; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 365.** By Warner, 25th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-112, 77-1301.01, and 77-1301.13, Reissue Revised Statutes of Nebraska, 1943; to provide a method of valuing agricultural and horticultural land based on earning capacity; to redefine a term; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 366.** By Warner, 25th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-112, 77-1301.01, and 77-1301.13, Reissue Revised Statutes

of Nebraska, 1943; to provide a method of valuing agricultural and horticultural land based on earning capacity; to redefine a term; to harmonize provisions; to provide an operative date; and to repeal the original sections.

## NOTICE OF COMMITTEE HEARINGS
### Banking, Commerce and Insurance

| | | |
|---|---|---|
| LB 128 | Monday, January 28, 1985 | 1:30 p.m. |
| LB 295 | Monday, January 28, 1985 | 1:30 p.m. |
| LB 157 | Monday, January 28, 1985 | 1:30 p.m. |
| LB 191 | Tuesday, January 29, 1985 | 1:30 p.m. |
| LB 47 | Tuesday, January 29, 1985 | 1:30 p.m. |
| LB 86 | Tuesday, January 29, 1985 | 1:30 p.m. |
| LB 101 | Tuesday, January 29, 1985 | 1:30 p.m. |
| LB 109 | Tuesday, January 29, 1985 | 1:30 p.m. |
| LB 126 | Tuesday, January 29, 1985 | 1:30 p.m. |
| LB 136 | Tuesday, January 29, 1985 | 1:30 p.m. |
| LB 48 | Tuesday, January 29, 1985 | 1:30 p.m. |

(Signed) John DeCamp, Chairperson

## UNANIMOUS CONSENT - Add Co-Introducer

Mr. Hall asked unanimous consent to have his name added as co-introducer to LB 140. No objections. So ordered.

## GENERAL FILE

**LEGISLATIVE BILL 13.** Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 14.** Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 15.** Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 16.** Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 17.** Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 18.** Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

## EASE

The Legislature was at ease from 11:25 a.m. until 11:49 a.m.

## BILLS ON FIRST READING

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

**LEGISLATIVE BILL 367.** By Beutler, 28th District.

A BILL FOR AN ACT relating to the Attorney General; to require the establishment of a criminal prosecution division by the Attorney General; and to provide powers and duties.

**LEGISLATIVE BILL 368.** By Beutler, 28th District.

A BILL FOR AN ACT relating to claims against the state; to amend section 77-2407, Reissue Revised Statutes of Nebraska, 1943; to change a provision relating to the method for appeal; to harmonize provisions; and to repeal the original section, and also section 77-2408, Reissue Revised Statutes of Nebraska, 1943.

**LEGISLATIVE BILL 369.** By Hoagland, 6th District.

A BILL FOR AN ACT relating to the state communications system; to amend section 81-1120.27, Reissue Revised Statutes of Nebraska, 1943; to provide an exception; and to repeal the original section.

**LEGISLATIVE BILL 370.** By Beutler, 28th District.

A BILL FOR AN ACT relating to divorce and alimony; to amend

section 42-363, Reissue Revised Statutes of Nebraska, 1943; to provide when a decree dissolving a marriage becomes final; and to repeal the original section.

**LEGISLATIVE BILL 371.** By Beutler, 28th District.

A BILL FOR AN ACT relating to crimes and penalties; to amend section 28-101, Revised Statutes Supplement, 1984; to define terms; to prohibit certain actions relating to computers and computer systems as prescribed; to provide penalties; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 372.** By Rupp, 22nd District; Lundy, 36th District.

A BILL FOR AN ACT relating to civil service; to amend sections 19-1801 to 19-1803, 19-1804, and 19-1806 to 19-1823, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to civil service as prescribed; to name an act; to redefine terms; to harmonize provisions; to eliminate an obsolete provision; to eliminate provisions relating to civil service boards in city manager plans; and to repeal the original sections, and also sections 19-649 to 19-661, 19-1803.01, and 19-1805, Reissue Revised Statutes of Nebraska, 1943.

**LEGISLATIVE BILL 373.** By Beutler, 28th District.

A BILL FOR AN ACT relating to courts; to amend sections 24-519 and 24-522, Reissue Revised Statutes of Nebraska, 1943, and section 24-524, Revised Statutes Supplement, 1984; to change the jurisdictional limit of the Small Claims Court; to provide for changes in the jurisdictional limit; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 374.** By Sieck, 24th District.

A BILL FOR AN ACT relating to natural resources districts; to amend section 2-3218, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to per diem payments for members of the boards of directors; and to repeal the original section.

**LEGISLATIVE BILL 375.** By DeCamp, 40th District.

A BILL FOR AN ACT relating to agriculture; to provide for the classification of a farm or ranch as prescribed.

**LEGISLATIVE BILL 376.** By Pirsch, 10th District.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-518, Revised Statutes Supplement, 1984; to provide for the aggregation of amounts taken during a series of thefts as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 377.** By Pirsch, 10th District.

A BILL FOR AN ACT relating to criminal procedure; to allow the prosecuting attorney discovery before trial as specified.

**LEGISLATIVE BILL 378.** By Pappas, 42nd District.

A BILL FOR AN ACT relating to telephone service; to state intent; to define a term; to provide for a telephone service credit for low-income elderly persons; to provide a penalty; to create a fund; and to provide powers and duties.

**LEGISLATIVE BILL 379.** By Pappas, 42nd District.

A BILL FOR AN ACT relating to the State Electrical Division; to amend section 81-2121, Revised Statutes Supplement, 1984; to apply the State Electrical Act to certain persons as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 380.** By Wesely, 26th District.

A BILL FOR AN ACT relating to state wastepaper products; to state intent; to provide powers and duties; to create a fund; to repeal the Nebraska Resource Conservation and Recovery act; to eliminate a fund; and to repeal sections 81-1140 to 81-1161, Reissue Revised Statutes of Nebraska, 1943.

**LEGISLATIVE BILL 381.** By Wesely, 26th District.

A BILL FOR AN ACT relating to trade practices; to amend sections 87-302 and 87-307 to 87-311, Reissue Revised Statutes of Nebraska, 1943; to define and redefine terms; to provide for the issuance of certificates of public convenience and necessity as prescribed; to change provisions relating to permits to operate automatic dialing-announcing devices as prescribed; to provide for the establishment of certain lists as prescribed; to provide for enforcement and appeal; to harmonize provisions; and to repeal the

original sections.

**LEGISLATIVE BILL 382.** By Wesely, 26th District; Hoagland, 6th District; Smith, 33rd District.

A BILL FOR AN ACT relating to hospitals; to amend section 71-2049, Revised Statutes Supplement, 1984; to adopt the Uniform Billing and Data Collection Act; to harmonize provisions; to provide severability; and to repeal the original section.

**LEGISLATIVE BILL 383.** By Abboud, 12th District; Hannibal, 4th District.

A BILL FOR AN ACT relating to hazardous substances; to provide for registration of certain storage tanks; to define terms; and to provide a penalty.

**LEGISLATIVE BILL 384.** By Abboud, 12th District.

A BILL FOR AN ACT relating to the Public Service Commission; to amend section 75-128, Revised Statutes Supplement, 1984; to provide for interest as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 385.** By Beyer, 3rd District.

A BILL FOR AN ACT relating to labor; to amend sections 48-810 and 48-1231, Reissue Revised Statutes of Nebraska, 1943; to change a provision relating to the jurisdiction of the Commission of Industrial Relations; to change a provision relating to an employee's claim for wages; and to repeal the original sections.

**LEGISLATIVE BILL 386.** By Schmit, 23rd District.

A BILL FOR AN ACT relating to water resources; to amend section 2-1599, Reissue Revised Statutes of Nebraska, 1943, and sections 2-15,107, 2-15,110, and 2-15,113, Revised Statutes Supplement, 1984; to provide for an integrated water management systems plan; to change provisions relating to project review; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 387.** By Schmit, 23rd District.

A BILL FOR AN ACT relating to natural resources; to amend sections 2-3228, 2-4202 to 2-4204, 2-4206, 2-4209, 2-4211, 2-4213, 2-4214, 2-4216 to 2-4220, 2-4226, 2-4227, 2-4233, and 2-4242, Reissue Revised Statutes of Nebraska, 1943; to authorize natural resources

districts to issue bonds and notes; to change the powers and duties of the Nebraska Conservation Corporation to include assisting political subdivisions in resource development; to define and redefine terms; to change provisions relating to bonds; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 388.** By Vickers, 38th District.

A BILL FOR AN ACT relating to schools; to amend sections 79-445 and 79-701, Revised Statutes Supplement, 1984; to change provisions relating to the admission of nonresident students; to change provisions relating to the reorganization of Class II school districts as prescribed; to provide a procedure for closing an attendance site as prescribed; to eliminate a provision relating to the setting off of certain land from certain school districts; to eliminate a provision relating to the transfer of property; and to repeal the original sections, and also sections 79-403 and 79-1108, Revised Statutes Supplement, 1984.

**LEGISLATIVE BILL 389.** By Haberman, 44th District.

A BILL FOR AN ACT relating to grain; to amend sections 88-513 and 88-515, Reissue Revised Statutes of Nebraska, 1943; to change a penalty; to provide powers; to adopt the Grain Buyer Act; to repeal the original sections, and also section 88-518, Revised Statutes Supplement, 1984; and to declare an emergency.

**LEGISLATIVE BILL 390.** By Wesely, 26th District; Warner, 25th District; L. Johnson, 15th District.

A BILL FOR AN ACT relating to group insurance; to amend section 44-1620.01, Reissue Revised Statutes of Nebraska, 1943; to provide for the establishment of medical expense accounts for state employees; to provide for the use and disposition of such accounts; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 391.** By Wesely, 26th District; Chizek, 31st District; DeCamp, 40th District.

A BILL FOR AN ACT relating to insurance; to adopt the Comprehensive Health Insurance Pool Act; and to provide severability.

**LEGISLATIVE BILL 392.** By Chizek, 31st District.

A BILL FOR AN ACT relating to travel and tourism; to amend sections 81-1245, 81-1246, and 81-1248 to 81-1263, Reissue Revised Statutes of Nebraska, 1943, and section 81-1247, Revised Statutes Supplement, 1984; to transfer the division of travel and tourism to the Game and Parks Commission; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 393.** By Nichol, 48th District; Lynch, 13th District; Rogers, 41st District; Haberman, 44th District.

A BILL FOR AN ACT relating to county government; to amend sections 23-324.01 to 23-324.04, 23-324.06, and 23-324.07, Reissue Revised Statutes of Nebraska, 1943; to adopt the County Purchasing Act; to harmonize provisions; to eliminate provisions relating to certain purchases; to change penalty provisions; and to repeal the original sections, and also sections 23-116.01, 23-177 to 23-179, 23-324, 23-324.05, 23-324.08, and 39-1406, Reissue Revised Statutes of Nebraska, 1943, and sections 23-321 and 23-323, Revised Statutes Supplement, 1984.

**LEGISLATIVE BILL 394.** By Morehead, 30th District.

A BILL FOR AN ACT relating to milk; to amend section 2-3901, Reissue Revised Statutes of Nebraska, 1943; to redefine terms; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 395.** By Public Works Committee: Schmit, 23rd District, Chairperson; Beyer, 3rd District; DeCamp, 40th District; Lynch, 13th District; Nelson, 35th District; Smith, 33rd District.

A BILL FOR AN ACT relating to weighing stations; to amend sections 39-699, 60-305.03, 60-329, 60-1301, 60-1303 to 60-1309, 81-2003, 81-2005, and 84-1005, Reissue Revised Statutes of Nebraska, 1943, and sections 66-410.03 and 88-518, Revised Statutes Supplement, 1984; to change provisions relating to the operation of weighing stations; to provide powers and duties; to create a carrier enforcement division; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 396.** By Wesely, 26th District; Eret, 32nd District.

A BILL FOR AN ACT relating to construction; to adopt the Building Construction Act; to provide an operative date; and to

provide for severability.

**LEGISLATIVE BILL 397.** By V. Johnson, 8th District; Vickers, 38th District.

A BILL FOR AN ACT relating to state funding; to amend sections 57-705, 79-1332, 79-1336, 79-1337, 79-1340, 79-1343, and 79-1344.01, Reissue Revised Statutes of Nebraska, 1943, and sections 77-2701.02, 77-2715.01, 77-3509.01, 77-3509.02, 77-3510, 77-3512 to 77-3514, 77-3516, 79-1247.05, 79-1333, and 79-1333.01, Revised Statutes Supplement, 1984; to change the sales tax rate; to state intent; to change provisions relating to school foundation and equalization aid as prescribed; to increase financial support; to adopt the Career Teacher Incentive Act; to eliminate a homestead exemption; to harmonize provisions; and to repeal the original sections, and also sections 79-1335, 79-1338, and 79-1339, Reissue Revised Statutes of Nebraska, 1943, and sections 77-3506.01 and 77-3516.01, Revised Statutes Supplement, 1984.

**LEGISLATIVE BILL 398.** By Smith, 33rd District; Peterson, 21st District.

A BILL FOR AN ACT relating to state hospitals; to amend section 83-349, Reissue Revised Statutes of Nebraska, 1943; to provide authority to the Department of Public Institutions to determine which county is responsible for payment; and to repeal the original section.

**LEGISLATIVE BILL 399.** By Landis, 46th District.

A BILL FOR AN ACT relating to municipalities; to amend sections 15-106, 18-1306, and 19-916, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to platting; to change provisions relating to subdivisions; and to repeal the original sections.

**LEGISLATIVE BILL 400.** By Landis, 46th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701 and 77-2702, Revised Statutes Supplement, 1984; to define and redefine terms; to change sales and use tax provisions relating to mobile homes and manufactured housing units; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 401.** By Landis, 46th District; Wesely, 26th

District.

A BILL FOR AN ACT relating to the disclosure of information concerning state government; to amend sections 81-8,245 and 81-1318, Reissue Revised Statutes of Nebraska, 1943; to state intent; to define terms; to provide for the submission to and investigation by the Public Counsel or an elected state official of allegations of wrongdoing as prescribed; to provide duties; to provide procedures; to prohibit reprisals; and to repeal the original sections.

**LEGISLATIVE BILL 402.** By DeCamp, 40th District.

A BILL FOR AN ACT relating to school employees' retirement; to amend section 79-1529, Reissue Revised Statutes of Nebraska, 1943, and sections 79-1522.01, 79-1522.02, 79-1531, and 79-1533, Revised Statutes Supplement, 1984; to authorize certain benefits after ninety years of combined age plus creditable service; to restrict eligibility; to increase certain required contributions; to provide an operative date; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 403.** By DeCamp, 40th District.

A BILL FOR AN ACT relating to school employees' retirement; to amend section 79-1529, Reissue Revised Statutes of Nebraska, 1943, and sections 79-1522.01, 79-1522.02, 79-1531, and 79-1533, Revised Statutes Supplement, 1984; to authorize certain benefits after thirty-five years of service regardless of age; to restrict eligibility; to increase certain required contributions; to provide an operative date; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 404.** By Conway, 17th District; Pappas, 42nd District.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-302 and 60-528, Reissue Revised Statutes of Nebraska, 1943; to provide for proof of financial responsibility as a requirement for vehicle registration; to change provisions relating to proof of financial responsibility; to provide a penalty; and to repeal the original sections.

**LEGISLATIVE BILL 405.** By Wesely, 26th District; Lamb, 43rd District.

A BILL FOR AN ACT relating to schools; to amend section 79-4,207, Revised Statutes Supplement, 1984; to change a time limit

relating to asbestos removal; and to repeal the original section.

**LEGISLATIVE BILL 406.** By Hoagland, 6th District; Chizek, 31st District; Pirsch, 10th District; Withem, 14th District.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-416, Revised Statutes Supplement, 1984; to prohibit certain acts; to provide a penalty; to provide for forfeitures; and to repeal the original section.

**LEGISLATIVE BILL 407.** By Public Health and Welfare Committee: Wesely, 26th District, Chairperson; Lynch, 13th District; Peterson, 21st District; Smith, 33rd District; Withem, 14th District.

A BILL FOR AN ACT relating to health; to adopt the Nebraska Regulation of Health Professions Act; and to provide severability.

**LEGISLATIVE BILL 408.** By Miscellaneous Subjects Committee: Hefner, 19th District, Chairperson; Conway, 17th District; Hartnett, 45th District; V. Johnson, 8th District; Morehead, 30th District.

A BILL FOR AN ACT relating to gambling; to amend sections 9-126, 9-140.01, 9-140.04, 9-140.06, 9-144, and 9-164, Revised Statutes Supplement, 1984; to define and redefine terms; to change provisions relating to certain gambling activities as prescribed; to change provisions relating to filing of information; and to repeal the original sections.

**LEGISLATIVE BILL 409.** By Schmit, 23rd District.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-201, Reissue Revised Statutes of Nebraska, 1943; to provide for the valuation of agricultural and horticultural land using a blended capitalization rate; to provide an operative date; and to repeal the original section.

## RESOLUTIONS

**LEGISLATIVE RESOLUTION 22CA.**

Introduced by Beutler, 28th District.

A Resolution to propose an amendment to Article IV, section 2, of the Constitution of Nebraska.

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

Section 1. That at the general election in November 1986 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article IV, section 2, of the Constitution of Nebraska, which is hereby proposed by the Legislature:

"Sec. 2. (1) No person shall be eligible to the office of Governor, or Lieutenant Governor, who shall not have attained the age of thirty years, and who shall not have been for five years next preceding his or her election a resident and citizen of this state and a citizen of the United States. None of the appointive officers mentioned in this article shall be eligible to any other state office during the period for which they have been appointed.

(2) No person shall be eligible for the office of Auditor of Public Accounts who shall not have been immediately prior to his or her election a resident and citizen of this state and the United States. The Auditor of Public Accounts shall be a certified public accountant holding a current permit to practice both prior to his or her election and throughout his or her term of office.".

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by Article XVI, section 1, of the Constitution of Nebraska. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

"A constitutional amendment to establish eligibility requirements for the office of Auditor of Public Accounts.

For

Against".

Sec. 3. That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.

Referred to the Reference Committee.

**LEGISLATIVE RESOLUTION 23CA.**

Introduced by Lynch, 13th District; Miller, 37th District; Schmit, 23rd District; Withem, 14th District; Barrett, 39th District; Wesely, 26th District; Hartnett, 45th District; Hall, 7th District; Baack, 47th District; V. Johnson, 8th District; Higgins, 9th District; Hannibal, 4th District; Rupp, 22nd District; Hoagland, 6th District; Nelson, 35th District; Beutler, 28th District; Smith, 33rd District; DeCamp,

40th District.

A Resolution to propose an amendment to Article III, section 10, of the Constitution of Nebraska.

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

Section 1. That at the general election in November 1986 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article III, section 10, of the Constitution of Nebraska, which is hereby proposed by the Legislature:

"Sec. 10. Regular ~~Beginning with the year 1975, regular~~ sessions of the Legislature shall be held for ninety and sixty days on an alternating basis. Beginning December 1, 1986, ninety-day sessions shall commence at 10 a.m. on the second Monday in December of each even-numbered year and sixty-day sessions shall commence ~~annually, commencing~~ at 10 a.m. on the first Wednesday after the first Monday in January of each even-numbered year. Commencing in 1986 the terms of members of the Legislature shall commence on the first day of the regular legislative session and the terms of the members they replace shall terminate on such date. The duration of regular sessions held shall not exceed ninety or sixty legislative days, respectively, ~~in odd-numbered years~~ unless extended by a vote of four-fifths of all members elected or appointed 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 ninety-day 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 or appointed 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 or appointed 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 Article XVI, section 1, of the Constitution of Nebraska. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

"Constitutional amendment to change the date when the Legislature meets in regular ninety-day sessions and when the terms of members shall commence.

For

Against".

Sec. 3. That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.

Referred to the Reference Committee.

## UNANIMOUS CONSENT - Add Co-Introducer

Mr. Schmit asked unanimous consent to have his name added as co-introducer to LB 278. No objections. So ordered.

## UNANIMOUS CONSENT - Withdraw Co-Introducers

Messrs. Chronister and Hefner asked unanimous consent to have their names removed as co-introducers to LB 274. No objections. So ordered.

## BILLS ON FIRST READING

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

**LEGISLATIVE BILL 410.** By Morehead, 30th District; Landis, 46th District; Lynch, 13th District; DeCamp, 40th District.

A BILL FOR AN ACT relating to artificially sustained life; to provide intent; to provide that adult persons may declare in writing that life-sustaining procedures be withheld or withdrawn in the event of a terminal condition; to define terms; to provide for revocation of the declaration; to limit criminal and civil liability; to provide penalties; and to harmonize provisions.

**LEGISLATIVE BILL 411.** By Judiciary Committee: Hoagland, 6th District, Chairperson; Beutler, 28th District; Chambers, 11th District; Chizek, 31st, District; Conway, 17th District; Rupp, 22nd District.

A BILL FOR AN ACT relating to civil liability; to amend section 25-1151, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to negligence; and to repeal the original section.

**LEGISLATIVE BILL 412.** By Landis, 46th District; Hoagland, 6th District.

A BILL FOR AN ACT relating to jails; to amend sections 83-4,125 to 83-4,128 and 83-4,131 to 83-4,133, Reissue Revised Statutes of Nebraska, 1943, and section 23-120, Revised Statutes Supplement, 1984; to provide for the establishment of cooperative detention facilities; to provide for state funding; to change the powers and duties of the Jail Standards Board; to define terms; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 413.** By Landis, 46th District; Chronister, 18th District.

A BILL FOR AN ACT relating to state officers; to amend section 84-306.01, Revised Statutes Supplement, 1984; to change provisions relating to payment of certain expenses as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 414.** By Education Committee: Vickers, 38th District, Chairperson; Baack, 47th District; Barrett, 39th District; R. Johnson, 34th District; Morehead, 30th District; Nelson, 35th District.

A BILL FOR AN ACT relating to schools; to amend sections 79-2201.01, 79-2202, and 79-2203, Reissue Revised Statutes of Nebraska, 1943; to require all counties to be part of an educational service unit; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 415.** By Education Committee: Vickers, 38th District, Chairperson; Baack, 47th District; Barrett, 39th District; Eret, 32nd District; R. Johnson, 34th District; Lamb, 43rd District; Morehead, 30th District; Nelson, 35th District.

A BILL FOR AN ACT relating to schools; to adopt the Vocational Education Incentive Funding Act.

**LEGISLATIVE BILL 416.** By Vickers, 38th District.

A BILL FOR AN ACT relating to fire companies and firefighters; to amend section 35-302, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to a firefighter's hours of duty; and to repeal the original section.

**LEGISLATIVE BILL 417.** By Education Committee: Vickers, 38th District, Chairperson; Baack, 47th District; Barrett, 39th District; Eret, 32nd District; R. Johnson, 34th District; Lamb, 43rd District; Morehead, 30th District; Nelson, 35th District.

A BILL FOR AN ACT relating to the State Board of Education; to amend section 79-329, Reissue Revised Statutes of Nebraska, 1943; to change the powers of such board relating to grants as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 418.** By Education Committee: Vickers, 38th District, Chairperson; Baack, 47th District; Barrett, 39th District; Eret, 32nd District; Lamb, 43rd District; Nelson, 35th District.

A BILL FOR AN ACT relating to schools; to state intent; to provide for the establishment of community education programs as prescribed; to provide duties; and to provide for an appropriation.

**LEGISLATIVE BILL 419.** By Education Committee: Vickers, 38th District, Chairperson; Baack, 47th District; Barrett, 39th District; Eret, 32nd District; Lamb, 43rd District; Morehead, 30th District; Nelson, 35th District.

A BILL FOR AN ACT relating to schools; to amend sections 79-490 and 79-492, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to transportation allowances for pupils; and to repeal the original sections.

**LEGISLATIVE BILL 420.** By Government, Military and Veterans Affairs Committee: Landis, 46th District, Chairperson; Abboud, 12th District; Chambers, 11th District; Chronister, 18th District; Hoagland, 6th District; Peterson, 21st District; Rogers, 41st District.

A BILL FOR AN ACT relating to a specific conveyance or lease; to authorize the Department of Administrative Services to convey or lease certain land; and to provide for the disposition of the proceeds.

**LEGISLATIVE BILL 421.** By Government, Military and Veterans Affairs Committee: Landis, 46th District, Chairperson; Abboud, 12th District; Chambers, 11th District; Chronister, 18th District; Hoagland, 6th District; Peterson, 21st District; Rogers, 41st District.

A BILL FOR AN ACT relating to the Policy Research Office; to amend sections 84-133, 84-135, 84-152, 84-153, and 85-975, Reissue Revised Statutes of Nebraska, 1943; to create funds; to eliminate the involvement of the Policy Research Office in certain zoning activities; to harmonize provisions; to repeal state zoning review program provisions; to eliminate certain report requirements; and to repeal the original sections, and also sections 23-343.81, 81-1136, 84-151, 84-154, and 84-156 to 84-160, Reissue Revised Statutes of Nebraska, 1943.

**LEGISLATIVE BILL 422.** By Government, Military and Veterans Affairs Committee: Landis, 46th District, Chairperson; Abboud, 12th District; Chambers, 11th District; Chronister, 18th District; Hoagland, 6th District; Peterson, 21st District; Rogers, 41st District.

A BILL FOR AN ACT relating to county government; to amend section 23-293, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to township organization; and to repeal the original section.

**LEGISLATIVE BILL 423.** By Government, Military and Veterans Affairs Committee: Landis, 46th District, Chairperson; Abboud, 12th District; Chambers, 11th District; Hoagland, 6th District; Peterson, 21st District; Rogers, 41st District.

A BILL FOR AN ACT relating to county officers; to amend section 23-2001, Reissue Revised Statutes of Nebraska, 1943; to provide for the temporary replacement of an incarcerated county officer; to provide additional grounds for removal from office; and to repeal the original section.

**LEGISLATIVE BILL 424.** By Government, Military and Veterans Affairs Committee: Landis, 46th District, Chairperson; Abboud, 12th District; Chambers, 11th District; Hoagland, 6th District; Peterson, 21st District; Rogers, 41st District.

A BILL FOR AN ACT relating to elections; to amend sections 32-526 and 32-526.01, Reissue Revised Statutes of Nebraska, 1943; to change requirements relating to the formation of new political parties; and to repeal the original sections.

## ANNOUNCEMENT

Mr. Landis announced the Government, Military and Veterans Affairs Committee elected Mr. Abboud as Vice Chairperson.

## VISITORS

Visitors to the Chamber were 14 students and sponsors from Sidney, Iowa.

## ADJOURNMENT

At 12:15 p.m., on a motion by Mr. Hartnett, the Legislature adjourned until 10:00 a.m., Monday, January 21, 1985.

Patrick J. O'Donnell
Clerk of the Legislature

# NINTH DAY - JANUARY 21, 1985

# LEGISLATIVE JOURNAL

# NINTH DAY - JANUARY 21, 1985

## LEGISLATIVE JOURNAL

## EIGHTY-NINTH LEGISLATURE
## FIRST SESSION

## NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, January 21, 1985

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

## PRAYER

The prayer was offered by Dr. Robert Palmer, Westminster Presbyterian Church, Lincoln, Nebraska.

## ROLL CALL

The roll was called and all members were present except Mr. DeCamp who was excused; and Messrs. Hoagland, Landis, Warner, Mesdames Marsh, and Morehead who were excused until they arrive.

## CORRECTIONS FOR THE JOURNAL

The Journal for the Eighth Day was approved.

## ANNOUNCEMENTS

Mrs. Pirsch announced the Intergovernmental Cooperation Committee elected Mrs. Marsh as Vice Chairperson.

Mr. Hoagland announced the Judiciary Committee elected Mr. Chambers as Vice Chairperson.

## RESOLUTION

**LEGISLATIVE RESOLUTION 24.**

Introduced by Barrett, 39th District.

WHEREAS, Albert A. Kjar, a former member of the Legislature, who served from 1961 through 1969, has died at the age of ninety-four; and

WHEREAS, Albert A. Kjar served his community and state as a politician and agribusinessman; and

WHEREAS, Albert A. Kjar was instrumental in promoting hybrid seed corn and alfalfa and was heavily involved in issues involving water conservation; and

WHEREAS, Albert A. Kjar will be missed by all who knew him.

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

1. That the Legislature extend deepest sympathy to the family of Senator Albert A. Kjar.

2. That a copy of this resolution be presented to the family of Senator Kjar as an expression of sorrow for his passing.

Laid over.

## EASE

The Legislature was at ease from 10:15 a.m. until 10:26 a.m.

## REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative bills 319 through 424, and legislative resolutions 18, 19, 20, 22, and 23.

| LB | Committee |
|---|---|
| 319 | Revenue |
| 320 | Judiciary |
| 321 | Banking, Commerce and Insurance |
| 322 | Judiciary |
| 323 | Judiciary |
| 324 | Business and Labor |
| 325 | Nebraska Retirement Systems |
| 326 | Judiciary |
| 327 | Judiciary |
| 328 | Government, Military and Veterans Affairs |
| 329 | Revenue |
| 330 | Judiciary |
| 331 | Revenue |

| | |
|---|---|
| 332 | Public Works |
| 333 | Public Health and Welfare |
| 334 | Miscellaneous Subjects |
| 335 | Banking, Commerce and Insurance |
| 336 | Business and Labor |
| 337 | Business and Labor |
| 338 | Business and Labor |
| 339 | Business and Labor |
| 340 | Business and Labor |
| 341 | Business and Labor |
| 342 | Business and Labor |
| 343 | Business and Labor |
| 344 | Revenue |
| 345 | Revenue |
| 346 | Revenue |
| 347 | Nebraska Retirement Systems |
| 348 | Nebraska Retirement Systems |
| 349 | Nebraska Retirement Systems |
| 350 | Nebraska Retirement Systems |
| 351 | Nebraska Retirement Systems |
| 352 | Nebraska Retirement Systems |
| 353 | Nebraska Retirement Systems |
| 354 | Education |
| 355 | Public Health and Welfare |
| 356 | Public Works |
| 357 | Nebraska Retirement Systems |
| 358 | Government, Military and Veterans Affairs |
| 359 | Miscellaneous Subjects |
| 360 | Public Works |
| 361 | Judiciary |
| 362 | Judiciary |
| 363 | Revenue |
| 364 | Revenue |
| 365 | Revenue |
| 366 | Revenue |
| 367 | Judiciary |
| 368 | Judiciary |
| 369 | Government, Military and Veterans Affairs |
| 370 | Judiciary |
| 371 | Judiciary |
| 372 | Urban Affairs |
| 373 | Judiciary |
| 374 | Public Works |
| 375 | Agriculture and Environment |
| 376 | Judiciary |

377 Judiciary
378 Public Works
379 Miscellaneous Subjects
380 Agriculture and Environment
381 Public Works
382 Public Health and Welfare
383 Agriculture and Environment
384 Public Works
385 Business and Labor
386 Public Works
387 Public Works
388 Education
389 Agriculture and Environment
390 Appropriations
391 Banking, Commerce and Insurance
392 Government, Military and Veterans Affairs
393 Government, Military and Veterans Affairs
394 Agriculture and Environment
395 Public Works
396 Public Health and Welfare
397 Revenue
398 Public Health and Welfare
399 Urban Affairs
400 Revenue
401 Government, Military and Veterans Affairs
402 Nebraska Retirement Systems
403 Nebraska Retirement Systems
404 Public Works
405 Education
406 Judiciary
407 Public Health and Welfare
408 Miscellaneous Subjects
409 Revenue
410 Judiciary
411 Judiciary
412 Government, Military and Veterans Affairs
413 Government, Military and Veterans Affairs
414 Education
415 Education
416 Business and Labor
417 Education
418 Education
419 Education
420 Miscellaneous Subjects
421 Government, Military and Veterans Affairs

422 Government, Military and Veterans Affairs
423 Government, Military and Veterans Affairs
424 Government, Military and Veterans Affairs

| LR | Committee |
|---|---|
| 18 | Constitutional Revision and Recreation |
| 19 | Constitutional Revision and Recreation |
| 20 | Constitutional Revision and Recreation |
| 22 | Constitutional Revision and Recreation |
| 23 | Constitutional Revision and Recreation |

(Signed) Chris Beutler, Chairperson
Legislative Council
Executive Board

## GENERAL FILE

**LEGISLATIVE BILL 19.** Title read. Considered.

Advanced to E & R for Review with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 20.** Title read. Considered.

Advanced to E & R for Review with 31 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 21.** Title read. Considered.

Advanced to E & R for Review with 31 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 22.** Title read. Considered.

Advanced to E & R for Review with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 23.** Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 24.** Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 19 present and

not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 25.** Title read. Considered.

Advanced to E & R for Review with 29 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 26.** Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 27.** Title read. Considered.

Advanced to E & R for Review with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

## BILLS ON FIRST READING

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

**LEGISLATIVE BILL 425.** By Warner, 25th District.

A BILL FOR AN ACT relating to bonds; to amend section 10-140, Reissue Revised Statutes of Nebraska, 1943; to provide exceptions to registration requirements; and to repeal the original section.

**LEGISLATIVE BILL 426.** By Goll, 16th District.

A BILL FOR AN ACT relating to employment security; to amend sections 48-624, 48-626, 48-627, 48-628.02, 48-630, and 48-631, Reissue Revised Statutes of Nebraska, 1943; to provide for consideration of certain wages as qualifying wages; to change provisions relating to determination of benefits; to redefine terms; to change provisions relating to claims; and to repeal the original sections.

**LEGISLATIVE BILL 427.** By Haberman, 44th District.

A BILL FOR AN ACT relating to the Department of Correctional Services; to amend sections 83-932 and 83-939, Reissue Revised Statutes of Nebraska, 1943; to eliminate furloughs for certain persons; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 428.** By Haberman, 44th District.

A BILL FOR AN ACT relating to weed control; to amend sections 2-946.02, 2-952 to 2-954, 2-955, 2-957 to 2-964, 2-966, 11-119, 23-922, 32-421.01, 72-240.09, and 85-163.04, Reissue Revised Statutes of Nebraska, 1943; to eliminate the county weed control authorities; to provide powers and duties for county boards; to repeal obsolete language; to harmonize provisions; to provide an operative date; and to repeal the original sections, and also sections 2-946.01 and 2-965, Reissue Revised Statutes of Nebraska, 1943.

**LEGISLATIVE BILL 429.** By Goodrich, 20th District.

A BILL FOR AN ACT relating to the State Electrical Division; to require identification of certain vehicles; and to provide a penalty.

**LEGISLATIVE BILL 430.** By Goodrich, 20th District.

A BILL FOR AN ACT relating to credit unions; to amend section 21-17,120.01, Revised Statutes Supplement, 1984; to revise the power of credit unions; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 431.** By Wesely, 26th District.

A BILL FOR AN ACT relating to energy conservation; to amend section 57-705, Reissue Revised Statutes of Nebraska, 1943, and sections 66-1033, 66-1047, 66-1048, 66-1055, 77-2704, and 81-1634, Revised Statutes Supplement, 1984; to create a fund; to state intent; to redefine terms; to provide powers and duties; to provide for rules and regulations; to provide for loans and grants; to change provisions relating to termination dates; to change provisions relating to tax exemptions; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 432.** By Wesely, 26th District.

A BILL FOR AN ACT relating to county employees' retirement; to amend sections 23-2302, 23-2329, and 23-2330, Reissue Revised Statutes of Nebraska, 1943, and section 23-2301, Revised Statutes Supplement, 1984; to redefine terms; to provide for county boards' adoption of provisions as prescribed; to provide a duty; and to repeal the original sections.

**LEGISLATIVE BILL 433.** By Wesely, 26th District.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 71-5001, 71-5002, and 71-5006, Reissue Revised Statutes of Nebraska, 1943; to state intent; to redefine a term; to provide powers and duties related to mental health services for children and youth; and to repeal the original sections.

**LEGISLATIVE BILL 434.** By Withem, 14th District.

A BILL FOR AN ACT relating to franchises; to amend sections 87-402 to 87-410, Reissue Revised Statutes of Nebraska, 1943; to provide for reimbursement for parts and merchandise as prescribed; to change internal references; and to repeal the original sections.

**LEGISLATIVE BILL 435.** By Withem, 14th District.

A BILL FOR AN ACT relating to state employees; to amend section 81-1315, Reissue Revised Statutes of Nebraska, 1943; to eliminate the provision restricting state employees from holding office in a political party; and to repeal the original section.

**LEGISLATIVE BILL 436.** By Withem, 14th District.

A BILL FOR AN ACT relating to rules of the road; to amend section 39-663, Reissue Revised Statutes of Nebraska, 1943; to set and change speed limits during maintenance and construction; and to repeal the original section.

**LEGISLATIVE BILL 437.** By Withem, 14th District.

A BILL FOR AN ACT relating to rules of the road; to amend section 39-629, Reissue Revised Statutes of Nebraska, 1943; to provide restrictions on following distances; and to repeal the original section.

**LEGISLATIVE BILL 438.** By Withem, 14th District.

A BILL FOR AN ACT relating to public health and welfare; to adopt the Dental Anesthesia Act.

**LEGISLATIVE BILL 439.** By Withem, 14th District; Chizek, 31st District.

A BILL FOR AN ACT relating to elections; to amend sections 32-221 and 32-223, Reissue Revised Statutes of Nebraska, 1943; to change methods for registering to vote; to provide a form; to provide

procedures for certain voter registrations; and to repeal the original sections.

**LEGISLATIVE BILL 440.** By Chizek, 31st District.

A BILL FOR AN ACT relating to the Nebraska Arts Council; to create the Nebraska Henry Fonda Film and Television Office to be under the direction of the Nebraska Arts Council; to provide duties; to make an appropriation; and to provide for the transfer of property as prescribed.

**LEGISLATIVE BILL 441.** By Chizek, 31st District.

A BILL FOR AN ACT relating to explosive liquids; to amend sections 66-103 to 66-106, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the use of certain containers; to provide duties for the State Fire Marshal; and to repeal the original sections.

**LEGISLATIVE BILL 442.** By Eret, 32nd District.

A BILL FOR AN ACT relating to appropriations; to provide for appropriation of funds related to the Nebraska Depository Insurance Guaranty Corporation as prescribed.

**LEGISLATIVE BILL 443.** By Eret, 32nd District.

A BILL FOR AN ACT relating to aeronautics; to amend section 3-152, Reissue Revised Statutes of Nebraska, 1943; to provide for the designation of restricted zones for aerial pesticide application as prescribed; to provide a penalty; and to repeal the original section.

**LEGISLATIVE BILL 444.** By Haberman, 44th District.

A BILL FOR AN ACT relating to livestock; to amend section 54-137.01, Reissue Revised Statutes of Nebraska, 1943; to repeal the Nebraska Beef Industry Development Act; to harmonize provisions; and to repeal the original section, and also sections 54-2101 to 54-2119, Reissue Revised Statutes of Nebraska, 1943.

**LEGISLATIVE BILL 445.** By Peterson, 21st District; Hefner, 19th District.

A BILL FOR AN ACT relating to crimes and punishments; to amend sections 28-101 and 28-611, Revised Statutes Supplement,

1984; to provide for payment of filing fees as prescribed; to authorize county attorneys to provide programs concerning the offense of issuing a bad check; and to repeal the original sections.

**LEGISLATIVE BILL 446.** By Hefner, 19th District.

A BILL FOR AN ACT relating to game and parks; to amend section 37-905, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to controlled shooting areas; to provide for receipts; and to repeal the original section.

**LEGISLATIVE BILL 447.** By Hoagland, 6th District.

A BILL FOR AN ACT relating to juveniles; to amend sections 43-247, 43-250, 43-254, 43-272.01, 43-295, and 43-1301, Reissue Revised Statutes of Nebraska, 1943; to state intent; to define and redefine terms; to provide the Department of Social Services with certain powers and duties relating to adoption assistance; to establish procedures and provide for the placement of certain juveniles as prescribed; to authorize continuing jurisdiction of the court as prescribed; to provide penalties; and to repeal the original sections.

**LEGISLATIVE BILL 448.** By Hoagland, 6th District.

A BILL FOR AN ACT relating to the Protection From Domestic Abuse Act; to amend section 42-903, Reissue Revised Statutes of Nebraska, 1943; to redefine terms; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 449.** By Administrative Rules and Regulations Review Committee: Hannibal, 4th District, Chairperson; Lundy, 36th District; Peterson, 21st District; Rogers, 41st District; Sieck, 24th District.

A BILL FOR AN ACT relating to rules of administrative agencies; to amend sections 84-901 and 84-907, Reissue Revised Statutes of Nebraska, 1943; to redefine a term; to change certain notice requirements; to provide for regulatory analyses of proposed rules as prescribed; to provide requirements for adopted rules; to authorize requests for rulemaking proceedings; to require rulemaking records; to provide powers and duties; to harmonize provisions; to provide a limitation of action; to provide for the termination of certain statutes; and to repeal the original sections.

**LEGISLATIVE BILL 450.** By DeCamp, 40th District.

A BILL FOR AN ACT relating to confidential information; to amend section 8-1401, Reissue Revised Statutes of Nebraska, 1943; to permit legislative committees to access certain information; and to repeal the original section.

**LEGISLATIVE BILL 451.** By DeCamp, 40th District.

A BILL FOR AN ACT relating to banks and banking; to amend sections 8-140 and 8-409.01, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to loans to directors; to remove obsolete language; and to repeal the original sections.

**LEGISLATIVE BILL 452.** By DeCamp, 40th District; Schmit, 23rd District.

A BILL FOR AN ACT relating to banks and banking; to amend section 8-902, Reissue Revised Statutes of Nebraska, 1943, and section 8-903, Revised Statutes Supplement, 1984; to define terms; to change provisions relating to bank holding companies; and to repeal the original sections.

**LEGISLATIVE BILL 453.** By DeCamp, 40th District.

A BILL FOR AN ACT relating to banks and banking; to amend section 8-902, Reissue Revised Statutes of Nebraska, 1943; to redefine a term; to provide a restriction on bank holding companies; and to repeal the original section.

**LEGISLATIVE BILL 454.** By DeCamp, 40th District.

A BILL FOR AN ACT relating to relating to cities of the second class; to define terms; to establish a retirement system for police officers as prescribed; to create funds; to authorize a levy; and to provide an operative date.

**LEGISLATIVE BILL 455.** By Vickers, 38th District; Chizek, 31st District.

A BILL FOR AN ACT relating to teachers; to amend section 79-1247.05, Revised Statutes Supplement, 1984; to adopt the Career Teacher Incentive Act; to change provisions relating to teacher certification; and to repeal the original section.

**LEGISLATIVE BILL 456.** By Vickers, 38th District.

A BILL FOR AN ACT relating to agriculture; to amend sections 54-137.01, 57-705, 72-1237.01, and 81-1124, Reissue Revised Statutes of Nebraska, 1943; to eliminate the Nebraska Gasohol Committee, the Nebraska Wheat Development, Utilization, and Marketing Board, the Soybean Development, Utilization, and Marketing Board, the Nebraska Poultry and Egg Development, Utilization, and Marketing Division, the Corn Development, Utilization, and Marketing Board, the Grain Sorghum Development, Utilization, and Marketing Board, and the Nebraska Beef Industry Development Board and their respective powers and duties; to harmonize provisions; and to repeal the original sections, and also sections 2-2301 to 2-2315, 2-2317 to 2-2321, 2-2508 to 2-2515, 2-3301 to 2-3311, 2-3315 to 2-3324, 2-3401, 2-3402, 2-3404 to 2-3407, 2-3409 to 2-3412, 2-3414 to 2-3416, 2-3601 to 2-3623, 2-3627 to 2-3635, 2-4001 to 2-4020, 54-2101 to 54-2119, 66-468 to 66-470, and 66-801 to 66-820, Reissue Revised Statutes of Nebraska, 1943, and sections 2-3403, 2-3408, and 2-3413, Revised Statutes Supplement, 1984.

**LEGISLATIVE BILL 457.** By Vickers, 38th District; Scofield, 49th District.

A BILL FOR AN ACT relating to employers and employees; to define terms; to provide duties for employers regarding hazardous materials; to provide protection for employees; to provide a penalty; and to provide for severability.

**LEGISLATIVE BILL 458.** By R. Johnson, 34th District.

A BILL FOR AN ACT relating to agriculture; to adopt the Commercial Feed Act; to harmonize provisions; to provide an operative date; to provide severability; and to repeal sections 54-819 to 54-843, 54-845, and 54-846, Reissue Revised Statutes of Nebraska, 1943.

**LEGISLATIVE BILL 459.** By R. Johnson, 34th District.

A BILL FOR AN ACT relating to agriculture; to amend sections 2-946.02, 2-954, 2-955, 2-957, and 2-960, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the Department of Agriculture's participation in noxious weed control programs as prescribed; to harmonize provisions; to repeal the original sections, and also section 2-964, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

**LEGISLATIVE BILL 460.** By R. Johnson, 34th District.

A BILL FOR AN ACT relating to agriculture; to amend sections 2-1016, 2-1017, 2-1019, 2-1020, 81-216.04, 81-216.05, 81-216.24, and 81-2,147 to 81-2,147.09, Reissue Revised Statutes of Nebraska, 1943, and sections 81-201, 81-216.21, and 89-187, Revised Statutes Supplement, 1984; to create funds as prescribed; to provide for and change provisions relating to fees as prescribed; to change provisions relating to the powers and duties of the Department of Agriculture and its director; to redefine terms; to change provisions relating to certain organizations; to state intent; to define a term; to require certain persons who label seeds to obtain permits and pay fees as prescribed; to provide rules and regulations; to harmonize provisions; to provide operative dates; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 461.** By R. Johnson, 34th District; Vickers, 38th District; Scofield, 49th District; Withem, 14th District; Baack, 47th District; Conway, 17th District.

A BILL FOR AN ACT relating to educational telecommunications; to amend sections 79-2101, 79-2103, 79-2106.01, and 79-2109, Revised Statutes Supplement, 1984; to include radio satellite transmissions in telecommunications; to provide additional powers and duties; to eliminate a restriction on a fund; and to repeal the original sections, and also section 79-2108, Reissue Revised Statutes of Nebraska, 1943.

**LEGISLATIVE BILL 462.** By Beutler, 28th District.

A BILL FOR AN ACT relating to the interstate corrections compact; to amend section 29-3401, Reissue Revised Statutes of Nebraska, 1943; to change certain procedures relating to prisoners; and to repeal the original section.

**LEGISLATIVE BILL 463.** By Beutler, 28th District.

A BILL FOR AN ACT relating to ground water; to amend sections 2-1579 and 2-1590, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the use of certain funds; to state intent; to define terms; to provide powers and duties relating to nitrate-nitrogen contamination; to authorize a tax; and to repeal the original sections.

**UNANIMOUS CONSENT - Add Co-Introducer**

Mr. Schmit asked unanimous consent to have his name added as co-introducer to LB 295. No objections. So ordered.

## NOTICE OF COMMITTEE HEARINGS

### Revenue

| | | |
|---|---|---|
| LB 30 | Monday, January 28, 1985 | 1:30 p.m. |
| LB 270 | Monday, January 28, 1985 | 1:30 p.m. |
| LB 271 | Monday, January 28, 1985 | 1:30 p.m. |
| LB 363 | Monday, January 28, 1985 | 1:30 p.m. |
| LB 364 | Monday, January 28, 1985 | 1:30 p.m. |
| LB 365 | Monday, January 28, 1985 | 1:30 p.m. |
| LB 366 | Monday, January 28, 1985 | 1:30 p.m. |
| LB 409 | Monday, January 28, 1985 | 1:30 p.m. |
| LB 268 | Tuesday, January 29, 1985 | 1:30 p.m. |
| LB 269 | Tuesday, January 29, 1985 | 1:30 p.m. |
| LB 98 | Tuesday, January 29, 1985 | 1:30 p.m. |
| LB 34 | Tuesday, January 29, 1985 | 1:30 p.m. |
| LB 282 | Tuesday, January 29, 1985 | 1:30 p.m. |
| LB 273 | Wednesday, January 30, 1985 | 1:30 p.m. |
| LB 283 | Wednesday, January 30, 1985 | 1:30 p.m. |

(Signed) Vard Johnson, Chairperson

## BILLS ON FIRST READING

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

**LEGISLATIVE BILL 464.** By Beutler, 28th District.

A BILL FOR AN ACT relating to crimes and punishments; to amend section 28-515, Revised Statutes Supplement, 1984; to define terms; to provide a penalty for unauthorized use of telecommunications services; and to repeal the original section.

**LEGISLATIVE BILL 465.** By Pappas, 42nd District; Schmit, 23rd District; Labedz, 5th District; Scofield, 49th District; Rupp, 22nd District.

A BILL FOR AN ACT relating to conservation officers; to state legislative intent; to provide for salary increases; to make an appropriation; to provide an operative date; and to declare an

emergency.

**LEGISLATIVE BILL 466.** By Lamb, 43rd District.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 71-153, 71-154, 71-161.03, and 71-1,104.05, Reissue Revised Statutes of Nebraska, 1943, and sections 71-149, 71-155, and 71-171.01, Revised Statutes Supplement, 1984; to change procedures for the denial, revocation, limitation, or suspension of certain licenses; to change hearing and appeal procedures; to provide duties; to harmonize provisions; and to repeal the original sections, and also sections 71-150 to 71-152 and 71-157 to 71-161, Reissue Revised Statutes of Nebraska, 1943.

**LEGISLATIVE BILL 467.** By DeCamp, 40th District.

A BILL FOR AN ACT relating to the state racing commission; to amend section 2-1201, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the members of the commission; and to repeal the original section.

**LEGISLATIVE BILL 468.** By DeCamp, 40th District.

A BILL FOR AN ACT relating to construction projects; to create a commission; to provide duties; to create a fund; and to provide appropriations.

**LEGISLATIVE BILL 469.** By DeCamp, 40th District; Pappas, 42nd District.

A BILL FOR AN ACT relating to exports; to adopt the Nebraska Export Finance Act; and to provide for termination.

**LEGISLATIVE BILL 470.** By DeCamp, 40th District; V. Johnson, 8th District.

A BILL FOR AN ACT relating to licensing professions and occupations; to amend sections 71-178 and 71-179, Reissue Revised Statutes of Nebraska, 1943, and section 71-177, Revised Statutes Supplement, 1984; to restrict the practice of chiropractic; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 471.** By Hannibal, 4th District; Withem, 14th District; Barrett, 39th District; Goodrich, 20th District.

A BILL FOR AN ACT relating to the State Fire Marshal; to amend section 81-505.01, Revised Statutes Supplement, 1984; to change provisions relating to the assessment and collection of certain fees; and to repeal the original section.

**LEGISLATIVE BILL 472.** By Marsh, 29th District.

A BILL FOR AN ACT relating to license plates; to amend section 60-311, Reissue Revised Statutes of Nebraska, 1943; to require that certain words be placed on license plates as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 473.** By Eret, 32nd District.

A BILL FOR AN ACT relating to special fuels; to amend sections 66-605, 66-605.02, 66-609, 66-616, 66-618, 66-620, 66-631, 66-636, 66-637, and 66-639, Reissue Revised Statutes of Nebraska, 1943, and sections 66-601, 66-602, 66-606, 66-606.01, 66-607, 66-619, and 66-624, Revised Statutes Supplement, 1984; to define and redefine terms; to change provisions relating to special fuels; to eliminate certain provisions relating to special fuel user permits; to provide duties for the Revisor of Statutes; to harmonize provisions; to provide an operative date; and to repeal the original sections, and also sections 66-641 to 66-649, Revised Statutes Supplement, 1984.

**LEGISLATIVE BILL 474.** By Public Works Committee: Schmit, 23rd District, Chairperson; Beyer, 3rd District; Lamb, 43rd District; Lynch, 13th District; Nelson, 34th District.

A BILL FOR AN ACT relating to agriculture; to amend sections 2-1576 and 2-1579, Reissue Revised Statutes of Nebraska, 1943; to adopt the Erosion and Sediment Control Act; to change legislative intent; to change provisions relating to grants; to eliminate certain provisions relating to conserving soil and water resources; and to repeal the original sections, and also sections 2-3244 to 2-3250, Reissue Revised Statutes of Nebraska, 1943.

**LEGISLATIVE BILL 475.** By Pirsch, 10th District.

A BILL FOR AN ACT relating to taxes; to amend sections 77-377.01, 77-377.02, and 77-2710, Reissue Revised Statutes of Nebraska, 1943; to provide for the use of collection agencies when collecting delinquent taxes from certain taxpayers; to provide the amount of payment to certain collection agencies; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 476.** By Marsh, 29th District.

A BILL FOR AN ACT relating to rules of the road; to amend section 39-646, Reissue Revised Statutes of Nebraska, 1943; to provide restrictions for walkers, joggers, and runners as provided; to provide a penalty; and to repeal the original section.

**LEGISLATIVE BILL 477.** By DeCamp, 40th District; Conway, 17th District; Hall, 7th District.

A BILL FOR AN ACT relating to adoption; to amend sections 43-107, 43-109, 43-113, 43-119, 43-129, and 71-626.01, Reissue Revised Statutes of Nebraska, 1943; to provide duties; to place a condition on the granting of adoption decrees; to change certain forms; to change provisions governing access to certain information; to change requirements; to correct an internal reference; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 478.** By V. Johnson, 8th District.

A BILL FOR AN ACT relating to rehabilitation services; to amend sections 43-654, 79-1447 to 79-1449, 79-1451, 79-1452, and 83-210.01, Reissue Revised Statutes of Nebraska, 1943; to name an act; to define terms; to transfer powers and duties relating to services for the blind from the Department of Public Institutions to the Division of Rehabilitation Services; to create a fund; to harmonize provisions; to eliminate a committee; and to repeal the original sections, and also sections 83-210.02 to 83-212, Reissue Revised Statutes of Nebraska, 1943.

**LEGISLATIVE BILL 479.** By L. Johnson, 15th District; Chronister, 18th District; V. Johnson, 8th District; Remmers, 1st District.

A BILL FOR AN ACT relating to investment; to amend section 77-2305, Reissue Revised Statutes of Nebraska, 1943, and section 72-1268, Revised Statutes Supplement, 1984; to require a bond or the deposit of securities for certain investments of state funds; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 480.** By Landis, 46th District.

A BILL FOR AN ACT relating to economic development; to amend

sections 58-209.01, 58-219, 66-452, and 72-1263, Reissue Revised Statutes of Nebraska, 1943, and sections 77-2704, 77-2708, 77-2715, 77-2734.03, 77-2734.04, 77-2734.07, and 81-1228, Revised Statutes Supplement, 1984; to adopt the Enterprise Zone Demonstration Act; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 481.** By Haberman, 44th District.

A BILL FOR AN ACT relating to the Director of Correctional Services; to amend sections 83-173 and 83-939, Reissue Revised Statutes of Nebraska, 1943; to provide for notice of furlough as prescribed; to provide powers and duties; and to repeal the original sections.

**LEGISLATIVE BILL 482.** By Withem, 14th District.

A BILL FOR AN ACT relating to sanitary and improvement districts; to amend section 31-767, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the dissolving of such districts; and to repeal the original section.

**LEGISLATIVE BILL 483.** By Withem, 14th District.

A BILL FOR AN ACT relating to sanitary and improvement districts; to amend section 31-735, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the election of trustees as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 484.** By Withem, 14th District.

A BILL FOR AN ACT relating to sanitary and improvement districts; to amend section 31-727.01, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the filing of information by newly created districts; and to repeal the original section.

**LEGISLATIVE BILL 485.** By Withem, 14th District.

A BILL FOR AN ACT relating to insurance; to provide the method of computation for worker's compensation insurance premiums; to provide duties; and to provide an operative date.

**UNANIMOUS CONSENT - Add Co-Introducer**

Mr. Beyer asked unanimous consent to have his name added as

co-introducer to LB 238. No objections. So ordered.

## NOTICE OF COMMITTEE HEARINGS

### Education

| | | |
|---|---|---|
| LB 115 | Monday, January 28, 1985 | 1:30 p.m. |
| LB 242 | Monday, January 28, 1985 | 1:30 p.m. |
| LB 354 | Monday, January 28, 1985 | 1:30 p.m. |
| LB 417 | Monday, January 28, 1985 | 1:30 p.m. |

(Signed) Tom Vickers, Chairperson

### Public Health and Welfare

| | | |
|---|---|---|
| LB 42 | Monday, January 28, 1985 | 1:30 p.m. |
| LB 44 | Monday, January 28, 1985 | 1:30 p.m. |
| LB 77 | Monday, January 28, 1985 | 1:30 p.m. |
| LB 249 | Monday, January 28, 1985 | 1:30 p.m. |
| LB 252 | Monday, January 28, 1985 | 1:30 p.m. |
| LB 117 | Tuesday, January 29, 1985 | 1:30 p.m. |
| LB 82 | Tuesday, January 29, 1985 | 1:30 p.m. |
| LB 129 | Tuesday, January 29, 1985 | 1:30 p.m. |
| LB 313 | Tuesday, January 29, 1985 | 1:30 p.m. |

(Signed) Don Wesely, Chairperson

### Judiciary

| | | |
|---|---|---|
| LB 41 | Monday, January 28, 1985 | 1:30 p.m. |
| LB 241 | Monday, January 28, 1985 | 1:30 p.m. |
| LB 113 | Monday, January 28, 1985 | 1:30 p.m. |
| LB 187 | Monday, January 28, 1985 | 1:30 p.m. |

(Signed) Peter Hoagland, Chairperson

## BILLS ON FIRST READING

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

**LEGISLATIVE BILL 486.** By Labedz, 5th District.

A BILL FOR AN ACT relating to bingo and other gambling; to amend sections 9-173 and 9-185, Revised Statutes Supplement, 1984;

to provide a special permit for certain lotteries; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 487.** By Labedz, 5th District; DeCamp, 40th District.

A BILL FOR AN ACT relating to insurance; to amend section 83-368, Reissue Revised Statutes of Nebraska, 1943; to prohibit certain insurers from denying payment for treatment of mental or nervous disorders as prescribed; to include health insurance as a factor to consider in determining a patient's ability to pay for care; and to repeal the original section.

**LEGISLATIVE BILL 488.** By Vickers, 38th District; Schmit, 23rd District.

A BILL FOR AN ACT relating to water resources; to amend sections 33-105, 46-226.02, 46-295, 46-296, 46-298, and 46-2,101, Reissue Revised Statutes of Nebraska, 1943; to require a fee for certain applications; to restate intent; to redefine a term; to provide additional requirements relating to underground water storage; and to repeal the original sections.

**LEGISLATIVE BILL 489.** By Vickers, 38th District; Peterson, 21st District; Hefner, 19th District; Rogers, 41st District; Carsten, 2nd District.

A BILL FOR AN ACT relating to drainage; to amend section 31-201, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to liability for drainage of land; and to repeal the original section.

**LEGISLATIVE BILL 490.** By Judiciary Committee: Hoagland, 6th District, Chairperson; Abboud, 12th District; Beutler, 28th District; Chizek, 31st, District; Conway, 17th District; Remmers, 1st District;

A BILL FOR AN ACT relating to crimes and punishments; to amend sections 28-101, 28-707, 28-708, and 28-710, Revised Statutes Supplement, 1984; to define and redefine terms; and to repeal the original sections, and also sections 38-115 to 38-117, Reissue Revised Statutes of Nebraska, 1943.

**LEGISLATIVE BILL 491.** By Chizek, 31st District.

A BILL FOR AN ACT relating to environmental protection; to

amend section 81-1528.01, Reissue Revised Statutes of Nebraska, 1943; to change a provision relating to jurisdiction to control pollution; and to repeal the original section.

**LEGISLATIVE BILL 492.** By Chizek, 31st District.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-101 and 28-519, Revised Statutes Supplement, 1984; to state intent; to change provisions relating to criminal mischief; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 493.** By Chizek, 31st District.

A BILL FOR AN ACT relating to liquor; to amend sections 53-180.04 and 53-180.05, Reissue Revised Statutes of Nebraska, 1943; to change a penalty relating to the purchase of alcoholic liquor for a minor or incompetent; to harmonize provisions; and to repeal the original sections.

## RESOLUTION

**LEGISLATIVE RESOLUTION 25.**

Introduced by Schmit, 23rd District.

WHEREAS, the State of Nebraska's economic prosperity is closely linked with the vitality of the agriculture industry; and

WHEREAS, currently the agriculture industry is in the worst economic slump in recent years because of stresses created by a combination of scarce credit, high interest rates, falling land and equipment values, and low prices; and

WHEREAS, a single state government can do little to protect its farmers and ranchers from such conditions because the problems in agriculture exist nationwide; and

WHEREAS, agricultural policy for the nation is determined in Washington, D.C., by the administration, the Congress, and the Department of Agriculture; and

WHEREAS, the nation's farmers and ranchers have not shared in the benefits of the recovery that other sectors of the nation's economy have enjoyed; and

WHEREAS, the agricultural policymakers in the federal government have not developed effective solutions to the problems of scarce credit, high interest rates, falling values, and low prices to effect a recovery in the agriculture industry.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS

OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature's Committee on Committees select twenty members of the Legislature, who shall be accompanied by one business person and one agri-business person from each legislative district being represented by the selected delegation of Senators, and Governor Robert Kerrey, to go to Washington, D.C., to speak with federal officials to alert them to the severity of agriculture's problems.

2. That the Legislature immediately recess until after the selected delegation returns from Washington, D.C., and can report its findings to the other members of the Legislature.

3. That an invitation be issued to members of the legislatures of the states of Colorado, Illinois, Indiana, Iowa, Kansas, Minnesota, Missouri, North Dakota, South Dakota, and Wisconsin to join the delegation from Nebraska in Washington, D.C. to add their voices to ours, and to work together to find a solution to our common problems.

4. That this assembly of concerned state legislators demand that the federal government take action to relieve the economic stresses that burden this nation's farmers and ranchers.

5. That the cost of providing transportation, lodging, meals, and any other expense borne by members of the Nebraska delegation, including the members who are not Senators, shall be borne by the Legislative Council.

Laid over.

## BILLS ON FIRST READING

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

**LEGISLATIVE BILL 494.** By Abboud, 12th District; L. Johnson, 15th District; Lundy, 36th District.

A BILL FOR AN ACT relating to cities and villages; to amend section 18-414, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to gas rate increases; and to repeal the original section.

**LEGISLATIVE BILL 495.** By Vickers, 38th District.

A BILL FOR AN ACT relating to schools; to amend sections 79-328 and 79-1701, Revised Statutes Supplement, 1984; to change provisions relating to accreditation of certain schools; to change provisions relating to visitation of certain schools; to change

provisions relating to testing in certain schools; to eliminate a requirement; to provide for the school term for certain schools; to provide for revocation of certain exemptions and appropriate procedures; and to repeal the original sections.

## NOTICE OF COMMITTEE HEARING
### Miscellaneous Subjects

LB 144 Thursday, January 31, 1985 1:30 p.m.

(Signed) Elroy Hefner, Chairperson

## BILL ON FIRST READING

The following bill was read for the first time by title:

**LEGISLATIVE BILL 496.** By Morehead, 30th District; Marsh, 29th District; Lundy, 36th District; Hefner, 19th District; Rogers, 41st District; Smith, 33rd District; Nichol, 48th District; Hall, 7th District; Higgins, 9th District; Remmers, 1st District; Goll, 16th District; Beyer, 3rd District; Schmit, 23rd District; Nelson, 35th District.

A BILL FOR AN ACT relating to rules of the road; to require the use of seat safety belts and safety seats as prescribed; to define a term; to provide a penalty and exceptions; and to provide the effect of noncompliance with regard to civil actions.

## ADJOURNMENT

At 11:30 a.m., on a motion by Mrs. Smith, the Legislature adjourned until 10:00 a.m., Tuesday, January 22, 1985.

Patrick J. O'Donnell
Clerk of the Legislature

# TENTH DAY - JANUARY 22, 1985

## LEGISLATIVE JOURNAL

## EIGHTY-NINTH LEGISLATURE
## FIRST SESSION

## TENTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, January 22, 1985

Pursuant to adjournment, the Legislature met at 10:03 a.m., Speaker Nichol presiding.

## PRAYER

The prayer was offered by Dr. Robert Palmer, Westminster Presbyterian Church, Lincoln, Nebraska.

## ROLL CALL

The roll was called and all members were present except Mr. DeCamp who was excused; and Messrs. Conway, Goodrich, Lamb, Schmit, and Warner who were excused until they arrive.

## CORRECTIONS FOR THE JOURNAL

The Journal for the Ninth Day was approved.

## REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative bills 425 through 496.

| LB | Committee |
|---|---|
| 425 | Revenue |
| 426 | Business and Labor |
| 427 | Judiciary |
| 428 | Government, Military and Veterans Affairs |
| 429 | Miscellaneous Subjects |
| 430 | Banking, Commerce and Insurance |

| | |
|---|---|
| 431 | Banking, Commerce and Insurance |
| 432 | Nebraska Retirement Systems |
| 433 | Public Health and Welfare |
| 434 | Banking, Commerce and Insurance |
| 435 | Government, Military and Veterans Affairs |
| 436 | Public Works |
| 437 | Public Works |
| 438 | Public Health and Welfare |
| 439 | Government, Military and Veterans Affairs |
| 440 | Government, Military and Veterans Affairs |
| 441 | Agriculture and Environment |
| 442 | Appropriations |
| 443 | Agriculture and Environment |
| 444 | Agriculture and Environment |
| 445 | Judiciary |
| 446 | Constitutional Revision and Recreation |
| 447 | Judiciary |
| 448 | Judiciary |
| 449 | Administrative Rules and Regulations |
| 450 | Banking, Commerce and Insurance |
| 451 | Banking, Commerce and Insurance |
| 452 | Banking, Commerce and Insurance |
| 453 | Banking, Commerce and Insurance |
| 454 | Nebraska Retirement Systems |
| 455 | Education |
| 456 | Agriculture and Environment |
| 457 | Business and Labor |
| 458 | Agriculture and Environment |
| 459 | Agriculture and Environment |
| 460 | Agriculture and Environment |
| 461 | Education |
| 462 | Judiciary |
| 463 | Agriculture and Environment |
| 464 | Judiciary |
| 465 | Appropriations |
| 466 | Public Health and Welfare |
| 467 | Government, Military and Veterans Affairs |
| 468 | Public Works |
| 469 | Banking, Commerce and Insurance |
| 470 | Public Health and Welfare |
| 471 | Government, Military and Veterans Affairs |
| 472 | Public Works |
| 473 | Revenue |
| 474 | Agriculture and Environment |
| 475 | Revenue |

476 Public Works
477 Judiciary
478 Education
479 Banking, Commerce and Insurance
480 Banking, Commerce and Insurance
481 Judiciary
482 Urban Affairs
483 Urban Affairs
484 Urban Affairs
485 Business and Labor
486 Miscellaneous Subjects
487 Banking, Commerce and Insurance
488 Public Works
489 Public Works
490 Judiciary
491 Agriculture and Environment
492 Judiciary
493 Miscellaneous Subjects
494 Urban Affairs
495 Education
496 Public Works

(Signed) Chris Beutler, Chairperson
Legislative Council
Executive Board

## UNANIMOUS CONSENT - Member Excused

Mr. Goll asked unanimous consent to be excused from attendance on January 29 and 30, 1985. No objections. So ordered.

## NOTICE OF COMMITTEE HEARINGS
### Miscellaneous Subjects

| | | |
|---|---|---|
| LB 238 | Friday, February 1, 1985 | 1:30 p.m. |
| LB 408 | Friday, February 1, 1985 | 1:30 p.m. |

(Signed) Elroy Hefner, Chairperson

### Business and Labor

| | | |
|---|---|---|
| LB 337 | Wednesday, January 30, 1985 | 1:30 p.m. |
| LB 338 | Wednesday, January 30, 1985 | 1:30 p.m. |
| LB 339 | Wednesday, January 30, 1985 | 1:30 p.m. |
| LB 341 | Wednesday, January 30, 1985 | 1:30 p.m. |

| | | |
|---|---|---|
| LB 342 | Wednesday, January 30, 1985 | 1:30 p.m. |

(Signed) Bill Barrett, Chairperson

**Public Works**

| | | |
|---|---|---|
| LB 75 | Wednesday, January 30, 1985 | 1:30 p.m. |
| LB 96 | Wednesday, January 30, 1985 | 1:30 p.m. |
| LB 240 | Wednesday, January 30, 1985 | 1:30 p.m. |
| LB 179 | Wednesday, January 30, 1985 | 1:30 p.m. |
| LB 193 | Thursday, January 31, 1985 | 1:30 p.m. |
| LB 103 | Thursday, January 31, 1985 | 1:30 p.m. |
| LB 81 | Thursday, January 31, 1985 | 1:30 p.m. |
| LB 83 | Thursday, January 31, 1985 | 1:30 p.m. |
| LB 387 | Friday, February 1, 1985 | 1:30 p.m. |
| LB 66 | Friday, February 1, 1985 | 1:30 p.m. |
| LB 122 | Friday, February 1, 1985 | 1:30 p.m. |
| LB 123 | Friday, February 1, 1985 | 1:30 p.m. |

(Signed) Loran Schmit, Chairperson

**Education**

| | | |
|---|---|---|
| LB 163 | Tuesday, January 29, 1985 | 1:30 p.m. |
| LB 168 | Tuesday, January 29, 1985 | 1:30 p.m. |
| LB 419 | Tuesday, January 29, 1985 | 1:30 p.m. |

(Signed) Tom Vickers, Chairperson

## UNANIMOUS CONSENT - Add Co-Introducers

Mr. Conway asked unanimous consent to have his name added as co-introducer to LB 494. No objections. So ordered.

Mr. Remmers asked unanimous consent to have his name added as co-introducer to LB 118, LB 119, and LB 219. No objections. So ordered.

## REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have

registered as of January 21, 1985. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Connor, James E. - Omaha, NE, Military Order of the Purple Heart #260
Erickson & Sederstrom
Albers, Larry V. - Lincoln, NE, Nebraska State College System
Knudsen, Berkheimer, Richardson & Endacott
Mueller, William J. - Lincoln, NE, AT&T Company
Ruth, Larry L. - Lincoln, NE, AT&T Company
Radcliffe, Walter/Tews & Radcliffe
Radcliffe, Walter H. - Lincoln, NE, Lincoln Citizens for Equitable Taxation
Robinson Jr., C. N. - Omaha, NE, Westside Community Schools
Ryan, James E. - Lincoln, NE, Lincoln Citizens for Equitable Taxation
Simon, Ray - Omaha, NE, American Association of University Professors
Thompson II, John R. - Omaha, NE, Communications Workers of America
Todd Jr., A. Loy - Lincoln, NE, National Association of Theatre Owners of Nebraska; Nebraska Manufactured Housing Institute

## RESOLUTION

**LEGISLATIVE RESOLUTION 24.** Read. Considered.

LR 24 was adopted with 38 ayes, 0 nays, and 11 not voting.

## UNANIMOUS CONSENT - Add Co-Introducers

Mr. Chronister asked unanimous consent to have his name added as co-introducer to LB 496. No objections. So ordered.

Mr. Lynch asked unanimous consent to have his name added as co-introducer to LB 480. No objections. So ordered.

## NOTICE OF COMMITTEE HEARINGS
### Agriculture and Environment

| | | |
|---|---|---|
| LB 60 | Thursday, January 31, 1985 | 1:30 p.m. |
| LB 162 | Thursday, January 31, 1985 | 1:30 p.m. |

| | | |
|---|---|---|
| LB 264 | Thursday, January 31, 1985 | 1:30 p.m. |
| LB 394 | Thursday, January 31, 1985 | 1:30 p.m. |
| LB 29 | Friday, February 1, 1985 | 1:30 p.m. |
| LB 217 | Friday, February 1, 1985 | 1:30 p.m. |
| LB 383 | Friday, February 1, 1985 | 1:30 p.m. |
| LB 227 | Thursday, February 7, 1985 | 1:30 p.m. |
| LB 284 | Thursday, February 7, 1985 | 1:30 p.m. |
| LB 232 | Friday, February 8, 1985 | 1:30 p.m. |

(Signed) Rod Johnson, Chairperson

## BILLS ON FIRST READING

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

**LEGISLATIVE BILL 497.** By Wesely, 26th District.

A BILL FOR AN ACT relating to amusement rides; to adopt the Amusement Ride Act; and to provide severability.

**LEGISLATIVE BILL 498.** By Chambers, 11th District.

A BILL FOR AN ACT relating to publications; to amend section 49-617, Reissue Revised Statutes of Nebraska, 1943, and section 24-209, Revised Statutes Supplement, 1984; to change distribution as prescribed; and to repeal the original sections.

**LEGISLATIVE BILL 499.** By Chambers, 11th District.

A BILL FOR AN ACT relating to colleges and universities; to state legislative findings; to provide that football players at the University of Nebraska at Lincoln be treated as university employees.

**LEGISLATIVE BILL 500.** By Marsh, 29th District.

A BILL FOR AN ACT relating to tourism; to amend section 81-1263, Reissue Revised Statutes of Nebraska, 1943; to define a term; to create an office to promote tourism as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 501.** By Warner, 25th District.

A BILL FOR AN ACT relating to overweight commercial motor vehicles; to amend section 39-6,184, Reissue Revised Statutes of Nebraska, 1943, and section 28-106, Revised Statutes Supplement, 1984; to increase fines for such vehicles; to provide an additional class of misdemeanors; and to repeal the original sections.

**LEGISLATIVE BILL 502.** By Warner, 25th District.

A BILL FOR AN ACT relating to interexchange telecommunications services; to prohibit billing and collection as prescribed; to provide for enforcement; to provide for rules and regulations; to provide powers and duties; to provide a cause of action; and to establish reporting requirements.

**LEGISLATIVE BILL 503.** By Nichol, 48th District.

A BILL FOR AN ACT relating to liens; to provide for a lien for seed furnished as prescribed.

**LEGISLATIVE BILL 504.** By Remmers, 1st District.

A BILL FOR AN ACT relating to crimes and punishment; to amend section 29-2262, Reissue Revised Statutes of Nebraska, 1943, and section 28-416, Revised Statutes Supplement, 1984; to require mandatory conditions on probation as prescribed; to prohibit probation and suspension of sentence as prescribed; to provide an eligibility requirement for parole; and to repeal the original sections.

**LEGISLATIVE BILL 505.** By Remmers, 1st District.

A BILL FOR AN ACT relating to school foundation aid; to amend section 79-1332, Reissue Revised Statutes of Nebraska, 1943, and sections 77-2701, 77-2715.01, and 77-2715.05, Revised Statutes Supplement, 1984; to provide an additional sales and use tax to be used for foundation aid; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 506.** By Nichol, 48th District; Baack, 47th District; Vickers, 38th District; Hefner, 19th District; Sieck, 24th District; Peterson, 21st District; Rupp, 22nd District; Barrett, 39th District.

A BILL FOR AN ACT relating to postsecondary education; to amend section 85-948, Reissue Revised Statutes of Nebraska, 1943; to eliminate associate degree programs in nursing from the University

of Nebraska's sole responsibility; and to repeal the original section.

**LEGISLATIVE BILL 507.** By Miller, 27th District.

A BILL FOR AN ACT relating to inheritance tax; to amend section 77-2018.04, Reissue Revised Statutes of Nebraska, 1943; to change a deduction as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 508.** By Beyer, 3rd District.

A BILL FOR AN ACT relating to insurance; to amend section 44-4103, Reissue Revised Statutes of Nebraska, 1943; to define and redefine terms; to provide for the establishment, operation, and regulation of fraternal benefit societies; to provide for certificates, benefit contracts, and specific benefits as prescribed; to provide the Director of Insurance with powers and duties; to provide for communications to fraternal benefit society members; to authorize a grievance procedure; to provide for indemnification and reimbursement as prescribed; to provide for the creation of certain institutions and funds as prescribed; to provide for merger; to provide for conversion into a mutual life insurance company; to provide for the discontinuance of business; to provide standards of valuation; to provide for reports; to provide for review of decisions; to provide penalties; to eliminate existing provisions relating to fraternal benefit societies; to harmonize provisions; to provide severability; and to repeal the original section, and also sections 44-1001 to 44-1011, 44-1013 to 44-1033, 44-1035 to 44-1039, 44-1041 to 44-1061, and 44-1063 to 44-1071, Reissue Revised Statutes of Nebraska, 1943.

**LEGISLATIVE BILL 509.** By Marsh, 29th District.

A BILL FOR AN ACT relating to warrants; to provide for arrests without warrants in certain cases; and to define a term.

**LEGISLATIVE BILL 510.** By Marsh, 29th District.

A BILL FOR AN ACT relating to rules of the road; to amend section 39-660, Reissue Revised Statutes of Nebraska, 1943; to change an exception relating to overtaking and passing a school bus by a driver of a motor vehicle; to provide for amber flashing warning signal lights; to provide an exception to a school bus driver's use of warning signal lights and stop arm as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 511.** By Chizek, 31st District.

A BILL FOR AN ACT relating to impoundments; to prohibit the construction of certain impoundments in certain counties.

**LEGISLATIVE BILL 512.** By Chizek, 31st District; Labedz, 5th District.

A BILL FOR AN ACT relating to county government and officers; to amend sections 23-1901, 32-308, and 39-1506, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to county engineers and surveyors as prescribed; to eliminate an obsolete provision; and to repeal the original sections.

## UNANIMOUS CONSENT - Add Co-Introducer

Mr. Hoagland asked unanimous consent to have his name added as co-introducer to LB 247. No objections. So ordered.

## NOTICE OF COMMITTEE HEARINGS
### Appropriations

| | | |
|---|---|---|
| LB 35 | Tuesday, January 29, 1985 | 1:30 p.m. |
| LB 151 | Wednesday, January 30, 1985 | 1:30 p.m. |
| LB 152 | Wednesday, January 30, 1985 | 1:30 p.m. |

(Signed) Jerome Warner, Chairperson

## UNANIMOUS CONSENT - Member Excused

Mrs. Marsh asked unanimous consent to be excused. No objections. So ordered.

## BILLS ON FIRST READING

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

**LEGISLATIVE BILL 513.** By Rogers, 41st District.

A BILL FOR AN ACT relating to labor; to amend sections 48-225 to 48-228, Reissue Revised Statutes of Nebraska, 1943; to define and redefine terms; to provide employment preferences for certain veterans and spouses; and to repeal the original sections.

**LEGISLATIVE BILL 514.** By Beutler, 28th District.

A BILL FOR AN ACT relating to public defenders; to amend sections 83-1008, 83-1050, 83-1052, and 83-1119, Reissue Revised Statutes of Nebraska, 1943, and sections 29-1804 and 29-1804.03, Revised Statutes Supplement, 1984; to adopt the State Defender Act; to redefine terms; to harmonize provisions; to eliminate existing provisions relating to county public defenders and judicial district public defenders; and to repeal the original sections, and also sections 29-1804.04, 29-1804.08 to 29-1804.13, and 29-1805.01 to 29-1805.11, Reissue Revised Statutes of Nebraska, 1943, and sections 29-1804.05, 29-1804.07, and 29-1804.14, Revised Statutes Supplement, 1984.

**LEGISLATIVE BILL 515.** By Beutler, 28th District.

A BILL FOR AN ACT relating to the Nebraska Political Accountability and Disclosure Act; to amend sections 49-1474 and 49-1474.01, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to advertisement, false statement of material fact, and political material as prescribed; and to repeal the original sections.

**LEGISLATIVE BILL 516.** By Beutler, 28th District.

A BILL FOR AN ACT relating to judges; to amend sections 5-105, 24-301, 24-312, 24-505.01 and 24-516, Reissue Revised Statutes of Nebraska, 1943, and sections 24-503 and 24-810, Revised Statutes Supplement, 1984; to change district and county judicial districts; to provide for subdistricts and primary service locations; to authorize the interchange of county and district judges; to change provisions relating to judicial vacancies; to provide an operative date; to provide severability; and to repeal the original sections.

**LEGISLATIVE BILL 517.** By Beutler, 28th District.

A BILL FOR AN ACT relating to specific conveyances; to provide for the acceptance of certain real property by the Game and Parks Commission; and to provide conditions.

**LEGISLATIVE BILL 518.** By Beutler, 28th District.

A BILL FOR AN ACT relating to the care and education of handicapped children; to amend sections 43-626, 43-627.01, 43-661, 43-662, 43-662.01, and 83-366, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to certain special education placements; to change special education appeal procedures; to

provide jurisdiction as prescribed; to change provisions relating to costs; and to repeal the original sections.

**LEGISLATIVE BILL 519.** By Beutler, 28th District.

A BILL FOR AN ACT relating to industrial development; to amend sections 18-1615 and 18-1618, Reissue Revised Statutes of Nebraska, 1943, and section 18-1614, Revised Statutes Supplement, 1984; to define and redefine terms; to change provisions relating to the issuance of bonds; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 520.** By Beutler, 28th District.

A BILL FOR AN ACT relating to arbitration; to amend section 77-2407, Reissue Revised Statutes of Nebraska, 1943; to adopt the Uniform Arbitration Act; to harmonize provisions; to provide severability; and to repeal the original section, and also sections 25-2103 to 25-2120, Reissue Revised Statutes of Nebraska, 1943.

**LEGISLATIVE BILL 521.** By Beutler, 28th District.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-2204, Reissue Revised Statutes of Nebraska, 1943; to change, eliminate, and transfer provisions relating to sentencing of offenders; and to repeal the original section, and also section 83-1,105, Reissue Revised Statutes of Nebraska, 1943.

**LEGISLATIVE BILL 522.** By Hoagland, 6th District.

A BILL FOR AN ACT relating to claims; to amend section 81-8,214, Reissue Revised Statutes of Nebraska, 1943, and section 23-2416, Revised Statutes Supplement, 1984; to change provisions relating to certain limitations; to provide for jurisdiction as prescribed; and to repeal the original sections.

**LEGISLATIVE BILL 523.** By Hoagland, 6th District.

A BILL FOR AN ACT relating to insurance; to adopt the Uninsured and Underinsured Motorist Coverage Act; to eliminate existing provisions relating to uninsured motor vehicles; to provide an operative date; and to repeal sections 60-509.01 to 60-509.04, Reissue Revised Statutes of Nebraska, 1943.

**LEGISLATIVE BILL 524.** By Hoagland, 6th District.

A BILL FOR AN ACT relating to motorcycles and mopeds; to amend section 39-669.26, Reissue Revised Statutes of Nebraska, 1943; to require the wearing of a protective helmet as prescribed; to provide duties for the Department of Motor Vehicles; to provide for enforcement; to change provisions relating to a point system; and to repeal the original section.

**LEGISLATIVE BILL 525.** By Hoagland, 6th District.

A BILL FOR AN ACT relating to marriage; to amend sections 24-511, 33-110, 33-126.05, 42-104 to 42-108, 42-112, 42-113, 42-115, 42-121, and 71-614, Reissue Revised Statutes of Nebraska, 1943; to transfer the issuance of marriage licenses and related duties from county judges to county clerks; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 526.** By Hoagland, 6th District.

A BILL FOR AN ACT relating to foster care; to amend section 43-1314, Reissue Revised Statutes of Nebraska, 1943; to change the method of providing notice; and to repeal the original section.

**LEGISLATIVE BILL 527.** By Judiciary Committee: Hoagland, 6th District, Chairperson; Beutler, 28th District; Chambers, 11th District; Conway, 17th District; Rupp, 22nd District; and DeCamp, 40th District.

A BILL FOR AN ACT relating to district courts; to amend sections 11-119, 11-125, 11-126, 23-102, 23-1114.03 to 23-1114.06, 23-2504, 23-2518, 25-1625, 32-1044, and 33-106.02, Reissue Revised Statutes of Nebraska, 1943, and section 23-120, Revised Statutes Supplement, 1984; to change the status of clerks and employees of the district courts as prescribed; to provide for salaries and benefits; to change duties; to harmonize provisions; to provide an operative date; and to repeal the original sections, and also section 32-307, Reissue Revised Statutes of Nebraska, 1943.

**LEGISLATIVE BILL 528.** By Judiciary Committee: Hoagland, 6th District, Chairperson; Abboud, 12th District; Chizek, 31st District; Remmers, 1st District; Rupp, 22nd District; Conway, 17th District.

A BILL FOR AN ACT relating to crimes and punishments; to amend sections 29-2262 and 48-115, Reissue Revised Statutes of Nebraska, 1943; to provide for community service as a sentencing alternative; to provide the length of community service required; and

to repeal the original sections.

**LEGISLATIVE BILL 529.** By Hoagland, 6th District.

A BILL FOR AN ACT relating to courts; to amend sections 24-507 to 24-509, 24-511, 24-519, and 24-520, Reissue Revised Statutes of Nebraska, 1943, and sections 24-513 and 24-701, Revised Statutes Supplement, 1984; to provide for clerk magistrates rather than associate county judges; to provide duties for clerk magistrates; to eliminate pro tempore associate county judges; to eliminate a provision relating to county clerks as ex officio clerks of the county court; to harmonize provisions for retirement; to provide a duty for the Revisor of Statutes; and to repeal the original sections, and also sections 24-510, 24-513.01, and 24-518, Reissue Revised Statutes of Nebraska, 1943.

**LEGISLATIVE BILL 530.** By Judiciary Committee: Hoagland, 6th District, Chairperson; Abboud, 12th District; Chambers, 11th District; Chizek, 31st District; Conway, 17th District; Remmers, 1st District; Rupp, 22nd District.

A BILL FOR AN ACT relating to civil procedure; to amend section 25-1912, Revised Statutes Supplement, 1984; to allow reduction of sentences as prescribed; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 531.** By Withem, 14th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-1801, 77-1802, 77-1804, and 77-1918, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to collection of delinquent real estate taxes; and to repeal the original sections.

**LEGISLATIVE BILL 532.** By Withem, 14th District; Higgins, 9th District; R. Johnson, 34th District; Baack, 47th District; Pappas, 42nd District; Morehead, 30th District; Peterson, 21st District; Haberman, 44th District.

A BILL FOR AN ACT relating to cities of the metropolitan class; to amend section 14-813, Reissue Revised Statutes of Nebraska, 1943; to provide for the award of costs including an attorney's fee for certain appeals; to provide for intervention by owners of adjoining property in certain cases; and to repeal the original section.

**LEGISLATIVE BILL 533.** By Smith, 33rd District.

A BILL FOR AN ACT relating to motor vehicle fuels; to amend section 66-461, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to claims from tax credit gasoline purchases; and to repeal the original section.

**LEGISLATIVE BILL 534.** By Smith, 33rd District.

A BILL FOR AN ACT relating to schools; to amend section 79-12,111, Revised Statutes Supplement, 1984; to provide for annual evaluations of certain probationary certificated employees; and to repeal the original section.

**LEGISLATIVE BILL 535.** By Haberman, 44th District.

A BILL FOR AN ACT relating to the Nebraska Political Accountability and Disclosure Act; to amend sections 49-1408, 49-1493, and 49-1496, Reissue Revised Statutes of Nebraska, 1943; to redefine a term; to change provisions relating to statements of financial interest; to eliminate certain provisions relating to financial institutions and irrevocable trusts; and to repeal the original sections, and also section 49-1497, Reissue Revised Statutes of Nebraska, 1943.

**LEGISLATIVE BILL 536.** By Haberman, 44th District.

A BILL FOR AN ACT relating to state agencies; to provide that agencies send copies of rules and regulations to committees of the Legislature as prescribed.

**LEGISLATIVE BILL 537.** By Scofield, 49th District.

A BILL FOR AN ACT relating to the Environmental Control Council; to amend section 81-1505, Revised Statutes Supplement, 1984; to change provisions relating to rules and regulations; and to repeal the original section.

## UNANIMOUS CONSENT - Add Co-Introducer

Mr. Rogers asked unanimous consent to have his name added as co-introducer to LB 44. No objections. So ordered.

## BILL ON FIRST READING

The following bill was read for the first time by title:

**LEGISLATIVE BILL 538.** By Abboud, 12th District.

A BILL FOR AN ACT relating to gas utilities; to amend sections 14-106, 15-266, 16-679, 17-528.02, 75-109, 75-118, 75-119, 75-121, 75-123, and 75-127, Reissue Revised Statutes of Nebraska, 1943, and section 75-126, Revised Statutes Supplement, 1984; to provide for the regulation of gas utilities by the Public Service Commission; to harmonize provisions; and to repeal the original sections.

## NOTICE OF COMMITTEE HEARINGS
### Government, Military and Veterans Affairs

| | | |
|---|---|---|
| LB 43 | Thursday, January 31, 1985 | 1:30 p.m. |
| LB 45 | Thursday, January 31, 1985 | 1:30 p.m. |
| LB 114 | Thursday, January 31, 1985 | 1:30 p.m. |
| LB 184 | Thursday, January 31, 1985 | 1:30 p.m. |
| LB 78 | Friday, February 1, 1985 | 1:30 p.m. |
| LB 53 | Friday, February 1, 1985 | 1:30 p.m. |
| LB 422 | Friday, February 1, 1985 | 1:30 p.m. |

(Signed) David Landis, Chairperson

**MR. BEUTLER PRESIDING**

## UNANIMOUS CONSENT - Members Excused

Speaker Nichol and Mr. Chronister asked unanimous consent to be excused until they return. No objections. So ordered.

## BILLS ON FIRST READING

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

**LEGISLATIVE BILL 539.** By Revenue Committee: V. Johnson, 8th District, Chairperson; Hartnett, 45th District; Hefner, 19th District; Landis, 46th District; Miller, 37th District; Pirsch, 10th District; Rogers, 41st District; Sieck, 24th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701.01 and 77-2701.02, Revised Statutes Supplement, 1984; to change provisions relating to sales and income tax rates; and to repeal the original sections.

**LEGISLATIVE BILL 540.** By Pirsch, 10th District.

A BILL FOR AN ACT relating to the Nebraska Commission on Law Enforcement and Criminal Justice; to amend sections 81-1423, 81-1801 to 81-1821, 81-1823 to 81-1825, 81-1827, 81-1830 to 81-1837, 81-1839, 81-1842, 81-1843, 81-1847, and 83-183.01, Reissue Revised Statutes of Nebraska, 1943, and section 81-1822, Revised Statutes Supplement, 1984; to abolish the Crime Victim's Reparations Board; to create the Crime Victim's Reparations Committee; to harmonize provisions; to provide powers and duties; to provide for members' terms of office, vacancies, and expenses; to change provisions regarding hearings; to change provisions regarding compensation; and to repeal the original sections.

**LEGISLATIVE BILL 541.** By Pirsch, 10th District.

A BILL FOR AN ACT relating to crimes and punishments; to amend section 28-101, Revised Statutes Supplement, 1984; to create the offense of harboring a minor; to provide defenses to prosecution; to provide duties; to provide a penalty; and to repeal the original section.

**LEGISLATIVE BILL 542.** By Pirsch, 10th District.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-516, Reissue Revised Statutes of Nebraska, 1943, and sections 28-101, 28-511, and 28-519, Revised Statutes Supplement, 1984; to provide a penalty for breaking and entering a propelled vehicle; to change provisions relating to theft and criminal mischief; to provide penalties; to eliminate the offense of making terroristic threats; to eliminate a provision relating to conviction by open confession; to harmonize provisions; and to repeal the original sections, and also sections 28-311 and 29-2027, Reissue Revised Statutes of Nebraska, 1943.

**LEGISLATIVE BILL 543.** By Pirsch, 10th District.

A BILL FOR AN ACT relating to seized property; to amend section 29-820, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the disposition of such property as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 544.** By Pirsch, 10th District.

A BILL FOR AN ACT relating to public improvements; to amend

sections 14-3,117 and 14-3,121, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to petitions and protests as prescribed; and to repeal the original sections.

**LEGISLATIVE BILL 545.** By Landis, 46th District.

A BILL FOR AN ACT relating to interpreters; to amend sections 25-2401 to 25-2405, Reissue Revised Statutes of Nebraska, 1943, and section 25-1601, Revised Statutes Supplement, 1984; to state and restate intent; to define and redefine terms; to require interpreters for the hearing impaired in certain proceedings as prescribed; to change provisions relating to disqualification for jury service; to change certain existing provisions relating to interpreters; and to repeal the original sections.

**LEGISLATIVE BILL 546.** By Landis, 46th District.

A BILL FOR AN ACT relating to school employees' retirement; to amend section 79-1516, Reissue Revised Statutes of Nebraska, 1943, and section 79-1522.01, Revised Statutes Supplement, 1984; to specify the method for crediting part-time service; to change a provisions relating to calculation of the monthly formula annuity; and to repeal the original sections.

**LEGISLATIVE BILL 547.** By Landis, 46th District.

A BILL FOR AN ACT relating to counties; to amend section 23-122, Reissue Revised Statutes of Nebraska, 1943; to change provisions requiring publication of certain claims; and to repeal the original section.

**LEGISLATIVE BILL 548.** By Landis, 46th District.

A BILL FOR AN ACT relating to the Nebraska Political Accountability and Disclosure Act; to amend sections 49-1401, 49-14,124, and 49-14,135, Reissue Revised Statutes of Nebraska, 1943, and section 17-209.02, Revised Statutes Supplement, 1984; to change provisions prohibiting certain contracts involving certain officers of governing bodies as prescribed; to provide for the disclosure, recording, and storage of certain information; to provide exceptions; to change and provide penalties as prescribed; to eliminate provisions relating to certain contracts involving officers and officials of political subdivisions as prescribed; to harmonize provisions; and to repeal the original sections, and also sections 2-3216.01 to 2-3216.04, 2-2316.06, 18-301.01 to 18-301.04, 18-301.06,

23-180 to 23-183, 23-185, and 79-4,208 to 79-4,213, Revised Statutes Supplement, 1984.

**LEGISLATIVE BILL 549.** By Peterson, 21st District; Chronister, 18th District; Hefner, 19th District.

A BILL FOR AN ACT relating to the Nebraska Comprehensive Community Mental Health Services Act; to amend section 71-5004, Reissue Revised Statutes of Nebraska, 1943; to require briefing sessions for new regional governing board members; and to repeal the original section.

**LEGISLATIVE BILL 550.** By Peterson, 21st District; Chronister, 18th District; Hefner, 19th District; Wesely, 26th District.

A BILL FOR AN ACT relating to the Nebraska Comprehensive Community Mental Health Services Act; to amend section 71-5007, Reissue Revised Statutes of Nebraska, 1943; to prohibit program administrators from engaging in a private practice which provides mental health services; and to repeal the original section.

**LEGISLATIVE BILL 551.** By Hefner, 19th District; Lamb, 43rd District; Peterson, 21st District.

A BILL FOR AN ACT relating to schools; to amend section 79-12,102, Reissue Revised Statutes of Nebraska, 1943; to prohibit certain deductions from employee's wages; and to repeal the original section.

**LEGISLATIVE BILL 552.** By Hefner, 19th District.

A BILL FOR AN ACT relating to sales; to require certain sellers to provide a list to the Tax Commissioner as prescribed; and to provide for jurisdiction and service of process.

**LEGISLATIVE BILL 553.** By Schmit, 23rd District; Miller, 37th District.

A BILL FOR AN ACT relating to rules of the road; to amend sections 39-6,177 to 39-6,179 and 39-6,180, Reissue Revised Statutes of Nebraska, 1943; to provide for operation of vehicles moving buildings and other objects as prescribed; to provide a penalty; and to repeal the original sections.

**LEGISLATIVE BILL 554.** By Eret, 32nd District.

A BILL FOR AN ACT relating to homestead exemptions; to amend section 77-3505, Reissue Revised Statutes of Nebraska, 1943; to redefine the term qualified claimant; and to repeal the original section.

## UNANIMOUS CONSENT - Add Co-Introducers

Mr. Lamb asked unanimous consent to have his name added as co-introducer to LB 44. No objections. So ordered.

Mr. Schmit asked unanimous consent to have his name added as co-introducer to LB 511. No objections. So ordered.

## MOTION - Rerefer LB 463, 227, and 284

Mr. Schmit moved to rerefer from Agriculture and Environment to Public Works: LB 463, 227, and 284.

Laid over.

## NOTICE OF COMMITTEE HEARING
### Agriculture and Environment

| | | |
|---|---|---|
| LB 394 | Thursday, January 31 (Cancelled) | 1:30 p.m. |

(Signed) Rod Johnson, Chairperson

## RESOLUTION

**LEGISLATIVE RESOLUTION 25.** Read. Considered.

Mr. Vickers offered the following amendment:
To delete #5 on LR 25.

Messrs. Pappas, Peterson, and Carsten asked unanimous consent to be excused until they return. No objections. So ordered.

The Vickers amendment was adopted with 29 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

Speaker Nichol asked unanimous consent to be excused. No objections. So ordered.

LR 25 lost with 5 ayes, 15 nays, and 29 not voting.

## BILLS ON FIRST READING

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

**LEGISLATIVE BILL 555.** By Eret, 32nd District.

A BILL FOR AN ACT relating to agricultural products; to amend sections 2-3801, 2-3803, 2-3808 to 2-3810, and 2-3812, Reissue Revised Statutes of Nebraska, 1943; to harmonize provisions; to provide for the establishment of a commodity pricing directory; to provide duties for the Department of Agriculture; and to repeal the original sections.

**LEGISLATIVE BILL 556.** By Labedz, 5th District.

A BILL FOR AN ACT relating to homesteads; to amend sections 77-3507 and 77-3508, Revised Statutes Supplement, 1984; to change certain tax exemptions as prescribed; to provide an operative date; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 557.** By Rupp, 22nd District; Scofield, 49th District.

A BILL FOR AN ACT relating to game and parks; to amend sections 37-101, 37-215, 37-215.01 to 37-215.03, 37-215.06, 37-215.08, 37-216, and 37-505, Reissue Revised Statutes of Nebraska, 1943; to redefine a term; to provide for permits for the killing of elk as prescribed; to provide for fees; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 558.** By Rupp, 22nd District.

A BILL FOR AN ACT relating to game and parks; to amend section 37-713, Reissue Revised Statutes of Nebraska, 1943; to provide duties; to provide for permits for keeping wild birds or animals in captivity; and to repeal the original section.

**LEGISLATIVE BILL 559.** By Hannibal, 4th District.

A BILL FOR AN ACT relating to elections; to amend section 32-705, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to certain petitions; and to repeal the original section.

**LEGISLATIVE BILL 560.** By Hannibal, 4th District.

A BILL FOR AN ACT relating to revenue and taxation; to adopt the Political Subdivision Budget Limit Act; and to declare an emergency.

**LEGISLATIVE BILL 561.** By Hannibal, 4th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2704, Revised Statutes Supplement, 1984; to provide an exemption for certain oxygen equipment; and to repeal the original section.

**LEGISLATIVE BILL 562.** By Hoagland, 6th District.

A BILL FOR AN ACT relating to generic drugs; to amend section 71-5404, Revised Statutes Supplement, 1984; to allow the manufacturer's name to be included on prescription labels; and to repeal the original section.

**LEGISLATIVE BILL 563.** By Hoagland, 6th District.

A BILL FOR AN ACT relating to historical properties; to state legislative findings; and to provide for preservation, maintenance, and restoration of certain state-owned structures as prescribed.

**LEGISLATIVE BILL 564.** By Performance Review and Audit Committee: Warner, 25th District, Chairperson; L. Johnson, 15th District; Goll, 16th District; Hannibal, 4th District; Scofield, 49th District; Lundy, 36th District.

A BILL FOR AN ACT relating to land surveying; to amend section 81-8,118, Reissue Revised Statutes of Nebraska, 1943, and section 81-8,120, Revised Statutes Supplement, 1984; to increase the maximum limit for certain fees; and to repeal the original sections.

**LEGISLATIVE BILL 565.** By Wesely, 26th District.

A BILL FOR AN ACT relating to public health and welfare; to adopt the Confidentiality of Patient Care Information Act; and to provide severability.

**LEGISLATIVE BILL 566.** By Wesely, 26th District.

A BILL FOR AN ACT relating to economic development; to adopt the Nebraska Science and Technology Authority Act; to establish the Center for Educational Technology; and to provide powers and duties.

**LEGISLATIVE BILL 567.** By Wesely, 26th District.

A BILL FOR AN ACT relating to retirement benefits; to amend sections 50-417 and 81-2027, Reissue Revised Statutes of Nebraska, 1943, and sections 24-703, 79-1540, and 81-2017, and 84-1331, Revised Statutes Supplement, 1984; to provide for cost-of-living increases for certain retirement systems; to provide for a certain level of funding for certain retirement systems; to create funds; to provide for a report relating to retirement systems; and to repeal the original sections.

**LEGISLATIVE BILL 568.** By Chizek, 31st District.

A BILL FOR AN ACT relating to bulk transfers; to amend section 6-107, Uniform Commercial Code; to change the procedure for giving notice; and to repeal the original section.

**LEGISLATIVE BILL 569.** By Rupp, 22nd District.

A BILL FOR AN ACT relating to vacancies; to amend sections 2-3215 and 70-615, Reissue Revised Statutes of Nebraska, 1943; to provide that a vacancy shall exist on certain boards for specified absences; and to repeal the original sections.

**LEGISLATIVE BILL 570.** By Vickers, 38th District.

A BILL FOR AN ACT relating to criminal procedure; to provide for no arrest for certain citations unless notice has been given.

**LEGISLATIVE BILL 571.** By R. Johnson, 34th District.

A BILL FOR AN ACT relating to insurance; to provide an exemption for the Mennonite Church as prescribed.

**LEGISLATIVE BILL 572.** By Marsh, 29th District; Lundy, 36th District; Carsten, 2nd District; Hannibal, 4th District; Vickers, 38th District; Goll, 16th District; Warner, 25th District; Rupp, 22nd District.

A BILL FOR AN ACT relating to dentistry; to amend section

71-184, Reissue Revised Statutes of Nebraska, 1943, and section 71-183.0', Revised Statutes Supplement, 1984; to change provisions relating to exceptions to dental practice, dental hygienists, and dental auxiliaries; and to repeal the original section, and also sections 71-193.09 and 71-193.13, Reissued Revised Statutes of Nebraska, 1943.

**LEGISLATIVE BILL 573.** By Lynch, 13th District.

A BILL FOR AN ACT relating to insurance; to amend section 60-509, Reissue Revised Statutes of Nebraska, 1943; to adopt the Underinsured Motorist Insurance Coverage Act; to harmonize provisions; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 574.** By Lynch, 13th District.

A BILL FOR AN ACT relating to money and financing; to amend sections 58-202, 58-203, 58-219, and 58-239, Reissue Revised Statutes of Nebraska, 1943; to state intent; to provide authority; to redefine a term; to provide for financing for political subdivisions as prescribed; to provide severability; and to repeal the original sections.

**LEGISLATIVE BILL 575.** By Lynch, 13th District.

A BILL FOR AN ACT relating to motor vehicles; to change provisions relating to the issuance of certain licenses as prescribed.

**LEGISLATIVE BILL 576.** By Lynch, 13th District.

A BILL FOR AN ACT relating to juries; to amend section 25-1601, Revised Statutes Supplement, 1984; to change a provision relating to the disqualification of potential jurors; and to repeal the original section.

**LEGISLATIVE BILL 577.** By Lynch, 13th District.

A BILL FOR AN ACT relating to schools; to amend sections 79-432, 79-903, and 79-1007, Reissue Revised Statutes of Nebraska, 1943; to provide for county board or county board of equalization approval for certain tax levies as prescribed; and to repeal the original sections.

**LEGISLATIVE BILL 578.** By Lynch, 13th District.

A BILL FOR AN ACT relating to public health and welfare; to

provide for the licensure of certain pharmacies as prescribed; and to provide for rules and regulations.

**LEGISLATIVE BILL 579.** By Scofield, 49th District.

A BILL FOR AN ACT relating to professional counseling; to amend section 33-150, Reissue Revised Statutes of Nebraska, 1943; to adopt the Licensed Professional Counselor Act; to provide for the disposition of certain fees; and to repeal the original section.

**LEGISLATIVE BILL 580.** By Morehead, 30th District; Eret, 32nd District.

A BILL FOR AN ACT relating to security interests; to amend section 69-109, Reissue Revised Statutes of Nebraska, 1943; to change a penalty; and to repeal the original section.

**LEGISLATIVE BILL 581.** By Morehead, 30th District; Lundy, 36th District; Chronister, 18th District; Carsten, 2nd District; Beutler, 28th District.

A BILL FOR AN ACT relating to the Nebraska Investment Finance Authority Act; to amend sections 58-201 to 58-203, 58-207, 58-219, 58-239, and 58-267, Reissue Revised Statutes of Nebraska, 1943; to state intent; to define and redefine terms; to authorize the authority to purchase certain municipal bonds; to allow the financing of municipal projects; to provide powers, duties, and restrictions; to harmonize provisions; to provide severability; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 582.** By Pirsch, 10th District.

A BILL FOR AN ACT relating to rules of the road; to amend sections 39-6,136 and 39-6,170, Reissue Revised Statutes of Nebraska, 1943; to prohibit materials obstructing the view from outside a vehicle as prescribed; to eliminate restrictions on all windshield and window signs as provided; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 583.** By Eret, 32nd District.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2704, Revised Statutes Supplement, 1984; to provide a sales and use tax exemption for certain cemetery associations; and to repeal the original section.

**LEGISLATIVE BILL 584.** By Schmit, 23rd District; Labedz, 5th District.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-311.11, Reissue Revised Statutes of Nebraska, 1943; to increase the maximum characters on prestige plates; and to repeal the original section.

**LEGISLATIVE BILL 585.** By Schmit, 23rd District; Labedz, 5th District.

A BILL FOR AN ACT relating to anatomical gifts; to amend section 60-412.01, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to anatomical gift information on motor vehicle operators' licenses; and to repeal the original section.

**LEGISLATIVE BILL 586.** By Withem, 14th District.

A BILL FOR AN ACT relating to emergency medical services; to amend sections 35-107, 39-602, 39-608, 39-6,135, 39-6,148, 39-6,149, 39-6,151, and 71-5111, Reissue Revised Statutes of Nebraska, 1943, to state intent; to define and redefine terms; to provide for the establishment of emergency medical services regions and councils; to provide duties; to provide for funding; to create a fund; to provide for the treatment of certain information; to change provisions relating to emergency vehicles; to change provisions relating to liability; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 587.** By DeCamp, 40th District.

A BILL FOR AN ACT relating to schools; to amend section 79-520, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the issuance of tax anticipation notes by certain school districts; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 588.** By DeCamp, 40th District.

A BILL FOR AN ACT relating to agriculture; to adopt the Nebraska State Land Bank Act; and to declare an emergency.

**LEGISLATIVE BILL 589.** By Schmit, 23rd District; Miller, 37th District.

A BILL FOR AN ACT relating to agriculture; to amend section

2-2513, Reissue Revised Statutes of Nebraska, 1943; to raise the dollar amount for certain awards; and to repeal the original section.

**LEGISLATIVE BILL 590.** By Schmit, 23rd District; Rupp, 22nd District.

A BILL FOR AN ACT relating to courts; to amend sections 24-312 and 24-516, Reissue Revised Statutes of Nebraska, 1943; to provide for the appointment of district judges to county court and county judges to district court as prescribed; and to repeal the original sections.

**LEGISLATIVE BILL 591.** By Schmit, 23rd District; Rupp, 22nd District.

A BILL FOR AN ACT relating to homestead exemptions; to amend section 77-3508, Revised Statutes Supplement, 1984; to provide a homestead exemption for certain veterans and their widows, widowers, and spouses; and to repeal the original section.

**LEGISLATIVE BILL 592.** By Vickers, 38th District; Harris, 27th District; Peterson, 21st District.

A BILL FOR AN ACT relating to schools; to amend section 79-445, Revised Statutes Supplement, 1984; to provide for the admission of certain nonresident students as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 593.** By Barrett, 39th District.

A BILL FOR AN ACT relating to insurance; to amend sections 44-127.01, 44-127.03, 44-2701 to 44-2704, 44-2707 to 44-2711, 44-2713, 44-2717, and 44-2720, Reissue Revised Statutes of Nebraska, 1943; to restate purposes; to define and redefine terms; to change provisions relating to the kinds of insurance covered; to change provisions relating to the powers and duties of the association and the director; to change provisions relating to liability on covered policies; to prohibit inducements; to provide reciprocity as prescribed; to provide for examination expenses as prescribed; to change internal references; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 594.** By V. Johnson, 8th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend

section 77-1704.01, Reissue Revised Statutes of Nebraska, 1943; to change a provision relating to the information required on tax notices; and to repeal the original section.

**LEGISLATIVE BILL 595.** By V. Johnson, 8th District.

A BILL FOR AN ACT relating to the civil service system; to amend section 23-2515, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to an appeal; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 596.** By Sieck, 24th District.

A BILL FOR AN ACT relating to agriculture; to state intent; to provide for development of certain programs; and to create a multi-agency task force.

**LEGISLATIVE BILL 597.** By Sieck, 24th District.

A BILL FOR AN ACT relating to sales and use taxes; to amend section 77-2704, Revised Statutes Supplement, 1984; to eliminate an exemption for certain food and food products; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 598.** By Sieck, 24th District; Lundy, 36th District; Chronister, 18th District; Labedz, 5th District; Hoagland, 6th District.

A BILL FOR AN ACT relating to liquors; to prohibit the possession or transportation of alcoholic liquors as prescribed.

**LEGISLATIVE BILL 599.** By Lamb, 43rd District.

A BILL FOR AN ACT relating to the State Treasurer; to authorize a petty cash fund; and to declare an emergency.

**LEGISLATIVE BILL 600.** By Judiciary Committee: Hoagland, 6th District, Chairperson; Abboud, 12th District; Beutler, 28th District; Chizek, 31st District; Conway, 17th District; Remmers, 1st District; Rupp, 22nd District.

A BILL FOR AN ACT relating to children; to amend sections 42-347, 42-348, 42-358, 42-358.02, 42-358.05, 42-358.07, 42-358.08, 42-364, 42-364.13, 42-371, 42-821, 43-2,113, 43-512, 43-512.02, 43-512.03, 43-512.05, 43-512.07, 43-512.08, 43-1406, and 43-1411,

Reissue Revised Statutes of Nebraska, 1943, and section 77-27,161, Revised Statutes Supplement, 1984; to state intent; to provide for the use of masters in matters relating to support and visitation; to define and redefine terms; to change provisions relating to the establishment, collection, and enforcement of support for children; to provide powers and duties; to provide for liens on certain real and personal property; to adopt the Income Withholding for Child Support Act; to change fee provisions; to extend the time for filing a paternity action; to establish the State Office for Child Support Enforcement; to harmonize provisions; to eliminate provisions relating to the withholding and transmittal of earnings; and to repeal the original sections, and also sections 42-364.01 to 42-364.12 and 42-364.14, Reissue Revised Statutes of Nebraska, 1943.

**LEGISLATIVE BILL 601.** By DeCamp, 40th District; Pappas, 42nd District.

A BILL FOR AN ACT relating to telecommunications; to amend section 75-604, Reissue Revised Statutes of Nebraska, 1943; to authorize intrastate long-distance telecommunication services as prescribed; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 602.** By DeCamp, 40th District.

A BILL FOR AN ACT relating to appropriations; to state intent; to authorize the Legislature to make an appropriation in certain instances; to provide a limitation; to provide terms and conditions; to provide a procedure; and to declare an emergency.

**LEGISLATIVE BILL 603.** By Schmit, 23rd District; Labedz, 5th District; Beyer, 3rd District; Pappas, 42nd District; DeCamp, 40th District; Haberman, 44th District; Higgins, 9th District.

A BILL FOR AN ACT relating to secured transactions; to amend sections 1-101, 9-101, 9-401 to 9-406, and 9-412 to 9-414, Uniform Commercial Code; to provide for statutory construction; to change provisions relating to filing; to harmonize fee provisions; to provide duties; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 604.** By DeCamp, 40th District.

A BILL FOR AN ACT relating to the Uniform Commercial Code; to amend section 9-414, Uniform Commercial Code; to provide

duties for county clerks, registers of deeds, and Uniform Commercial Code Filing Council as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 605.** By DeCamp, 40th District.

A BILL FOR AN ACT relating to the Uniform Commercial Code; to amend sections 9-401, 9-412, and 9-414, Uniform Commercial Code; to provide for central filing with the Secretary of State for agricultural type liens; to harmonize provisions; to provide an operative date; and to repeal the original sections, and also section 9-413, Uniform Commercial Code.

**LEGISLATIVE BILL 606.** By DeCamp, 40th District.

A BILL FOR AN ACT relating to the Uniform Commercial Code; to amend sections 9-307, 9-402 to 9-404, 9-414, and 9-415, Uniform Commercial Code; to provide a limitation for security interests on farm products as prescribed; to provide a requirement for financing statements; to change filing fees; to harmonize provisions; to change the time for a certain duty; to provide time for access to information; to provide for termination statements for liens as prescribed; and to repeal the original sections.

**LEGISLATIVE BILL 607.** By Education Committee: Vickers, 38th District, Chairperson; Baack, 47th District; Barrett, 39th District; R. Johnson, 34th District; Morehead, 30th District; Nelson, 35th District.

A BILL FOR AN ACT relating to school funds; to amend sections 79-1335, 79-1336, and 79-1340, Reissue Revised Statutes of Nebraska, 1943, and section 79-1333.01, Revised Statutes Supplement, 1984; to state intent; to change provisions relating to equalization and incentive payments including funding for gifted children; and to repeal the original sections, and also section 79-1337, Reissue Revised Statutes of Nebraska, 1943.

## RESOLUTIONS

**LEGISLATIVE RESOLUTION 26CA.**

Introduced by Withem, 14th District.

A Resolution to propose an amendment to Article III, section 14, of the Constitution of Nebraska.

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

Section 1. That at the general election in November 1986 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article III, section 14, of the Constitution of Nebraska, which is hereby proposed by the Legislature:

"Sec. 14. Every bill and resolution shall be read by title when introduced, and a printed copy thereof provided for the use of each member, and the bill and all amendments thereto shall be printed and a thorough summary shall be read ~~at large~~ before the vote is taken upon its final passage. No such vote upon the final passage of any bill shall be taken, however, until five legislative days after its introduction nor until it has been on file for final reading and passage for at least one legislative day. No bill shall contain more than one subject, and the same shall be clearly expressed in the title. And no law shall be amended unless the new act contain the section or sections as amended and the section or sections so amended shall be repealed. The Lieutenant Governor, or the Speaker if acting as presiding officer, shall sign, in the presence of the Legislature while the same is in session and capable of transacting business, all bills and resolutions passed by the Legislature.".

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by Article XVI, section 1, of the Constitution of Nebraska. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

"A constitutional amendment changing provisions governing the reading of a bill upon its final passage.

For

Against".

Sec. 3. That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.

Referred to the Reference Committee.

**LEGISLATIVE RESOLUTION 27CA.**

Introduced by Chambers, 11th District.

A Resolution to propose an amendment to Article III, section 17, of the Constitution of Nebraska.

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

Section 1. That at the general election in November 1986 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article III, section 17, of the Constitution of Nebraska, which is hereby proposed by the Legislature:

"Sec. 17. The Legislature shall have the sole power of impeachment, but a majority of the members elected must concur therein. Upon the adoption of a resolution of impeachment, 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 within ten days after ~~such~~ the 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 any Judge of the judicial district within which the Capitol is located. ~~; and he thereupon~~ He or she shall then notify all the Judges of the District Court in the State to meet with him or her within thirty days at the Capitol, and to sit as a Court to try ~~such~~ the impeachment, which Court shall organize by electing one of its number to preside. No person shall be convicted without the concurrence of ~~two-thirds~~ a majority of the members of the Court of impeachment, 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. The~~, 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.".

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by Article XVI, section 1, of the Constitution of Nebraska. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

"A constitutional amendment to reduce the number of concurring Supreme Court members necessary for impeachment from two-thirds to a majority.

For

Against".

Sec. 3. That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass

of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.

Referred to the Reference Committee.

**LEGISLATIVE RESOLUTION 28CA.**

Introduced by Chambers, 11th District.

A Resolution to propose an amendment to Article XV of the Constitution of Nebraska, by adding a new section 19 which is hereby proposed.

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

Section 1. That at the general election in November 1986 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article XV of the Constitution of Nebraska, by adding a new section 19, which is hereby proposed by the Legislature:

"Sec. 19. Persons shall be permitted to practice law in this state without taking an examination if such persons graduate from an accredited law school which is located in this state.".

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by Article XVI, section 1, of the Constitution of Nebraska. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

"A constitutional amendment to permit a person to practice law in Nebraska without taking an examination if the person has graduated from an accredited law school which is located in this state.

For

Against".

Sec. 3. That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.

Referred to the Reference Committee.

**LEGISLATIVE RESOLUTION 29CA.**

Introduced by Beutler, 28th District.

A Resolution to propose an amendment to Article III, section 7, of the Constitution of Nebraska.

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

Section 1. That at the general election in November 1986 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article III, section 7, of the Constitution of Nebraska, which is hereby proposed by the Legislature:

"Sec. 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, except ~~; PROVIDED,~~ that 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 four hundred dollars per month during the term of his office~~ as provided by law in an amount not to exceed one-third of the salary received by the Governor. In addition to his or her salary, each member shall receive an amount equal to his or her actual and necessary expenses ~~in traveling by the most usual route once to and returning from each regular or special session of the Legislature~~ incurred in carrying out his or her duties. Members of the Legislature shall receive no pay nor perquisites other than said salary and said 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 Article XVI, section 1, of the Constitution of Nebraska. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

"Constitutional amendment to provide that members of the Legislature shall receive a salary not to exceed one-third of the Governor's salary plus actual and necessary expenses.

For

Against".

Sec. 3. That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.

Referred to the Reference Committee.

**LEGISLATIVE RESOLUTION 30CA.**

Introduced by Chambers, 11th District.

A Resolution to propose an amendment to Article XV of the Constitution of Nebraska, by adding a new section 20 which is hereby proposed.

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

Section 1. That at the general election in November 1986 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article XV of the Constitution of Nebraska, by adding a new section 20, which is hereby proposed by the Legislature:

"Sec. 20. There shall be no requirement that a person who has graduated from an accredited law school located in this state, as a condition to practice law, (1) join any bar association, or (2) pay any dues to any organization.".

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by Article XVI, section 1, of the Constitution of Nebraska. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

"A constitutional amendment to provide that graduates from accredited law schools located in this state need not join any bar association in order to practice law in this state.

For

Against".

Sec. 3. That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.

Referred to the Reference Committee.

**LEGISLATIVE RESOLUTION 31CA.**

Introduced by Chambers, 11th District.

A Resolution to propose an amendment to Article V, section 8, of the Constitution of Nebraska.

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

Section 1. That at the general election in November 1986 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article V, section 8, of the Constitution of Nebraska, which is hereby proposed by the Legislature:

"Sec. 8. ~~There shall be appointed by the supreme court, a clerk and a reporter of the court, each of whom shall hold his office for a term of six years, unless sooner removed by the court, and their salaries shall be fixed by law; the clerk shall also act as librarian of the law and miscellaneous library of the state.~~ The Supreme Court ~~court~~ shall ~~also~~ appoint such clerical help as may be needed for the proper dispatch of the business of the court. The court shall prepare and recommend to each session of the Legislature a budget of the estimated expenses of the court. The copyright of the state reports shall forever remain the property of the state.".

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by Article XVI, section 1, of the Constitution of Nebraska. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

"A constitutional amendment to delete provisions requiring the Supreme Court to appoint a clerk and a reporter.

For

Against".

Sec. 3. That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.

Referred to the Reference Committee.

**LEGISLATIVE RESOLUTION 32CA.**

Introduced by Speaker Nichol, 48th District, at the request of the Governor.

A Resolution to propose an amendment to Article VII, section 10, of the Constitution of Nebraska.

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

Section 1. That at the general election in November 1986 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article VII, section 10, of the Constitution of Nebraska, which is hereby proposed by the Legislature:

"Sec. 10. The general government of the University of Nebraska shall, under the direction of the Legislature, be vested in a board of not less than six nor more than eight regents to be designated the Board of Regents of the University of Nebraska, who, until 1988, shall be elected from and by districts as herein provided and three students of the University of Nebraska who shall serve as nonvoting members. Such nonvoting student members shall consist of the student body president of the University of Nebraska at Lincoln, the student body president of the University of Nebraska at Omaha, and the student body president of the University of Nebraska Medical Center. The terms of office of elected members shall be for six years each. The terms of office of student members shall be for the period of service as student body president. Their duties and powers shall be prescribed by law; and they shall receive no compensation, but may be reimbursed their actual expenses incurred in the discharge of their duties.

The Legislature shall divide the state, along county lines, into as many compact regent districts, as there are regents provided by the Legislature, of approximately equal population, which shall be numbered consecutively.

The Legislature shall redistrict the state after each federal decennial census. Such districts shall not be changed except upon the concurrence of a majority of the members of the Legislature. In any such redistricting, county lines shall be followed whenever practicable, but other established lines may be followed at the discretion of the Legislature. Whenever the state is so redistricted the members elected prior to the redistricting shall continue in office, and the law providing for such redistricting shall where necessary specify the newly established district which they shall represent for the balance of their term.

Commencing in 1988, members of the Board of Regents shall be appointed by the Governor. The Governor shall appoint eight members to serve on the board. Such appointed members shall be selected from their respective regent districts as such districts exist at

the time of their appointment. Appointments to the board shall be approved and ratified by the Legislature and the terms of such appointments shall be for six years, except that of the members initially appointed, two members shall serve for two years, three members shall serve for four years, and three members shall serve for six years, as the Governor shall determine. The nonvoting student positions shall be retained. The duties and powers of the members shall be prescribed by law and they shall receive no compensation, but may be reimbursed their actual expenses incurred in the discharge of their duties.".

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by Article XVI, section 1, of the Constitution of Nebraska. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

"A constitutional amendment to provide for the appointment by the Governor subject to ratification by the Legislature of members of the Board of Regents of the University of Nebraska.

For

Against".

Sec. 3. That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.

Referred to the Reference Committee.

**LEGISLATIVE RESOLUTION 33CA.**

Introduced by Peterson, 21st District.

A Resolution to propose an amendment to Article III, section 10, of the Constitution of Nebraska.

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

Section 1. That at the general election in November 1986 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article III, section 10, of the Constitution of Nebraska, which is hereby proposed by the Legislature:

"Sec. 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~~. The Legislature shall determine the rules of its proceedings and be the judge of the election, returns, and qualifications of its members. The Legislature ~~,~~ 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 Article XVI, section 1, of the Constitution of Nebraska. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

"A constitutional amendment to limit legislative sessions to sixty legislative days and to prohibit bills from being carried over from one legislative session to the next legislative session.

For

Against".

Sec. 3. That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.

Referred to the Reference Committee.

**LEGISLATIVE RESOLUTION 34CA.**

Introduced by Rupp, 22nd District; Labedz, 5th District.

A Resolution to propose an amendment to Article III, section 7, of the Constitution of Nebraska.

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

Section 1. That at the general election in November 1986 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article III, section 7, of the Constitution of Nebraska, which is hereby proposed by the Legislature:

"Sec. 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; ~~PROVIDED~~, except that 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 four hundred dollars per month~~ be paid an hourly wage equal to the federal minimum wage for not more than forty hours per week during ~~the~~ his or her term of ~~his~~ office. In addition to ~~his salary~~ such wages, 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 ~~said salary~~ such wages 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 Article XVI, section 1, of the Constitution of Nebraska. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

"A constitutional amendment to provide that members of the Legislature receive as salary an amount equal to federal minimum wage for not more than forty hours per week.

For

Against".

Sec. 3. That the proposed amendment, if adopted, shall be in

force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.

Referred to the Reference Committee.

## BILLS ON FIRST READING

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

**LEGISLATIVE BILL 608.** By Schmit, 23rd District.

A BILL FOR AN ACT relating to worker's compensation; to amend sections 48-121 and 48-122, Reissue Revised Statutes of Nebraska, 1943; to change the compensation benefits; to provide for severability; and to repeal the original sections.

**LEGISLATIVE BILL 609.** By Schmit, 23rd District.

A BILL FOR AN ACT relating to environmental protection; to amend section 66-410, Reissue Revised Statutes of Nebraska, 1943; to create the Hazardous Waste and Noxious Emission Remedial Fund; to provide duties and fees; to provide a tax as prescribed; and to repeal the original section.

## NOTICE OF COMMITTEE HEARINGS

### Judiciary

| | | |
|---|---|---|
| LB 69 | Tuesday, January 29, 1985 | 1:30 p.m. |
| LB 371 | Tuesday, January 29, 1985 | 1:30 p.m. |
| LB 226 | Tuesday, January 29, 1985 | 1:30 p.m. |
| LB 323 | Tuesday, January 29, 1985 | 1:30 p.m. |
| LB 406 | Tuesday, January 29, 1985 | 1:30 p.m. |
| LB 36 | Wednesday, January 30, 1985 | 1:30 p.m. |
| LB 326 | Wednesday, January 30, 1985 | 1:30 p.m. |
| LB 159 | Wednesday, January 30, 1985 | 1:30 p.m. |
| LB 89 | Wednesday, January 30, 1985 | 1:30 p.m. |
| LB 90 | Wednesday, January 30, 1985 | 1:30 p.m. |
| LB 255 | Wednesday, January 30, 1985 | 1:30 p.m. |

(Signed) Peter Hoagland, Chairperson

### Nebraska Retirement Systems

| | | |
|---|---|---|
| LB 145 | Friday, February 1, 1985 | 12:00 noon |
| LB 290 | Friday, February 1, 1985 | 12:00 noon |
| LB 350 | Tuesday, February 5, 1985 | 12:00 noon |
| LB 357 | Tuesday, February 5, 1985 | 12:00 noon |
| LB 432 | Monday, February 11, 1985 | 12:00 noon |
| LB 353 | Monday, February 11, 1985 | 12:00 noon |

(Signed) Bill Harris, Chairperson

**Rules**

Wednesday, January 30, 1985 12:00 noon
Warner proposed rule change, page 26 of the Journal.
Warner proposed rule change, page 104 of the Journal.

(Signed) Patricia Morehead, Chairperson

## VISITORS

Visitors to the Chamber were Mayor and Mrs. Joe Baldwin from Bellevue; and George Welsh from Norfolk.

## RECESS

At 12:16 p.m., on a motion by Ms. Scofield, the Legislature recessed until 2:30 p.m.

## AFTER RECESS

The Legislature reconvened at 1:31 p.m., Mrs. Marsh presiding.

## ROLL CALL

The roll was called and all members were present except Messrs. DeCamp, Nichol, Remmers, Rupp, and Mrs. Labedz who were excused; and Messrs. Barrett, Goll, Hoagland, Landis, and Schmit who were excused until they arrive.

## REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative bills 497 through 589.

| LB | Committee |
|---|---|
| 497 | Business and Labor |
| 498 | Judiciary |
| 499 | Government, Military and Veterans Affairs |
| 500 | Government, Military and Veterans Affairs |
| 501 | Public Works |
| 502 | Public Works |
| 503 | Agriculture and Environment |
| 504 | Judiciary |
| 505 | Revenue |
| 506 | Education |
| 507 | Revenue |
| 508 | Banking, Commerce and Insurance |
| 509 | Judiciary |
| 510 | Public Works |
| 511 | Government, Military and Veterans Affairs |
| 512 | Government, Military and Veterans Affairs |
| 513 | Business and Labor |
| 514 | Judiciary |
| 515 | Miscellaneous Subjects |
| 516 | Judiciary |
| 517 | Constitutional Revision and Recreation |
| 518 | Education |
| 519 | Urban Affairs |
| 520 | Judiciary |
| 521 | Judiciary |
| 522 | Judiciary |
| 523 | Banking, Commerce and Insurance |
| 524 | Public Works |
| 525 | Judiciary |
| 526 | Judiciary |
| 527 | Judiciary |
| 528 | Judiciary |
| 529 | Judiciary |
| 530 | Judiciary |
| 531 | Revenue |
| 532 | Urban Affairs |
| 533 | Revenue |
| 534 | Education |
| 535 | Miscellaneous Subjects |
| 536 | Administrative Rules and Regulations Review |
| 537 | Agriculture and Environment |
| 538 | Public Works |
| 539 | Revenue |

| | |
|---|---|
| 540 | Judiciary |
| 541 | Judiciary |
| 542 | Judiciary |
| 543 | Judiciary |
| 544 | Urban Affairs |
| 545 | Judiciary |
| 546 | Nebraska Retirement Systems |
| 547 | Government, Military and Veterans Affairs |
| 548 | Miscellaneous Subjects |
| 549 | Public Health and Welfare |
| 550 | Public Health and Welfare |
| 551 | Education |
| 552 | Revenue |
| 553 | Public Works |
| 554 | Revenue |
| 555 | Agriculture and Environment |
| 556 | Revenue |
| 557 | Constitutional Revision and Recreation |
| 558 | Constitutional Revision and Recreation |
| 559 | Government, Military and Veterans Affairs |
| 560 | Revenue |
| 561 | Revenue |
| 562 | Public Health and Welfare |
| 563 | Government, Military and Veterans Affairs |
| 564 | Government, Military and Veterans Affairs |
| 565 | Public Health and Welfare |
| 566 | Government, Military and Veterans Affairs |
| 567 | Nebraska Retirement Systems |
| 568 | Banking, Commerce and Insurance |
| 569 | Public Works |
| 570 | Judiciary |
| 571 | Banking, Commerce and Insurance |
| 572 | Public Health and Welfare |
| 573 | Banking, Commerce and Insurance |
| 574 | Banking, Commerce and Insurance |
| 575 | Public Works |
| 576 | Judiciary |
| 577 | Revenue |
| 578 | Public Health and Welfare |
| 579 | Public Health and Welfare |
| 580 | Judiciary |
| 581 | Banking, Commerce and Insurance |
| 582 | Public Works |
| 583 | Revenue |
| 584 | Public Works |

585 Public Works
586 Public Health and Welfare
587 Education
588 Banking, Commerce and Insurance
589 Agriculture and Environment

(Signed) Chris Beutler, Chairperson
Legislative Council
Executive Board

## BILLS ON FIRST READING

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

**LEGISLATIVE BILL 610.** By Schmit, 23rd District.

A BILL FOR AN ACT relating to child support; to amend sections 42-358 and 42-364.01, Reissue Revised Statutes of Nebraska, 1943; to state intent; to provide duties for the Supreme Court relating to the collection of child support; to authorize withholding of earnings on motion of the court; and to repeal the original sections.

**LEGISLATIVE BILL 611.** By Schmit, 23rd District.

A BILL FOR AN ACT relating to divorce; to amend section 42-361, Reissue Revised Statutes of Nebraska, 1943; to provide for waiver of hearing as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 612.** By Schmit, 23rd District.

A BILL FOR AN ACT relating to child support; to amend section 42-364, Reissue Revised Statutes of Nebraska, 1943; to provide for the ownership of child support; and to repeal the original section.

**LEGISLATIVE BILL 613.** By Schmit, 23rd District.

A BILL FOR AN ACT relating to investment; to amend section 77-2307, Reissue Revised Statutes of Nebraska, 1943, and section 72-1268, Revised Statutes Supplement, 1984; to authorize the state investment officer to require the pledging of assets as prescribed; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 614.** By Schmit, 23rd District.

A BILL FOR AN ACT relating to interest rates; to amend sections 45-101.02, 45-101.03, and 45-138, Reissue Revised Statutes of Nebraska, 1943; to lower the general rate of interest; to eliminate exceptions to the general rate of interest; to harmonize provisions; and to repeal the original sections, and also sections 8-435 and 45-101.04, Reissue Revised Statutes of Nebraska, 1943.

**LEGISLATIVE BILL 615.** By Schmit, 23rd District.

A BILL FOR AN ACT relating to taxes; to amend section 79-1332, Reissue Revised Statutes of Nebraska, 1943, and sections 77-2701, 77-2715.01, and 77-2715.05, Revised Statutes Supplement, 1984; to provide an additional sales and use tax to be used for school foundation and equalization aid; to require a reduced property tax levy; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 616.** By Schmit, 23rd District.

A BILL FOR AN ACT relating to revenue and taxation; to provide for contributions from tax refunds as prescribed; and to create a fund.

**LEGISLATIVE BILL 617.** By Schmit, 23rd District.

A BILL FOR AN ACT relating to environmental protection; to amend section 81-1505, Revised Statutes Supplement, 1984; to provide for certain air pollution emission standards; and to repeal the original section.

**LEGISLATIVE BILL 618.** By Schmit, 23rd District.

A BILL FOR AN ACT relating to the Nebraska Investment Council; to amend section 72-1237, Reissue Revised Statutes of Nebraska, 1943; to change the membership of the council; and to repeal the original section.

**LEGISLATIVE BILL 619.** By Schmit, 23rd District.

A BILL FOR AN ACT relating to explosive liquids and gases; to provide that rules and regulations be adopted and promulgated relating to containers, reuse of containers, and requirements for certain substances.

**LEGISLATIVE BILL 620.** By Schmit, 23rd District.

A BILL FOR AN ACT relating to the Nebraska Disaster and Civil

Defense Act; to amend sections 81-829.39, 81-829.40, and 81-829.43, Reissue Revised Statutes of Nebraska, 1943; to include severe financial injury as a disaster; to provide a power for the Governor; to include regulation of financial institutions as disaster prevention; and to repeal the original sections.

**LEGISLATIVE BILL 621.** By Goodrich, 20th District.

A BILL FOR AN ACT relating to independent boards and commissions; to amend section 81-8,119.01, Revised Statutes Supplement, 1984; to change a provision relating to the renewal of certificates for land surveyors; and to repeal the original section.

**LEGISLATIVE BILL 622.** By Goodrich, 20th District; Labedz, 5th District; Schmit, 23rd District.

A BILL FOR AN ACT relating to financial institutions; to state legislative findings; to provide for the deposit of state and political subdivision funds in certain financial institutions; and to provide severability.

**LEGISLATIVE BILL 623.** By Chronister, 18th District.

A BILL FOR AN ACT relating to rabies; to amend sections 71-4401 to 71-4410 and 71-4412, Reissue Revised Statutes of Nebraska, 1943; to redefine terms; to provide for certain domestic animals to have a vaccination for rabies as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 624.** By Chronister, 18th District.

A BILL FOR AN ACT relating to secured transactions; to amend section 9-307, Uniform Commercial Code; to change provisions relating to the protection of buyers; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 625.** By DeCamp, 40th District.

A BILL FOR AN ACT relating to banks and banking; to amend section 8-157, Revised Statutes Supplement, 1984; to change a provision relating to user banks as prescribed; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 626.** By Judiciary Committee: Hoagland, 6th District, Chairperson; Beutler, 28th District; Chambers, 11th District;

Conway, 17th District; Remmers, 1st District.

A BILL FOR AN ACT relating to employment driving permits; to amend sections 39-669.07, 39-669.08, 39-669.16, and 39-669.34, Reissue Revised Statutes of Nebraska, 1943; to provide for employment driving permits as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 627.** By Schmit, 23rd District; Rupp, 22nd District.

A BILL FOR AN ACT relating to the State Racing Commission; to provide for certain race meets to pay a percentage of a certain deduction to a certain race meet as prescribed.

**LEGISLATIVE BILL 628.** By Schmit, 23rd District; Sieck, 24th District; R. Johnson, 34th District; Eret, 32nd District; Barrett, 39th District; Remmers, 1st District; Lamb, 43rd District.

A BILL FOR AN ACT relating to agriculture; to ratify the Interstate Compact on Agricultural Grain Marketing.

**LEGISLATIVE BILL 629.** By Schmit, 23rd District; Sieck, 24th District; R. Johnson, 34th District; Eret, 32nd District; Remmers, 1st District.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2715, Revised Statutes Supplement, 1984; to provide a credit against income tax liability for the purchase of conservation tillage equipment; to define terms; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 630.** By Schmit, 23rd District; Sieck, 24th District; R. Johnson, 34th District; Remmers, 1st District.

A BILL FOR AN ACT relating to appropriations; to provide an appropriation to construct a grain alcohol plant as prescribed; and to declare an emergency.

**LEGISLATIVE BILL 631.** By Hoagland, 6th District; Remmers, 1st District; Abboud, 12th District.

A BILL FOR AN ACT relating to criminal offenses; to amend sections 39-669.07, 39-669.08, 60-403, 60-427, and 60-430.01, Reissue Revised Statutes of Nebraska, 1943, and sections 28-106 and 29-2260,

Revised Statutes Supplement, 1984; to redefine a misdemeanor classification; to change provisions relating to driving while intoxicated as prescribed; to change provisions relating to operators' licenses as prescribed; to harmonize provisions; to provide penalties; to eliminate a provision relating to operation of a vehicle for which an operator's license is not required; to repeal the original sections, and also section 60-430.04, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

**LEGISLATIVE BILL 632.** By V. Johnson, 8th District; Chambers, 11th District; Goodrich, 20th District.

A BILL FOR AN ACT relating to children; to amend section 43-512, Reissue Revised Statutes of Nebraska, 1943; to increase certain payments for dependent children; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 633.** By Education Committee: Vickers, 38th District, Chairperson; Baack, 47th District; Barrett, 39th District; Eret, 32nd District; Lamb, 43rd District; Morehead, 30th District.

A BILL FOR AN ACT relating to schools; to amend sections 79-4,140.04, 79-1247.02, 79-1247.05, 79-1247.06, and 79-1247.09, Revised Statutes Supplement, 1984; to eliminate a fund; to create the Professional Staff Development Program; to provide for rules and regulations; to provide for an advisory committee; to provide for pilot projects; to change certain dates; to change provisions relating to competency examinations; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 634.** By Judiciary Committee: Hoagland, 6th District, Chairperson; Abboud, 12th District; Conway, 17th District; Remmers, 1st District; Rupp, 22nd District.

A BILL FOR AN ACT relating to children; to amend section 42-364, Reissue Revised Statutes of Nebraska, 1943; to provide visitation rights for grandparents as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 635.** By Landis, 46th District.

A BILL FOR AN ACT relating to insurance; to amend section 44-320, Reissue Revised Statutes of Nebraska, 1943; to permit certain transactions between an official and his or her domestic insurance company; and to repeal the original section.

**LEGISLATIVE BILL 636.** By Education Committee: Vickers, 38th District, Chairperson; Baack, 47th District; Barrett, 39th District; R. Johnson, 34th District; Morehead, 30th District.

A BILL FOR AN ACT relating to educational service units; to amend section 79-1254.02, Revised Statutes Supplement, 1984; to provide a method in which certain employees become tenured; to provide procedures for termination of certain employees; and to repeal the original section.

**LEGISLATIVE BILL 637.** By Eret, 32nd District.

A BILL FOR AN ACT relating to elections; to amend sections 32-111, 32-514, and 32-515, Reissue Revised Statutes of Nebraska, 1943; to redefine a term; to change provisions governing candidates and electors of a political party as prescribed; and to repeal the original sections.

**LEGISLATIVE BILL 638.** By Eret, 32nd District.

A BILL FOR AN ACT relating to agriculture; to state intent; to prohibit the sale of certain commodities below a minimum price; to provide powers and duties; to provide penalties; and to provide for excess stocks as prescribed.

**LEGISLATIVE BILL 639.** By Conway, 17th District; Scofield, 49th District; Landis, 46th District.

A BILL FOR AN ACT relating to adoption; to state intent; to provide for adoption as prescribed; to define terms; to provide for agreements; and to provide for enforcement.

**LEGISLATIVE BILL 640.** By Hartnett, 45th District; Withem, 14th District.

A BILL FOR AN ACT relating to highways and bridges; to amend section 39-869, Reissue Revised Statutes of Nebraska, 1943; to change a provision relating to membership on the bridge commission; and to repeal the original section.

**LEGISLATIVE BILL 641.** By Vickers, 38th District.

A BILL FOR AN ACT relating to state educational institutions; to amend section 85-501, Reissue Revised Statutes of Nebraska, 1943;

to provide an exception to the requirement that nonresidents be charged a nonresident fee; to provide for termination; and to repeal the original section.

**LEGISLATIVE BILL 642.** By Scofield, 49th District.

A BILL FOR AN ACT relating to schools; to amend section 79-4,157, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to access to a student's school records or files; to provide for fees; and to repeal the original section.

**LEGISLATIVE BILL 643.** By Pappas, 42nd District; L. Johnson, 15th District.

A BILL FOR AN ACT relating to burial; to amend section 68-129, Revised Statutes Supplement, 1984; to adopt the Burial Pre-Need Sale Act; to harmonize provisions; to provide an operative date; to provide for severability; to eliminate provisions relating to prearranged funeral agreements; and to repeal the original section, and also section 71-1343, Reissue Revised Statutes of Nebraska, 1943, and sections 71-1342 and 71-1344, Revised Statutes Supplement, 1984.

**LEGISLATIVE BILL 644.** By Nelson, 35th District; Labedz, 5th District; Hall, 7th District.

A BILL FOR AN ACT relating to elections; to amend section 32-216, Reissue Revised Statues of Nebraska, 1943; to provide for the appointment of deputies to assist in registering voters; and to repeal the original section.

**LEGISLATIVE BILL 645.** By L. Johnson, 15th District; Goodrich, 20th District; Pappas, 42nd District.

A BILL FOR AN ACT relating to the State Real Estate Commission; to amend section 81-885.21, Reissue Revised Statutes of Nebraska, 1943; to change a provision relating to trust account deposits as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 646.** By Schmit, 23rd District; Pirsch, 10th District.

A BILL FOR AN ACT relating to drugs; to amend sections 39-669.07, 39-669.08, 39-669.11, and 39-669.14, Reissue Revised Statutes of Nebraska, 1943, and section 28-416, Revised Statutes

Supplement, 1984; to change penalties; to change provisions relating to driving under the influence of drugs; to provide for disbarment of certain persons; and to repeal the original sections.

**LEGISLATIVE BILL 647.** By Higgins, 9th District; Morehead, 30th District; Carsten, 2nd District; Chronister, 18th District; Lundy, 36th District; Labedz, 5th District.

A BILL FOR AN ACT relating to insurance; to state findings; to define terms; to require certain insurers to provide group long-term-care insurance policies; to provide standards; to provide powers and duties for the Director of Insurance; and to provide severability.

**LEGISLATIVE BILL 648.** By Chronister, 18th District; Lundy, 36th District.

A BILL FOR AN ACT relating to crimes and punishments; to amend section 28-1201, Reissue Revised Statutes of Nebraska, 1943, and section 28-101, Revised Statutes Supplement, 1984; to define a term; to create an offense; to provide a penalty; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 649.** By Lundy, 36th District.

A BILL FOR AN ACT relating to offenses involving the family relation; to amend section 28-711, Revised Statutes Supplement, 1984; to change provisions relating to reports of abuse; and to repeal the original section.

**LEGISLATIVE BILL 650.** By Haberman, 44th District.

A BILL FOR AN ACT relating to a compact on education; to amend section 79-2504, Reissue Revised Statutes of Nebraska, 1943; to change the membership of the Education Commission as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 651.** By Banking, Commerce and Insurance Committee: DeCamp, 40th District, Chairperson; Beyer, 3rd District; Labedz, 5th District; Pappas, 42nd District; Schmit, 23rd District.

A BILL FOR AN ACT relating to banks and banking; to amend section 8-1511, Revised Statutes Supplement, 1984; to adopt the Depository Institution Holding Company Act; to harmonize

provisions; to repeal the Bank Holding Company Act of 1963 and the One Bank Holding Company Act of 1973; to eliminate provisions relating to acquisition of state-chartered banks and industrial loan and investment companies; and to repeal the original section, and also sections 8-901, 8-902, 8-904, 8-1201 to 8-1207, and 8-1501 to 8-1505, Reissue Revised Statutes of Nebraska, 1943, and sections 8-903 and 8-1514, Revised Statutes Supplement, 1984.

**LEGISLATIVE BILL 652.** By Eret, 32nd District; Schmit, 23rd District; Nelson, 35th District.

A BILL FOR AN ACT relating to civil procedure; to amend sections 25-1505 and 25-1506, Reissue Revised Statutes of Nebraska, 1943; to provide for an additional stay period for the order of sale of mortgaged premises; and to repeal the original sections.

**LEGISLATIVE BILL 653.** By Banking, Commerce and Insurance Committee: DeCamp, 40th District, Chairperson; Beyer, 3rd District; Labedz, 5th District; Pappas, 42nd District; Schmit, 23rd District.

A BILL FOR AN ACT relating to financing; to amend sections 8-103, 8-108, 8-110, 8-113 to 8-115, 8-126, 8-139, 8-140, 8-150, 8-158, 8-164, 8-165, 8-187, 8-194, 8-198, 8-199, 8-1,102, 8-1,118, 8,201, 8-205, 8-206, 8-209, 8-602, 8-1506, 21-1760 to 21-1764, 21-1766 to 21-1773, 21-1773.01, 21-1774 to 21-1791, 21-1793 to 21-1796, 21-1799 to 21-17,108, 21-17,110, 21-17,112 to 71-17,117, 21-17,117.01 to 21-17,117.04, 21-17,118, 21-17,120, 21-17,121 to 21-17,126, 45-101.02 to 45-101.07, 45-102 to 45-104, 45-104.01, 45-105 to 45-114, 45-116 to 45-124, 45-126 to 45-140, 45-142 to 45-155, and 81-101, Reissue Revised Statutes of Nebraska, 1943, and sections 8-157, 21-17,120.01, 21-17,120.02, and 81-102, Revised Statutes Supplement, 1984; to define and redefine terms; to provide powers and duties; to change provisions governing financial institutions as prescribed; to change provisions governing credit unions; to change interest rate provisions; to rename the Department of Banking and Finance and the Director of Banking and Finance; to harmonize provisions; to delete provisions governing the maximum liability to be incurred by a trust company, the establishment and operation of electronic transmission terminals, and credit unions existing in 1965; and to repeal the original sections, and also sections 8-222, 8-345.01, and 21-17,119, Reissue Revised Statutes of Nebraska, 1943.

**LEGISLATIVE BILL 654.** By Public Health and Welfare Committee: Wesely, 26th District, Chairperson; Hall, 7th District;

Lynch, 13th District; Smith, 33rd District; Withem, 14th District.

A BILL FOR AN ACT relating to nursing home administration; to amend sections 71-2041.01, 71-2042, and 71-2045.02 to 71-2045.06, Reissue Revised Statutes of Nebraska, 1943; to redefine a term; to provide for rules and regulations; to change provisions regarding license suspension and revocation; to provide for biennial licensure; to provide for renewal of licenses; to provide for inactive status licenses; to provide for reinstatement of licenses; to change fees; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 655.** By Wesely, 26th District.

A BILL FOR AN ACT relating to retirement; to provide for retirement systems for combined paid police and fire department employees as prescribed; and to declare an emergency.

**LEGISLATIVE BILL 656.** By Wesely, 26th District; Landis, 46th District.

A BILL FOR AN ACT relating to property tax; to amend section 77-202, Revised Statutes Supplement, 1984; to provide an exemption; and to repeal the original section.

**LEGISLATIVE BILL 657.** By Conway, 17th District.

A BILL FOR AN ACT relating to liquors; to amend section 53-169, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to prohibited discounts to retailers as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 658.** By V. Johnson, 8th District.

A BILL FOR AN ACT relating to highways and bridges; to amend section 39-2215, Reissue Revised Statutes of Nebraska, 1943; to change a provision relating to the distribution of the Highway Trust Fund; to provide an operative date; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 659.** By V. Johnson, 8th District.

A BILL FOR AN ACT relating to the practice of cosmetology; to amend sections 71-313, 71-313.01, and 71-335, Reissue Revised Statutes of Nebraska, 1943; to provide for mobile cosmetology units as prescribed; to harmonize provisions; and to repeal the original

sections.

**LEGISLATIVE BILL 660.** By Labedz, 5th District.

A BILL FOR AN ACT relating to education; to require the Department of Social Services to provide certain educational assistance to physically handicapped persons as prescribed; to make an appropriation; and to declare an emergency.

## RESOLUTIONS

**LEGISLATIVE RESOLUTION 35CA.**

Introduced by Schmit, 23rd District.

A Resolution to propose an amendment to Article XIII, section 3, of the Constitution of Nebraska.

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

Section 1. That at the general election in November 1986 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article XIII, section 3, of the Constitution of Nebraska, which is hereby proposed by the Legislature:

"Sec. 3. The credit of the state shall never be given or loaned in aid of any individual, association, or corporation, except that (1) the state may guarantee or make long-term, low-interest loans to Nebraska residents seeking adult or post high school education at any public or private institution in this state. Qualifications for and the repayment of such loans shall be as prescribed by the Legislature and (2) the state may make appropriations to the Nebraska Agricultural Bank for agricultural loans as prescribed by the Legislature.".

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by Article XVI, section 1, of the Constitution of Nebraska. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

"A constitutional amendment to allow the credit of the state to be given to the Nebraska Agricultural Bank.

For

Against".

Sec. 3. That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass

of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.

Referred to the Reference Committee.

**LEGISLATIVE RESOLUTION 36CA.**

Introduced by Hoagland, 6th District; Nelson, 35th District; Beutler, 28th District; Lundy, 36th District; V. Johnson, 8th District; Miller, 37th District; Smith, 33rd District.

A Resolution to propose an amendment to Article VII, section 10, and the repeal of Article VII, section 13, of the Constitution of Nebraska.

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

Section 1. That at the general election in November 1986 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article VII, section 10, and repeal of Article VII, section 13, of the Constitution of Nebraska, which is hereby proposed by the Legislature:

"Sec. 10. The general government of the University of Nebraska and of the state colleges as now existing, and such other state colleges as may be established by law, shall, under the direction of the Legislature, be vested in a board of ~~not less than six nor more than eight~~ (1) thirteen regents and (2) commencing in 1993 nine regents to be designated the Board of Regents of the University of Nebraska and the Nebraska State Colleges. The number of members of the Board of Regents ~~, who shall~~to be elected shall be determined by the number of districts into which the state is divided as authorized by this section. ~~from and by districts as herein provided and three students of the University of Nebraska who shall serve as nonvoting members. Such nonvoting student members shall consist of the student body president of the University of Nebraska at Lincoln, the student body president of the University of Nebraska at Omaha, and the student body president of the University of Nebraska Medical Center~~ Five members shall be appointed by the Governor. The terms of office of elected and appointed members shall be for six years each. ~~The terms of office of student members shall be for the period of service as student body president.~~ Upon the expiration of the term of one appointed member, as the Governor shall determine, the vacancy shall not be filled. In addition, the Governor shall appoint three college or university students, not more than one of whom shall

attend any campus of the University of Nebraska, to serve as nonvoting members of the Board of Regents. Each student shall serve a one-year term. The Board of Regents' ~~Their~~ duties and powers shall be prescribed by law; and they shall receive no compensation, but may be reimbursed their actual expenses incurred in the discharge of their duties.

The Legislature in 1987 shall divide the state, along county lines, into five ~~as many~~ compact regent districts~~, as there are regents provided by the Legislature,~~ of approximately equal population, which shall be numbered consecutively.

The Legislature shall redistrict the state after each federal decennial census. 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 pursuant to this section, 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.

That Article VII, section 13, of the Constitution is repealed.".

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by Article XVI, section 1, of the Constitution of Nebraska. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

"A constitutional amendment to provide for the membership of the Board of Regents of the University of Nebraska and the Nebraska State Colleges.

For

Against".

Sec. 3. That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.

Referred to the Reference Committee.

## BILLS ON FIRST READING

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

**LEGISLATIVE BILL 661.** By Vickers, 38th District.

A BILL FOR AN ACT relating to railroads; to provide an opportunity for the Public Service Commission to settle certain disputes.

**LEGISLATIVE BILL 662.** By V. Johnson, 8th District; Landis, 46th District; Hoagland, 6th District.

A BILL FOR AN ACT relating to schools; to amend sections 77-201, 79-411, 79-426.23, 79-426.25, 79-426.26, 79-451, 79-1107, and 79-12,104, Reissue Revised Statutes of Nebraska, 1943, and section 79-701, Revised Statutes Supplement, 1984; to change provisions relating to land valuation for tax purposes; to provide for the merger of certain Class I school districts; to provide powers and duties; to provide operative dates; and to repeal the original sections, and also sections 79-403.01 to 79-403.04, 79-407, and 79-478 to 79-485, Reissue Revised Statutes of Nebraska, 1943, and sections 79-403 and 79-406, Revised Statutes Supplement, 1984.

**LEGISLATIVE BILL 663.** By Labedz, 5th District; Higgins, 9th District; Schmit, 23rd District; Nelson, 35th District; L. Johnson, 15th District; Hefner, 19th District; Smith, 33rd District; Hall, 7th District; Lynch, 13th District; Pirsch, 10th District; Remmers, 1st District, Sieck, 24th District; Rogers, 41st District; Beyer, 3rd District; Hartnett, 45th District; Peterson, 21st District; Chronister, 18th District; Rupp, 22nd District; Chizek, 31st District; Carsten, 2nd District; Barrett, 39th District; Lamb, 43rd District; Goodrich, 20th District; Conway, 17th District, Pappas, 42nd District.

A BILL FOR AN ACT relating to crimes and punishments; to amend section 28-326, Revised Statutes Supplement, 1984; to redefine a term; and to repeal the original section.

**LEGISLATIVE BILL 664.** By Abboud, 12th District; Hoagland, 6th District.

A BILL FOR AN ACT relating to public meetings; to amend sections 84-1410 and 84-1411, Revised Statutes Supplement, 1984; to change provisions relating to public meetings as prescribed; and to repeal the original sections.

**LEGISLATIVE BILL 665.** By Abboud, 12th District.

A BILL FOR AN ACT relating to bidding; to require bids for certain purchases by a city of the first class or Class III school district.

**LEGISLATIVE BILL 666.** By Abboud, 12th District.

A BILL FOR AN ACT relating to public property; to provide for the sale of certain property by cities of the first class and Class III school districts as prescribed.

**LEGISLATIVE BILL 667.** By Higgins, 9th District; Labedz, 5th District; Eret, 32nd District; Chambers, 11th District.

A BILL FOR AN ACT relating to real estate sales; to amend section 81-885.24, Revised Statutes Supplement, 1984; to adopt the Real Estate Consumer Rights Act; to harmonize provisions; to provide severability; and to repeal the original section.

**LEGISLATIVE BILL 668.** By Landis, 46th District; Goodrich, 20th District; Beyer, 3rd District; Hannibal, 4th District; Schmit, 23rd District; V. Johnson, 8th District; Hall, 7th District; Remmers, 1st District; Lundy, 36th District; Nelson, 35th District; Smith, 33rd District; Barrett, 39th District; Higgins, 9th District; Hartnett, 45th District; Peterson, 21st District; Chronister, 18th District; Labedz, 5th District; Pappas, 42nd District; Rogers, 41st District; Morehead, 30th District; R. Johnson, 34th District; Chizek, 31st District; Sieck, 24th District; Conway, 11th District; Withem, 14th District; Pirsch, 10th District; Lynch, 13th District; Lamb, 43rd District; Rupp, 22nd District; Nichol, 48th District; Abboud, 12th District.

A BILL FOR AN ACT relating to crimes and punishments; to amend sections 28-1463 and 28-1464, Reissue Revised Statutes of Nebraska, 1943; to adopt the Child Pornography Prevention Act; to harmonize provisions; to provide severability; and to repeal the original sections.

**LEGISLATIVE BILL 669.** By Pirsch, 10th District.

A BILL FOR AN ACT relating to insurance; to provide reciprocal insurance exchanges with powers as prescribed.

**LEGISLATIVE BILL 670.** By Barrett, 39th District.

A BILL FOR AN ACT relating to educational service units; to amend sections 73-101 and 79-2201.01, Reissue Revised Statutes of Nebraska, 1943; to provide that educational service units follow certain public letting procedures; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 671.** By Chambers, 11th District.

A BILL FOR AN ACT relating to gasohol; to require labeling of gasohol pumps as prescribed; and to provide a penalty.

**LEGISLATIVE BILL 672.** By L. Johnson, 15th District; Chronister, 18th District; Rupp, 22nd District.

A BILL FOR AN ACT relating to to water resources; to amend section 46-202, Reissue Revised Statutes of Nebraska, 1943; to provide for the determination and reservation of base flows; and to repeal the original section.

**LEGISLATIVE BILL 673.** By Wesely, 26th District.

A BILL FOR AN ACT relating to electrical rates; to amend sections 16-679 and 17-810, Reissue Revised Statutes of Nebraska, 1943; to provide that rates charged by cities of the primary, first, and second class be fair, reasonable, and nondiscriminatory as prescribed; and to repeal the original sections.

**LEGISLATIVE BILL 674.** By Wesely, 26th District.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 71-5020, 71-5024, 71-5025, 71-5026, 83-159, 83-161.02, 83-163, and 83-164, Reissue Revised Statutes of Nebraska, 1943; to create the State Alcoholism and Drug Abuse Advisory Committee; to eliminate the State Alcoholism Advisory Committee and the State Drug Abuse Advisory Committee; to provide duties; to authorize a task force; to harmonize provisions; and to repeal the original sections, and also section 83-161.01, Reissue Revised Statutes of Nebraska, 1943.

**LEGISLATIVE BILL 675.** By Wesely, 26th District.

A BILL FOR AN ACT relating to public health and welfare; to

amend sections 71-5008 and 71-5014, Reissue Revised Statutes of Nebraska, 1943; to create the State Mental Health Advisory Committee; to provide duties; to change provisions relating to fees; and to repeal the original sections.

**LEGISLATIVE BILL 676.** By Marsh, 29th District.

A BILL FOR AN ACT relating to health services; to amend section 44-513, Reissue Revised Statutes of Nebraska, 1943; to change provisions regarding reimbursement of insured services as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 677.** By Hannibal, 4th District.

A BILL FOR AN ACT relating to taxation; to amend section 77-2715, Revised Statutes Supplement, 1984; to provide for an income tax credit; and to repeal the original section.

**LEGISLATIVE BILL 678.** By Sieck, 24th District.

A BILL FOR AN ACT relating to the Nebraska Investment Finance Authority Act; to amend sections 58-201, 58-207, 58-208, and 58-219, Reissue Revised Statutes of Nebraska, 1943; to define agricultural products; to redefine terms; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 679.** By Lynch, 13th District.

A BILL FOR AN ACT relating to schools; to amend sections 32-4,147, 32-504, 79-102, 79-311, 79-312, 79-320.01, 79-401, 79-432, 79-438, 79-451, 79-486, 79-490, 79-4,153, 79-501 to 79-504, 79-506, 79-506.01, 79-507 to 79-509, 79-511, 79-512, 79-519 to 79-521, 79-541, 79-542, 79-546, 79-547, 79-548 to 79-550.01, 79-552, 79-1308.01, and 79-2212, Reissue Revised Statutes of Nebraska, 1943, and sections 79-101, 79-464, 79-4,209, 79-4,210, 79-547.02, 79-701, 79-801, 79-12,111, 79-1333, 79-1334, 79-1335, 79-1522.01, and 79-2102, Revised Statutes Supplement, 1984; to provide for one school district per county; to provide for four classes of school districts; to eliminate Class I and Class VI school districts; to harmonize provisions; to provide for renumbering of school districts by the Revisor of Statutes; to provide an operative date; and to repeal the original sections, and also sections 79-102.01, 79-102.02, 79-402.03 to 79-402.05, 79-402.07 to 79-403.04, 79-407 to 79-420, 79-426.01 to 79-426.19, 79-426.22 to 79-426.26, 79-433, 79-434, 79-436, 79-437, 79-494 to 79-4,101, 79-4,103 to 79-4,105, 79-601 to 79-604, 79-1101, 79-1103.02,

79-1103.03, 79-1103.05 to 79-1107, 79-1109 to 79-1112, and 79-12,104 to 79-12,106, Reissue Revised Statutes of Nebraska, 1943, and sections 79-402, 79-402.06, 79-403, 79-406, 79-4,102, 79-1103, and 79-1108, Revised Statutes Supplement, 1984.

**LEGISLATIVE BILL 680.** By Vickers, 38th District; Landis, 46th District; Beutler, 28th District; Baack, 47th District; Marsh, 29th District.

A BILL FOR AN ACT relating to appropriations; to provide for an appropriation to aid the humanities as prescribed; and to declare an emergency.

## NOTICE OF COMMITTEE HEARINGS
### Constitutional Revision and Recreation

| | | |
|---|---|---|
| LR 22CA | Thursday, January 31, 1985 | 1:30 p.m. |
| LR 7CA | Thursday, January 31, 1985 | 1:30 p.m. |
| LR 23CA | Thursday, January 31, 1985 | 1:30 p.m. |
| LB 223 | Friday, February 1, 1985 | 1:30 p.m. |
| LB 224 | Friday, February 1, 1985 | 1:30 p.m. |
| LB 557 | Friday, February 1, 1985 | 1:30 p.m. |

(Signed) Lee Rupp, Chairperson

## EASE

The Legislature was at ease from 2:48 p.m. until 3:15 p.m.

## NOTICE OF COMMITTEE HEARINGS
### Revenue

| | | |
|---|---|---|
| LB 273 | Wednesday, January 30, 1985 | Cancelled |
| LB 272 | Wednesday, January 30, 1985 | 1:30 p.m. |
| LB 345 | Wednesday, January 30, 1985 | 1:30 p.m. |

(Signed) Vard Johnson, Chairperson

## BILLS ON FIRST READING

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

**LEGISLATIVE BILL 681.** By V. Johnson, 8th District; Vickers, 38th District.

A BILL FOR AN ACT relating to school lands and funds; to amend section 72-202, Revised Statutes Supplement, 1984; to provide for the purchase of agricultural lands as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 682.** By Pappas, 42nd District.

A BILL FOR AN ACT relating to revenue and taxation; to provide for contributions from the tax refunds as prescribed; and to create a fund.

**LEGISLATIVE BILL 683.** By DeCamp, 40th District.

A BILL FOR AN ACT relating to state officers; to create the position of State Lobbyist; to provide duties; to appropriate funds; and to declare an emergency.

**LEGISLATIVE BILL 684.** By DeCamp, 40th District.

A BILL FOR AN ACT relating to liquors; to prohibit certain persons from advertising the sale of alcoholic liquor for consumption off the premises as prescribed; and to provide penalties.

**LEGISLATIVE BILL 685.** By DeCamp, 40th District.

A BILL FOR AN ACT relating to mental health; to state legislative findings; to state intent; to provide funding for the development of certain community programs and facilities as alternatives to institutionalization; and to declare an emergency.

**LEGISLATIVE BILL 686.** By DeCamp, 40th District.

A BILL FOR AN ACT relating to dental services; to amend section 44-3808, Reissue Revised Statutes of Nebraska, 1943; to change a provision relating to deposit securities or surety bond; to provide certain requirements; and to repeal the original section.

**LEGISLATIVE BILL 687.** By DeCamp, 40th District.

A BILL FOR AN ACT relating to outdoor recreation; to state intent; to authorize the establishment of regional park authorities; and to provide powers.

**LEGISLATIVE BILL 688.** By DeCamp, 40th District.

A BILL FOR AN ACT relating to public assistance; to amend sections 19-2702, 19-2716, 43-511, 43-512, 43-512.03, 43-514, 43-515, and 43-529, Reissue Revised Statutes of Nebraska, 1943, and sections 28-710, 28-711, 28-713, 28-723, 28-724, 28-725, 28-726, 28-727, 68-104, 68-214, 68-309, 68-312, 68-313, 68-313.01, 68-703, 68-716, 68-717, 68-718, 68-1001, 68-1007, 68-1008, 68-1014, 68-1015, 68-1016, 68-1022, 68-1023, and 68-1206, Revised Statutes Supplement, 1984; to transfer public assistance programs from the Department of Social Services to the county division of public welfare; to harmonize provisions; to revive certain sections; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 689.** By DeCamp, 40th District.

A BILL FOR AN ACT relating to education; to amend sections 79-4,140.01, 79-4,140.03, and 79-1247.05, Revised Statutes Supplement, 1984; to adopt the Mathematics, Science, and Computer Education Act; to change the mission of the public school system; to change graduation requirements; to change teacher certification requirements; and to repeal the original sections.

**LEGISLATIVE BILL 690.** By Haberman, 44th District; Pappas, 42nd District; Barrett, 39th District.

A BILL FOR AN ACT relating to liens; to provide a written consent requirement.

**LEGISLATIVE BILL 691.** By DeCamp, 40th District.

A BILL FOR AN ACT relating to banks and banking; to amend section 8-1,102, Reissue Revised Statutes of Nebraska, 1943; to provide for the release of certain real estate owned by insolvent banks from certain taxes or assessments as prescribed; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 692.** By Lynch, 13th District; Hall, 7th District.

A BILL FOR AN ACT relating to real property; and to adopt the Inspection Liability Act.

**LEGISLATIVE BILL 693.** By Hall, 7th District; Higgins, 9th District.

A BILL FOR AN ACT relating to insurance; to amend sections 44-779 and 44-781, Reissue Revised Statutes of Nebraska, 1943; to prevent denial of benefits as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 694.** By Haberman, 44th District; Pappas, 42nd District; Schmit, 23rd District; Chronister, 18th District; Rupp, 22nd District.

A BILL FOR AN ACT relating to the Legislature; to adopt the Legislative Investigating Committee Act.

**LEGISLATIVE BILL 695.** By Pappas, 42nd District.

A BILL FOR AN ACT relating to education; to state intent; to provide purposes; to provide for the reorganization of public postsecondary education in Nebraska; and to provide for implementation.

**LEGISLATIVE BILL 696.** By Pappas, 42nd District.

A BILL FOR AN ACT relating to agriculture; to amend sections 2-2309, 2-2317, 2-2318, 2-3622, 2-3632 to 2-3634, 2-4011, 2-4017 to 2-4019, 54-2112, and 54-2116 to 54-2118, Reissue Revised Statutes of Nebraska, 1943; to adopt the Agricultural Producers Assistance Act; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 697.** By V. Johnson, 8th District; Hartnett, 45th District.

A BILL FOR AN ACT relating to railroads; to require certain equipment on freight trains; and to define a term.

**LEGISLATIVE BILL 698.** By V. Johnson, 8th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2702 and 77-2703, Revised Statutes Supplement, 1984; to define and redefine terms; to provide a sales tax on services; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 699.** By Pappas, 42nd District.

A BILL FOR AN ACT relating to liquors; to amend section 53-179, Reissue Revised Statutes of Nebraska, 1943; to provide for the sale of certain liquors as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 700.** By Pappas, 42nd District.

A BILL FOR AN ACT relating to franchises; to provide for termination; to provide for trial lease and franchise agreements as prescribed; to define successor in interest; to provide an exemption; and to provide duties.

**LEGISLATIVE BILL 701.** By Pappas, 42nd District.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 71-4701 to 71-4704 and 71-4706 to 71-4716, Reissue Revised Statutes of Nebraska, 1943; to redefine terms; to rename a board and change its membership; to change provisions relating to hearing aids or instruments and dispensers of such aids or instruments; to eliminate a provision relating to issuing a license without examination; to harmonize provisions; and to repeal the original sections, and also section 71-4705, Reissue Revised Statutes of Nebraska, 1943.

**LEGISLATIVE BILL 702.** By Pappas, 42nd District.

A BILL FOR AN ACT relating to the Franchise Practices Act; to amend sections 87-402 to 87-410, Reissue Revised Statutes of Nebraska, 1943; to eliminate an exclusion; to change the notice provision; to provide a franchisee with the option to purchase as prescribed; to provide a prohibited practice as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 703.** By Pappas, 42nd District.

A BILL FOR AN ACT relating to crimes and punishments; to amend section 28-101, Revised Statutes Supplement, 1984; to define terms and provide penalties relating to wiretapping and overhearing certain conversations; and to repeal the original section.

**LEGISLATIVE BILL 704.** By Pappas, 42nd District.

A BILL FOR AN ACT relating to certain electrical installations; to provide for the payment of certain installation charges by installment payments as prescribed.

**LEGISLATIVE BILL 705.** By Pappas, 42nd District.

A BILL FOR AN ACT relating to natural resources; to create the

Missouri Basin Natural Resources Council; to authorize particpation in such council; to provide powers and duties; and to provide for funding.

**LEGISLATIVE BILL 706.** By Pappas, 42nd District.

A BILL FOR AN ACT relating to education; to state intent; to provide an early retirement program for certain state college faculty members; to create a fund; to provide for damages; to provide an operative date; and to declare an emergency.

**LEGISLATIVE BILL 707.** By Pappas, 42nd District.

A BILL FOR AN ACT relating to state government; to amend sections 3-103, 46-701, 55-121, 60-1501, 71-2609, 80-401.02, 80-410, 81-1009, 81-1110, 81-1112, 81-1116, 81-1120.03, 81-1305, 81-1424, 81-2001, 83-101.02, and 83-172, Reissue Revised Statutes of Nebraska, 1943, and section 68-701.01, Revised Statutes Supplement, 1984; to eliminate certain qualifications for directors and heads of certain departments and commissions; to harmonize provisions; and to repeal the original sections, and also sections 81-1104, 81-1108.12, and 81-1304, Reissue Revised Statutes of Nebraska, 1943.

**LEGISLATIVE BILL 708.** By Conway, 17th District; Pappas, 42nd District.

A BILL FOR AN ACT relating to economic development; to amend sections 58-209.01, 58-219, 66-452, and 72-1263, Reissue Revised Statutes of Nebraska, 1943, and sections 77-2704, 77-2708, 77-2715, 77-2734.03, 77-2734.04, 77-2734.07, and 81-1228, Revised Statutes Supplement, 1984; to adopt the Enterprise Zone Act; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 709.** By Eret, 32nd District; Miller, 37th District; R. Johnson, 34th District; Peterson, 21st District; Hartnett, 45th District; Hefner, 19th District; Beutler, 28th District; Pirsch, 10th District; Smith, 33rd District; Chronister, 18th District; Haberman, 44th District; Remmers, 1st District; Morehead, 30th District; Higgins, 9th District; Barrett, 39th District; Labedz, 5th District; Sieck, 24th District; Carsten, 2nd District; Lamb, 43rd District; Baack, 47th District; Nelson, 35th District.

A BILL FOR AN ACT relating to the youth development centers; to amend sections 83-465, 83-487, and 83-4,100, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the youth

development centers; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 710.** By Lamb, 43rd District; Eret, 32nd District.

A BILL FOR AN ACT relating to education; to amend section 79-1247.05, Revised Statutes Supplement, 1984; to authorize substitutions for required courses; to provide for a waiver of standards for guidance and counseling and library services teachers; to change provisions relating to teacher certifications; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 711.** By Lamb, 43rd District; Rogers, 41st District.

A BILL FOR AN ACT relating to park entry permits; to amend section 37-1109, Reissue Revised Statutes of Nebraska, 1943; to exclude an area from the park permit requirement; and to repeal the original section.

**LEGISLATIVE BILL 712.** By V. Johnson, 8th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-3506.01, Revised Statutes Supplement, 1984; to change the amount of the homestead exemption; and to repeal the original section.

## NOTICE OF COMMITTEE HEARINGS
### Public Works

| | | |
|---|---|---|
| LB 66 | Friday, February 1, 1985(cancel) | 1:30 p.m. |
| LB 332 | Friday, February 1, 1985 | 1:30 p.m. |

(Signed) Loran Schmit, Chairperson

## RESOLUTIONS

**LEGISLATIVE RESOLUTION 37CA.**

Introduced by Pappas, 42nd District; V. Johnson, 8th District.

A Resolution to propose an amendment to Article VIII, section 11, of the Constitution of Nebraska.

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

Section 1. That at the general election in November 1986 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article VIII, section 11, of the Constitution of Nebraska, which is hereby proposed by the Legislature:

"Sec. 11. Every public corporation and political subdivision organized primarily to provide electricity or irrigation and electricity shall ~~annually make the same payments in lieu of taxes as it made in 1957, which payments shall be allocated in the same proportion to the same public bodies or their successors as they were in 1957~~ be subject to property taxes or be subject to a payment in lieu of such taxes in such a manner as required by the Legislature and in an amount not to exceed the property tax levy.

~~The Legislature may require each such public corporation to pay to the treasurer of any county in which may be located any incorporated city or village, within the limits of which such public corporation sells electricity at retail, a sum equivalent to five (5) per cent of the annual gross revenue of such public corporation derived from retail sales of electricity within such city or village, less an amount equivalent to the 1957 payments in lieu of taxes made by such public corporation with respect to property or operations in any such city or village. The payments in lieu of tax as made in 1957, together with any payments made as authorized in this section shall be in lieu of all other taxes, payments in lieu of taxes, franchise payments, occupation and excise taxes, but shall not be in lieu of motor vehicle licenses and wheel taxes, permit fees, gasoline tax and other such excise taxes or general sales taxes levied against the public generally.~~

~~So much of such five (5) per cent as is in excess of an amount equivalent to the amount paid by such public corporation in lieu of taxes in 1957 shall be distributed in each year to the city or village, the school districts located in such city or village, the county in which such city or village is located, and the State of Nebraska, in the proportion that their respective property tax mill levies in each such year bear to the total of such mill levies.~~ ".

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by Article XVI, section 1, of the Constitution of Nebraska. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

"A constitutional amendment to change the method of taxing certain public corporations and political subdivisions by

requiring such entities to pay property taxes or a payment in lieu of such property tax as prescribed.

For

Against".

Sec. 3. That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.

Referred to the Reference Committee.

**LEGISLATIVE RESOLUTION 38CA.**

Introduced by DeCamp, 40th District.

A Resolution to propose an amendment to Article VII, section 10, and the repeal of Article VII, section 13, of the Constitution of Nebraska.

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

Section 1. That at the general election in November 1986 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article VII, section 10, and repeal of Article VII, section 13, of the Constitution of Nebraska, which is hereby proposed by the Legislature:

"Sec. 10. The general government of the University of Nebraska, the state colleges, and the technical community colleges shall, under the direction of the Legislature, be vested in a board of not less than nine members. The Legislature shall provide by law for the:

(1) Method of selection of the board;

(2) Terms and qualifications of the board;

(3) Name of the board;

(4) Powers and duties of the board; and

(5) Enactment of any other laws the Legislature deems necessary for a successfully competent government for Nebraska's postsecondary institutions. ~~six nor more than eight regents to be designated the Board of Regents of the University of Nebraska, who shall be elected from and by districts as herein provided and three students of the University of Nebraska who shall serve as nonvoting members. Such nonvoting student members shall consist of the student body president of the University of Nebraska at Lincoln, the student body president of the University of Nebraska at Omaha, and~~

~~the student body president of the University of Nebraska Medical Center. The terms of office of elected members shall be for six years each. The terms of office of student members shall be for the period of service as student body president. Their duties and powers shall be prescribed by law; and they shall receive no compensation, but may be reimbursed their actual expenses incurred in the discharge of their duties.~~

~~The Legislature shall divide the state, along county lines, into as many compact regent districts, as there are regents provided by the Legislature, of approximately equal population, which shall be numbered consecutively.~~

~~The Legislature shall redistrict the state after each federal decennial census. Such districts shall not be changed except upon the concurrence of a majority of the members of the Legislature. In any such redistricting, county lines shall be followed whenever practicable, but other established lines may be followed at the discretion of the Legislature. Whenever the state is so redistricted the members elected prior to the redistricting shall continue in office, and the law providing for such redistricting shall where necessary specify the newly established district which they shall represent for the balance of their term.~~

That Article VII, section 13, of the Constitution is repealed.".

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by Article XVI, section 1, of the Constitution of Nebraska. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

> "A constitutional amendment to provide that the general government of the University of Nebraska, the state colleges, and the technical community colleges be vested in a single governing board.
>
> For
>
> Against'.

Sec. 3. That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.

Referred to the Reference Committee.

## BILL ON FIRST READING

The following bill was read for the first time by title:

**LEGISLATIVE BILL 713.**

By Business and Labor Committee: Barrett, 39th District, Chairperson; Chronister, 18th District; Eret, 32nd District; Hall, 7th District; Labedz, 5th District; Vickers, 38th District; Wesely, 26th District.

A BILL FOR AN ACT relating to appropriations; to provide for the payment of a claim against the state; to provide how payments shall be made; and to declare an emergency.

## ADJOURNMENT

At 3:23 p.m., on a motion by Mr. Conway, the Legislature adjourned until 10:00 a.m., Monday, January 28, 1985.

Patrick J. O'Donnell
Clerk of the Legislature

# ELEVENTH DAY - JANUARY 28, 1985

# LEGISLATIVE JOURNAL

## ELEVENTH DAY - JANUARY 28, 1985

## LEGISLATIVE JOURNAL

## EIGHTY-NINTH LEGISLATURE
## FIRST SESSION

## ELEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, January 28, 1985

Pursuant to adjournment, the Legislature met at 10:02 a.m., Speaker Nichol presiding.

## PRAYER

The prayer was offered by Dr. Robert Palmer, Westminster Presbyterian Church, Lincoln, Nebraska.

## ROLL CALL

The roll was called and all members were present except Mr. Goll who was excused; and Mr. Hannibal and Mrs. Marsh who were excused until they arrive.

## CORRECTIONS FOR THE JOURNAL

Page 299, line 28, strike "29 and 30" and insert "28 and 29".
The Journal for the Tenth Day was approved as corrected.

## MESSAGES FROM THE GOVERNOR

January 23, 1985

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Environmental Control Council, requiring legislative confirmation:

Fred Hlava, Jr., 136 North Pine, Gordon, NE, 69343, (308)282-0424 (h), (308)282-1500 (o), Term: 1/23/85 to 6/22/87, Succeeds: Mike Garwood, resigned.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) ROBERT KERREY
Governor

January 23, 1985

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Crime Victims Reparation Board, requiring legislative confirmation:

Kathy Seacrest, 710 West 5th St., North Platte, NE, 69101, (308)532-8635, Term: 1/23/85 to 1/1/91, Succeeds: A. T. Hinds, term expired.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) ROBERT KERREY
Governor

January 23, 1985

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the State Electrical Board, requiring legislative confirmation:

Wayne Sides, Box 98, Grant, NE, 69140, (308)352-4356, Term: 1/23/85 to 9/13/89, Succeeds: is reappointed.
Jon McCafferty, General Manager Department of Utilities, P.O. Box C, Fremont, NE, 68025, 721-2490, Term: 1/23/85 to 9/13/89 Succeeds: Lynn Moore, term expired.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) ROBERT KERREY
Governor

January 15, 1985

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Public Employees Retirement Board, requiring legislative confirmation:

Steve Williams, Department of Economic Development, 4th Floor, State Office Building, Lincoln, NE, 68509, 471-3782 (o) Term: 1/15/85 to 1/1/88 Succeeds: is reappointed.
Anne C. Brookes, 1816 C St., Lincoln, NE, 68508, 471-2306 (o) Term: 1/15/85 to 1/1/88 Succeeds: is reappointed.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) ROBERT KERREY
Governor

## NATURAL RESOURCE DISTRICT REPORT

In compliance with Section 2-3262 (R.R.S. 1943) a summary of all fees paid to date during calendar year 1985 to attorneys, lobbyists, and public relations representatives is indicated below by individual and by amount paid thereto.

| DISTRICT | FEE |
|---|---|
| Nemaha | |
| L. Joe Stehlik | 9,261.36 |
| Steven Seglin | 3,934.27 |
| Steven Brott | 2,061.44 |
| William Davis | 375.00 |
| Morrissey & Morrissey | 45.00 |
| Nester & Mercure | 245.00 |
| Upper Big Blue | |
| Crosby, Guenzel, Davis, Kessner & Kuester | 4,576.09 |
| Leslie & Associates | 2,359.48 |

## REPORTS

Received from the Investment Council lists of South Africa related investments as of December 31, 1984, as required by 72-1273 (3) and 72-1274 (2) of the Nebraska Statutes.

Received the minutes of the Board of Public Roads Classifications and Standards for December.

Received from the Department of Roads a statement of deposits to the Highway Cash Fund and Roads Operation Cash Fund for December in compliance with Section 66-476, R.S. Supp. 1980.

Received proposed lease contracts from State Building Division for Labor, Division of Employment in McCook; Board of Public Accountance in Lincoln; and Game and Parks Commission in Thayer County.

Received from the Department of Social Services a report of the Disabled Persons and Family Support Program in accordance with Section 68-1518.

Received from the State Risk Manager list of officers and employees who are bonded and the amount of each bond pursuant to Section 11-203.

Received audit reports from the Auditor of Public Accounts for the

following: Department of Agriculture, Nebraska State board of Agriculture, Department of Economic Development, Nebraska Liquor Control Commission, Nebraska State Board of Public Accountancy, and State Treasurer.

Received the State of Nebraska Comprehensive Annual Financial Report for the year ended June 30, 1984.

## SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolutions: LR 21 and LR 24.

## NOTICE OF COMMITTEE HEARINGS

### Appropriations

| | | |
|---|---|---|
| LB 442 | Monday, February 4, 1985 | 6:00 p.m. |

(Signed) Jerome Warner, Chairperson

### Banking, Commerce and Insurance

| | | |
|---|---|---|
| LB 143 | Monday, February 4, 1985 | 1:30 p.m. |
| LB 158 | Monday, February 4, 1985 | 1:30 p.m. |
| LB 165 | Monday, February 4, 1985 | 1:30 p.m. |
| LB 192 | Monday, February 4, 1985 | 1:30 p.m. |
| LB 298 | Monday, February 4, 1985 | 1:30 p.m. |
| LB 307 | Monday, February 4, 1985 | 1:30 p.m. |
| LB 452 | Monday, February 4, 1985 | 1:30 p.m. |
| LB 74 | Tuesday, February 5, 1985 | 1:30 p.m. |
| LB 76 | Tuesday, February 5, 1985 | 1:30 p.m. |
| LB 104 | Tuesday, February 5, 1985 | 1:30 p.m. |
| LB 299 | Tuesday, February 5, 1985 | 1:30 p.m. |
| LB 391 | Tuesday, February 5, 1985 | 1:30 p.m. |
| LB 508 | Tuesday, February 5, 1985 | 1:30 p.m. |

(Signed) John DeCamp, Chairperson

### Revenue

| | | |
|---|---|---|
| LB 37 | Monday, February 4, 1985 | 1:30 p.m. |
| LB 38 | Monday, February 4, 1985 | 1:30 p.m. |
| LB 116 | Monday, February 4, 1985 | 1:30 p.m. |

| | | |
|---|---|---|
| LB 181 | Monday, February 4, 1985 | 1:30 p.m. |
| LB 712 | Monday, February 4, 1985 | 1:30 p.m. |
| LB 120 | Tuesday, February 5, 1985 | 1:30 p.m. |
| LB 121 | Tuesday, February 5, 1985 | 1:30 p.m. |
| LB 597 | Tuesday, February 5, 1985 | 1:30 p.m. |
| LB 118 | Tuesday, February 5, 1985 | 1:30 p.m. |
| LB 119 | Tuesday, February 5, 1985 | 1:30 p.m. |
| LB 273 | Wednesday, February 6, 1985 | 1:30 p.m. |

(Signed) Vard Johnson, Chairperson

**Nebraska Retirement Systems**

Governor Appointments Tuesday, February 5, 1985 12:00 noon
Steve Williams
Leslie McFerren
Anne Brookes

(Signed) Bill Harris, Chairperson

## SELECT COMMITTEE REPORTS
### Enrollment and Review

**LEGISLATIVE BILL 1.** Placed on Select File as amended.
E & R amendments to LB 1:
AM0051

1. On page 1, line 2, after "43-654" insert a comma, strike "and", and after "68-1207," insert "and 83-1040,".

2. Insert the following new section:

"Sec. 3. That section 83-1040, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

83-1040. In order to aid the mental health board in determining the best available treatment alternative for a subject found to be a mentally ill dangerous person in need of board ordered treatment, the board may request that a predisposition investigation be conducted by a qualified physician or clinical psychologist and report and recommendations be submitted to it by the program administrator, or his or her designee, of the comprehensive community mental health services program in the mental health region in which

the proceedings against the subject were held under this act. The board may also require the Director of Medical Services of the Department of Public Institutions or such director's designee to provide such assistance as may be necessary to place the subject of the petition in an appropriate facility or program pursuant to ~~the provisions of~~ section 71-5003. The board may further request predisposition assistance from the ~~Division of Social Services of the~~ Department of Social Services pursuant to ~~the provisions of~~ section 68-1202~~,~~ and any other statutory or other authority which it may have to provide such assistance. The court may finally obtain assistance from any other public or private agency or persons familiar with available treatment resources and qualified to render such assistance. The court may require the subject to submit to reasonable psychiatric and psychological evaluation calculated to assist the mental health board in its choice of the best treatment disposition.".

3. On page 4, line 14, strike "3" and insert "4", after "43-654" insert a comma, and strike "and"; and in line 15, after "68-1207," insert "and 83-1040,".

**LEGISLATIVE BILL 2.** Placed on Select File as amended.
E & R amendments to LB 2:
AM0050

1. On page 8, line 17, after "paying" insert an underscored comma, strike the second "or" and show as stricken, and after "giving" insert an underscored comma.

2. On page 12, line 25, after "6" insert an underscored semicolon and strike the period and show as stricken.

3. On page 14, line 14, after "used" insert an underscored comma.

**LEGISLATIVE BILL 3.** Placed on Select File.

**LEGISLATIVE BILL 4.** Placed on Select File as amended.
E & R amendments to LB 4:
AM0052

1. On page 1, line 2, after "the" insert "transfer of certain property and personnel and the"; and in line 4 strike "section" and insert "sections 68-1110 and".

2. On page 2, line 1, strike "section" and insert "sections 68-1110 and".

**LEGISLATIVE BILL 5.** Placed on Select File.
**LEGISLATIVE BILL 6.** Placed on Select File.
**LEGISLATIVE BILL 7.** Placed on Select File.
**LEGISLATIVE BILL 8.** Placed on Select File.
**LEGISLATIVE BILL 9.** Placed on Select File.

**LEGISLATIVE BILL 10.** Placed on Select File as amended.
E & R amendment to LB 10:
AM0053

1. On page 1, line 3, strike "Parks" and insert "Forestation" and strike "Forestation" and insert "Parks".

**LEGISLATIVE BILL 11.** Placed on Select File as amended.
E & R amendment to LB 11:
AM0054

1. On page 1, line 4, strike "1982" and insert "1985".

**LEGISLATIVE BILL 12.** Placed on Select File.

**LEGISLATIVE BILL 13.** Placed on Select File as amended.
E & R amendment to LB 13:
AM0055

1. On page 1, line 2, after "Youth" insert "Cash".

**LEGISLATIVE BILL 14.** Placed on Select File.
**LEGISLATIVE BILL 15.** Placed on Select File.
**LEGISLATIVE BILL 16.** Placed on Select File.
**LEGISLATIVE BILL 17.** Placed on Select File.
**LEGISLATIVE BILL 18.** Placed on Select File.

(Signed) Timothy Hall, Chairperson

## UNANIMOUS CONSENT - Add Co-Introducer

Mr. Harris asked unanimous consent to have his name added as co-introducer to LB 452. No objections. So ordered.

## UNANIMOUS CONSENT - ANNOUNCEMENT

Mr. Warner asked unanimous consent to use the East Chamber, February 4, 1985, at 6:00 p.m. No objections. So ordered.

## RESOLUTION

### LEGISLATIVE RESOLUTION 39.

Introduced by Chambers, 11th District; Chizek, 31st District; Lynch, 13th District; Higgins, 9th District; Smith, 33rd District; Labedz, 5th District; Chronister, 18th District; Miller, 37th District; DeCamp, 40th District; Nichol, 48th District; Landis, 46th District; Beutler, 28th District; Wesely, 26th District; Marsh, 29th District; Harris, 27th District; Warner, 25th District; V. Johnson, 8th District; Hoagland, 6th District; Sieck, 24th District; Hall, 7th District.

WHEREAS, Commonwealth Savings Company, an industrial loan and investment company, was declared insolvent by the Department of Banking and Finance on November 1, 1983; and

WHEREAS, the Department of Banking and Finance was subsequently named as Receiver for Commonwealth Savings Company, Insolvent, and in that capacity has filed claims against the State of Nebraska; and

WHEREAS, it is in the best interest of the State of Nebraska and the Receiver for Commonwealth Savings Company, Insolvent, to resolve the issue of the State's liability on claims which have or which may be made by the Receiver against the State of Nebraska in connection with the insolvency of Commonwealth Savings Company; and

WHEREAS, it is in the interests of the State of Nebraska to restore confidence in its financial institutions and in the state regulatory system,

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

1. It is the intent of the Legislature to settle all Commonwealth Savings Company related claims against the State of Nebraska, its officers and its employees wherein the State agrees to pay and the Receiver agrees to accept the sum of twenty million five hundred thousand dollars ($20,500,000) in full and complete settlement of all claims which have been or may be made by the Receiver on behalf of all creditors of Commonwealth Savings Company, Insolvent.

2. It is the intent of the Legislature that this settlement must be approved by an order of the District Court of Lancaster County prior to the incurrence of any obligations or to the payment of any

settlement monies.

3. Contingent upon the approval of a settlement by the District Court of Lancaster County, it is the intent of the Legislature to settle all Commonwealth Savings Company related claims against the State of Nebraska, its officers and employees through the issuance of a general or revenue obligation the principal and interest payments on which are to be made by pledging the interest on the cash reserve fund of the State of Nebraska.

Laid over.

## REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative bills 296, 297, 590 through 661, 663 through 678, 680 through 713, LR 26 through LR 38, and rereferral of LB 288 and LB 369.

| LB | Committee |
|---|---|
| 288 | Miscellaneous Subjects |
| 296 | Banking, Commerce and Insurance |
| 297 | Banking, Commerce and Insurance |
| 369 | Executive Board |
| 590 | Judiciary |
| 591 | Revenue |
| 592 | Education |
| 593 | Banking, Commerce and Insurance |
| 594 | Revenue |
| 595 | Government, Military and Veterans Affairs |
| 596 | Agriculture and Environment |
| 597 | Revenue |
| 598 | Miscellaneous Subjects |
| 599 | Appropriations |
| 600 | Judiciary |
| 601 | Public Works |
| 602 | Banking, Commerce and Insurance |
| 603 | Banking, Commerce and Insurance |
| 604 | Banking, Commerce and Insurance |
| 605 | Banking, Commerce and Insurance |
| 606 | Banking, Commerce and Insurance |
| 607 | Education |
| 608 | Business and Labor |
| 609 | Revenue |
| 610 | Judiciary |
| 611 | Judiciary |
| 612 | Judiciary |

613 Banking, Commerce and Insurance
614 Banking, Commerce and Insurance
615 Revenue
616 Revenue
617 Agriculture and Environment
618 Banking, Commerce and Insurance
619 Agriculture and Environment
620 Government, Military and Veterans Affairs
621 Government, Military and Veterans Affairs
622 Banking, Commerce and Insurance
623 Public Health and Welfare
624 Banking, Commerce and Insurance
625 Banking, Commerce and Insurance
626 Judiciary
627 Revenue
628 Agriculture and Environment
629 Revenue
630 Appropriations
631 Judiciary
632 Public Health and Welfare
633 Education
634 Judiciary
635 Banking, Commerce and Insurance
636 Education
637 Government, Military and Veterans Affairs
638 Agriculture and Environment
639 Judiciary
640 Public Works
641 Education
642 Education
643 Public Health and Welfare
644 Government, Military and Veterans Affairs
645 Banking, Commerce and Insurance
646 Judiciary
647 Banking, Commerce and Insurance
648 Judiciary
649 Judiciary
650 Education
651 Banking, Commerce and Insurance
652 Judiciary
653 Banking, Commerce and Insurance
654 Public Health and Welfare
655 Nebraska Retirement Systems
656 Revenue
657 Miscellaneous Subjects

658 Appropriations
659 Public Health and Welfare
660 Education
661 Public Works
663 Judiciary
664 Government, Military and Veterans Affairs
665 Urban Affairs
666 Urban Affairs
667 Banking, Commerce and Insurance
668 Judiciary
669 Banking, Commerce and Insurance
670 Education
671 Agriculture and Environment
672 Public Works
673 Urban Affairs
674 Public Health and Welfare
675 Public Health and Welfare
676 Banking, Commerce and Insurance
677 Revenue
678 Banking, Commerce and Insurance
680 Appropriations
681 Banking, Commerce and Insurance
682 Revenue
683 Government, Military and Veterans Affairs
684 Miscellaneous Subjects
685 Public Health and Welfare
686 Banking, Commerce and Insurance
687 Constitutional Revision and Recreation
688 Public Health and Welfare
689 Education
690 Judiciary
691 Banking, Commerce and Insurance
692 Judiciary
693 Banking, Commerce and Insurance
694 Executive Board
695 Education
696 Agriculture and Environment
697 Public Works
698 Revenue
699 Miscellaneous Subjects
700 Banking, Commerce and Insurance
701 Public Health and Welfare
702 Banking, Commerce and Insurance
703 Judiciary
704 Public Works

| | |
|---|---|
| 705 | Public Works |
| 706 | Nebraska Retirement Systems |
| 707 | Government, Military and Veterans Affairs |
| 708 | Banking, Commerce and Insurance |
| 709 | Judiciary |
| 710 | Education |
| 711 | Constitutional Revision and Recreation |
| 712 | Revenue |
| 713 | Business and Labor |

| **LR** | **Committee** |
|---|---|
| 26 | Constitutional Revision and Recreation |
| 27 | Constitutional Revision and Recreation |
| 28 | Constitutional Revision and Recreation |
| 29 | Constitutional Revision and Recreation |
| 30 | Constitutional Revision and Recreation |
| 31 | Constitutional Revision and Recreation |
| 32 | Constitutional Revision and Recreation |
| 33 | Constitutional Revision and Recreation |
| 34 | Constitutional Revision and Recreation |
| 35 | Constitutional Revision and Recreation |
| 36 | Constitutional Revision and Recreation |
| 37 | Constitutional Revision and Recreation |
| 38 | Constitutional Revision and Recreation |

**Agriculture and Environment**
Fred Hlava, Jr. - Environmental Control Council

**Judiciary**
Kathy Seacrest - Crime Victims Reparation Board

**Miscellaneous Subjects**
Wayne Sides (R) - State Electrical Board
Jon McCafferty - State Electrical Board

**Nebraska Retirement Systems**
Anne C. Brookes (R) - Public Employees Retirement Bd.

(Signed) Chris Beutler, Chairperson
Legislative Council
Executive Board

## NOTICE OF COMMITTEE HEARINGS
**Judiciary**

| | | |
|---|---|---|
| LB 233 | Monday, February 4, 1985 | 1:30 p.m. |
| LB 498 | Monday, February 4, 1985 | 1:30 p.m. |
| LB 327 | Monday, February 4, 1985 | 1:30 p.m. |
| LB 330 | Monday, February 4, 1985 | 1:30 p.m. |
| LB 543 | Monday, February 4, 1985 | 1:30 p.m. |

(Signed) Peter Hoagland, Chairperson

**Education**

| | | |
|---|---|---|
| LB 244 | Monday, February 4, 1985 | 1:30 p.m. |
| LB 405 | Monday, February 4, 1985 | 1:30 p.m. |
| LB 587 | Monday, February 4, 1985 | 1:30 p.m. |
| LB 592 | Monday, February 4, 1985 | 1:30 p.m. |
| LB 388 | Monday, February 4, 1985 | 1:30 p.m. |

(Signed) Tom Vickers, Chairperson

**Public Health and Welfare**

| | | |
|---|---|---|
| LB 248 | Monday, February 4, 1985 | 1:30 p.m. |
| LB 253 | Monday, February 4, 1985 | 1:30 p.m. |
| LB 209 | Monday, February 4, 1985 | 1:30 p.m. |
| LB 61 | Monday, February 4, 1985 | 1:30 p.m. |

(Signed) Don Wesely, Chairperson

## UNANIMOUS CONSENT - Print in Journal

Messrs. Vickers and Schmit asked unanimous consent to print the following amendment to LR 39 in the Journal. No objections. So ordered.

WHEREAS, Commonwealth Savings Company, an industrial loan and investment company, was declared insolvent by the Department of Banking and Finance on November 1, 1983; and

WHEREAS, the Department of Banking and Finance was subsequently named as Receiver for Commonwealth Savings Company, Insolvent, and in that capacity has filed claims against the State of Nebraska; and

WHEREAS, other financial institutions within the state have encountered serious difficulties because of the depression in the states agriculture industry; and

WHEREAS, it is in the best interest of the State of Nebraska as the Receiver for Commonwealth Savings Company, Insolvent, and

the regulator of other Financial Institutions within the state to resolve the issue of the State's liability on claims which have or which may be made by the Receiver against the state of Nebraska in connection with the insolvency of Commonwealth Savings Company and to address the problems of agriculture as they relate to the stability of financial institutions in Nebraska; and

WHEREAS, it is in the interests of the State of Nebraska to restore confidence in its financial institutions and in the regulatory system of those institutions and also to restore prosperity to Nebraska's agricultural industry which is a major influence in the stability of the financial institutions of the state.

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

1. It is the intent of the Legislature to settle all Commonwealth Savings Company related claims against the State of Nebraska, its officers and its employees wherein the state agrees to pay and the Receiver agrees to accept the sum of Twenty million five hundred thousand dollars ($20,500,000) in full and complete settlement of all claims which have been or may be made by the Receiver on behalf of all creditors of Commonwealth Savings Company, Insolvent.

2. It is the intent of the Legislature that this settlement must be approved by the District Court of Lancaster County prior to the incurrence of any obligations or to the payment of any settlement monies.

3. Contingent upon the approval of a settlement by the District Court of Lancaster County, it is the intent of the Legislature to settle all Commonwealth Savings Company related claims against the State of Nebraska, its officers and employees through the issuance of general obligation bonds the principal and interest payments on which is to be made by pledging the interest on the cash reserve fund of the State of Nebraska.

4. It is the intent of the Legislature to attempt to resolve the difficulties of the Agriculture Industry and in particular to resolve the problems of the stability of financial institutions, concentrating on the problem of the availability of credit to members of the agribusiness community.

## ADJOURNMENT

At 10:56 a.m., on a motion by Ms. Scofield, the Legislature adjourned until 9:00 a.m., Tuesday, January 29, 1985.

Patrick J. O'Donnell
Clerk of the Legislature

# TWELFTH DAY - JANUARY 29, 1985

## LEGISLATIVE JOURNAL

## EIGHTY-NINTH LEGISLATURE
## FIRST SESSION

## TWELFTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, January 29, 1985

Pursuant to adjournment, the Legislature met at 9:01 a.m., President McGinley presiding.

## PRAYER

The prayer was offered by Dr. Robert Palmer, Westminster Presbyterian Church, Lincoln, Nebraska.

## ROLL CALL

The roll was called and all members were present except Mr. Goll who was excused; and Messrs. Hartnett, Hoagland, V. Johnson, Lynch, Rupp, Mesdames Higgins, and Morehead who were excused until they arrive.

## CORRECTIONS FOR THE JOURNAL

The Journal for the Eleventh Day was approved.

## UNANIMOUS CONSENT - Add Co-Introducer

Mrs. Higgins asked unanimous consent to have her name added as co-introducer to LB 305. No objections. So ordered.

## SELECT COMMITTEE REPORTS
### Enrollment and Review

**LEGISLATIVE BILL 19.** Placed on Select File.
**LEGISLATIVE BILL 20.** Placed on Select File.
**LEGISLATIVE BILL 21.** Placed on Select File.

**LEGISLATIVE BILL 22.** Placed on Select File.
**LEGISLATIVE BILL 23.** Placed on Select File.
**LEGISLATIVE BILL 24.** Placed on Select File.
**LEGISLATIVE BILL 25.** Placed on Select File.
**LEGISLATIVE BILL 26.** Placed on Select File.

**LEGISLATIVE BILL 27.** Placed on Select File as amended.
E & R amendment to LB 27:
AM0056
1. On page 1, line 2, after the semicolon insert "to eliminate the Energy Audits Revolving Fund;".

(Signed) Timothy Hall, Chairperson

## NOTICE OF COMMITTEE HEARINGS
### Miscellaneous Subjects

| | | |
|---|---|---|
| LB 486 | Thursday, February 7, 1985 | 1:30 p.m. |
| LB 72 | Thursday, February 7, 1985 | 1:30 p.m. |
| LB 266 | Thursday, February 7, 1985 | 1:30 p.m. |
| LB 304 | Thursday, February 7, 1985 | 1:30 p.m. |
| LB 67 | Friday, February 8, 1985 | 1:30 p.m. |
| LB 288 | Friday, February 8, 1985 | 1:30 p.m. |

(Signed) Elroy M. Hefner, Chairperson

### MOTION - Rerefer LBs 463, 227, and 284

Mr. Schmit renewed his pending motion found in the Journal on page 315 to rerefer from Agriculture and Environment to Public Works: LBs 463, 227, and 284.

Mr. DeCamp requested a division of the question on the motion to rerefer LBs 463, 227, and 284.

The Chair sustained the division of the question.

The first motion is to rerefer LB 227 and LB 284.

### EASE

The Legislature was at ease from 9:58 a.m. until 10:33 a.m.

### MOTION - Rerefer LBs 227, 284, and 463

The first Schmit motion is to rerefer LB 227 and LB 284.

Mr. Landis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 3 nays, and 18 not voting.

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

Mr. DeCamp requested a roll call vote on the Schmit motion to rerefer LB 227 and LB 284.

Voting in the affirmative, 22:

| | | | | |
|---|---|---|---|---|
| Beyer | Hall | Labedz | Pappas | Vickers |
| Carsten | Harris | Lamb | Rogers | Warner |
| DeCamp | Hartnett | Lynch | Rupp | |
| Goodrich | Hefner | Marsh | Schmit | |
| Haberman | Johnson, V. | Nelson | Smith | |

Voting in the negative, 26:

| | | | | |
|---|---|---|---|---|
| Abboud | Chronister | Johnson, L. | Nichol | Wesely |
| Baack | Conway | Johnson, R. | Peterson | Withem |
| Barrett | Eret | Landis | Pirsch | |
| Beutler | Hannibal | Lundy | Remmers | |
| Chambers | Higgins | Miller | Scofield | |
| Chizek | Hoagland | Morehead | Sieck | |

Excused and not voting, 1:

Goll

The first Schmit motion lost with 22 ayes, 26 nays, and 1 excused and not voting.

Mr. Schmit asked unanimous consent to withdraw his pending motion to rerefer LB 463. No objections. So ordered.

The Chair declared the call raised.

## NOTICE OF COMMITTEE HEARINGS
### Judiciary

| | | |
|---|---|---|
| LB 142 | Tuesday, February 5, 1985 | 1:30 p.m. |
| LB 176 | Tuesday, February 5, 1985 | 1:30 p.m. |
| LB 70 | Tuesday, February 5, 1985 | 1:30 p.m. |

(Signed) Peter Hoagland, Chairperson

**Public Works**

| | | |
|---|---|---|
| LB 153 | Wednesday, February 6, 1985 | 1:30 p.m. |
| LB 496 | Wednesday, February 6, 1985 | 1:30 p.m. |
| LB 149 | Wednesday, February 6, 1985 | 1:30 p.m. |
| LB 150 | Wednesday, February 6, 1985 | 1:30 p.m. |
| LB 395 | Thursday, February 7, 1985 | 1:30 p.m. |
| LB 102 | Thursday, February 7, 1985 | 1:30 p.m. |
| LB 386 | Thursday, February 7, 1985 | 1:30 p.m. |
| LB 124 | Friday, February 8, 1985 | 1:30 p.m. |
| LB 214 | Friday, February 8, 1985 | 1:30 p.m. |
| LB 71 | Friday, February 8, 1985 | 1:30 p.m. |
| LB 211 | Friday, February 8, 1985 | 1:30 p.m. |
| LB 94 | Friday, February 8, 1985 | 1:30 p.m. |

(Signed) Loran Schmit, Chairperson

**Education**

| | | |
|---|---|---|
| LB 650 | Tuesday, February 5, 1985 | 1:30 p.m. |
| LB 478 | Tuesday, February 5, 1985 | 1:30 p.m. |
| LB 518 | Tuesday, February 5, 1985 | 1:30 p.m. |
| LB 660 | Tuesday, February 5, 1985 | 1:30 p.m. |

(Signed) Tom Vickers, Chairperson

**Public Health and Welfare**

| | | |
|---|---|---|
| LB 87 | Tuesday, February 5, 1985 | 1:30 p.m. |
| LB 130 | Tuesday, February 5, 1985 | 1:30 p.m. |
| LB 250 | Tuesday, February 5, 1985 | 1:30 p.m. |
| LB 251 | Tuesday, February 5, 1985 | 1:30 p.m. |
| LB 315 | Tuesday, February 5, 1985 | 1:30 p.m. |

(Signed) Don Wesely, Chairperson

**Business and Labor**

| | | |
|---|---|---|
| LB 213 | Wednesday, February 6, 1985 | 1:30 p.m. |
| LB 229 | Wednesday, February 6, 1985 | 1:30 p.m. |
| LB 385 | Wednesday, February 6, 1985 | 1:30 p.m. |
| LB 416 | Wednesday, February 6, 1985 | 1:30 p.m. |
| LB 713 | Wednesday, February 13, 1985 | 1:30 p.m. |
| LB 324 | Wednesday, February 13, 1985 | 1:30 p.m. |

(Signed) Bill Barrett, Chairperson

**MOTION - Withdraw LR 31CA**

Mr. Chambers moved to withdraw LR 31CA (Constitutional Amendment).

Laid over.

**RESOLUTIONS**

**LEGISLATIVE RESOLUTION 40.**

Introduced by Labedz, 5th District; Carsten, 2nd District; Marsh, 29th District; Rupp, 22nd District.

WHEREAS, 1985 has been proclaimed the International Year of the Youth by the United Nations and has been proclaimed the Year of the Tree by Governor Robert Kerrey; and

WHEREAS, the Nebraska Game and Parks Commission and the Omaha World-Herald have established the Midlands Youth Tree Planting Program in conjunction therewith; and

WHEREAS, tree planting promotes beautification of the State of Nebraska and creates a precious natural resource to shelter wildlife and aid in conservation of the soil; and

WHEREAS, Nebraska has historically been a leader in promoting the care and conservation of a very important natural resource exemplified by the Arbor Lodge State Historical Park.

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

1. That the Legislature encourages participation in the Midlands Youth Tree Planting Program by the youth of the State of Nebraska.

2. That the Legislature thanks the Omaha World-Herald and the Nebraska Game and Parks Commission for their initiative and

leadership in this worthy program.

3. That the Clerk send a copy of this resolution to the Omaha World-Herald and to the Nebraska Game and Parks Commission.

Laid over.

**LEGISLATIVE RESOLUTION 39.** Read. Considered.

Pending.

## NOTICE OF COMMITTEE HEARINGS
### Agriculture and Environment

| | | |
|---|---|---|
| LB 463 | Thursday, February 7, 1985 | 1:30 p.m. |
| LB 375 | Friday, February 8, 1985 | 1:30 p.m. |
| LB 394 | Friday, February 8, 1985 | 1:30 p.m. |

(Signed) Rod Johnson, Chairperson

## EXPLANATION OF VOTE

On the vote to rerefer LB's 227 and 284 to the Public Works Committee, it was my intent to vote "yes."

(Signed) Marge Higgins

## ATTORNEY GENERAL'S OPINION

Opinion No. 8
January 25, 1985

Dear Senator Lamb:

You have requested our opinion regarding whether the provisions of LB 38 would withstand constitutional challenge. LB 38 generally provides that each owner of real property in the state shall be entitled to receive a ten per cent rebate for all property taxes paid. Section 3 of the bill provides the Nebraska Department of Revenue is to calculate the rebate due and remit this amount to the owner of the real property.

Article VIII, Section 4 of the Nebraska Constitution provides, in pertinent part:

> 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; . . . .
> (Emphasis added).

In Steinacher v. Swanson, 131 Neb. 439, 268 N.W. 317 (1936), the Nebraska Supreme Court, construing the prohibition contained in Article VIII, Section 4, stated:

> It is quite apparent that the framers of the Constitution of 1875, the one first containing this provision, and the members of all subsequent constitutional conventions, have been imbued with the idea that all taxpayers are entitled to the same treatment by the government they support. For this reason they have expressly written into our Constitution that the legislature not only shall have no power to release or discharge any one from the payment of his share of taxes, but a commutation for taxes in any form whatever is prohibited. . . . Clearly, under this constitutional provision, the legislature cannot reduce the amount of the tax, extend the time of payment, or in any manner change the method of payment.

Id. at 446, 268 N.W. at 321.

In County of Lancaster v. Trimble, 33 Neb. 121, 49 N.W. 938 (1891), the court held a statute permitting counties to purchase tax sales certificates and foreclose them, provided that no action could be brought unless the amount due exceeded $200, violated the above-quoted constitutional provision. The court in Trimble stated:

> The legislature is without power to release any inhabitant or corporation from his or its proportionate share of taxes, nor can it confer such authority upon county commissioners. It has authorized them to purchase real estate at tax sale, but has provided for the foreclosure of tax certificates in their hands only when the amount due thereon exceeds a specified sum. . . . The legislature is powerless to confer such authority. It cannot do indirectly what the Constitution prohibits it from doing directly; that is clear. (Wood v. Helmer, 10 Neb. 65, 68.)

Id. at 447, 49 N.W. at 939.

The ten per cent rebate on the amount of real property taxes paid provided by LB 38 would, in effect, constitute a reduction in real property taxes paid to all owners of real property in the state. Arguably, the rebate provided under LB 38 could be viewed as a

form of commutation of taxes by the Legislature in violation of Article VIII, Section 4. It could therefore be contended the procedure established under LB 38 would allow the Legislature to accomplish indirectly what it could not do directly, in view of the prohibition in Article VIII, Section 4.

On the other hand, the providing of tax relief through the payment of a rebate of this nature does not seem to clearly constitute a release, discharge, or commutation of taxes as contemplated under Article VIII, Section 4. While we express some reservation as to the Legislature's authority to provide tax relief to real property owners in this manner, we cannot conclude the rebate provided by LB 38 is clearly violative of this constitutional provision.

An additional constitutional question raised by LB 38 concerns Article XIII, Section 3, which provides, in pertinent part: "The credit of the state shall never be given or loaned in aid of any individual, association, or corporation, . . . ."

The Nebraska Supreme Court has interpreted the prohibition in Article XIII, Section 3, to prevent the state, or any political subdivision thereof, from extending its credit to private enterprises. United Community Services v. Omaha National Bank, 162 Neb. 786, 77 N.W. 2d 576 (1956); State ex rel. Beck v. City of York, 164 Neb. 223, 82 N.W.2d 269 (1957). In determining whether legislation providing for the expenditure of public funds is constitutionally impermissible under Article XIII, Section 3, the crucial inquiry is whether the act in question serves a public purpose.

Lenstrom v. Thone, 209 Neb. 783, 311 N.W.2d 884 (1981), involved the issue of the constitutionality of a statutory scheme establishing a scholarship award program providing financial assistance to eligible undergraduate state residents to receive educational services in public and private postsecondary educational institutions in the state. The court held the scholarship program was enacted to serve a public purpose, and thus did not violate the provisions of Article XIII, Section 3. Discussing the requirement that an expenditure of public funds constitute a public use or purpose, the court in Lenstrom stated:

> It is for the Legislature to decide in the first instance what is and what is not a public purpose, but its determination is not conclusive on the courts. However, to justify a court in declaring a statute invalid because its object is not a public purpose, the absence of public purpose must be so clear and palpable as to be immediately perceptible to the reasonable mind. Chase v. County of Douglas, 195 Neb. 838, 241 N.W.2d 334 (1976).

Id. at 789-90, 311 N.W.2d at 888.

The defendants in Lenstrom contended the statutory scheme creating the scholarship award program violated Article XIII, Section

3, on the basis that the program constituted a "gift" of public funds. The court summarily rejected this argument, stating:

> If article XIII, § 3, were extended to include "gifts" for public purposes, then all state welfare programs and many others would be unconstitutional. We find no authority which supports the defendents' position with reference to article XIII, § 3.

Id. at 792, 311 N.W.2d at 889.

It has been recognized that the public interest is promoted, and a public purpose served, by the provision of tax relief. See, Felder v. City of Portsmouth, 114 N.H. 573, 324 A.2d 708 (1974). The public purpose to be served through the enactment of LB 38 would be the general public interest in relieving the tax burden which has been placed on real property owners in the state. As the court indicated in Lenstrom, the purpose of the prohibition in Article XIII, Section 3, is to prevent the state from extending its credit to private enterprises; it does not prohibit expenditures made in furtherance of a public purpose.

We would point out, however, that LB 38 does not contain any legislative declaration or findings regarding the public purposes to be served by the bill. While it is not required that a legislative act which provides for the expenditure of public funds contain an express declaration of public purpose, State ex rel. Douglas v. Thone, 204 Neb. 836, 286 N.W.2d 249 (1979), such a declaration, and legislative findings to that effect, would be desirable to clearly express the Legislature's intent. In any event, we cannot conclude the tax relief provided by LB 38 is invalid based on the "absence of a public purpose" which is "so clear and palpable as to be immediately perceptible to the reasonable mind."

Aside from the question of the constitutional validity of LB 38, we also feel constrained to note that we can envision various administrative problems which could arise under its present provisions. Rather than attempting to outline such concerns in detail, we recommend that you seek the advice of the Department of Revenue, the agency which would bear the responsibility of administering the rebate program, regarding any administrative problems posed by the bill.

In summary, it is our opinion that, while we believe some questions may exist as to the constitutionality of the rebate system established under LB 38, we cannot affirmatively conclude that the bill would clearly violate any constitutional provision.

Very truly yours,
A. EUGENE CRUMP
Deputy Attorney General
(Signed) L. Jay Bartel

Assistant Attorney General

LJB:bae
cc: Patrick J. O'Donnell
Clerk of the Legislature

## RESOLUTION

**LEGISLATIVE RESOLUTION 41.**

Introduced by DeCamp, 40th District.

WHEREAS, the Eighty-eighth Legislature formed a special committee to study the failure of the Commonwealth Savings Company; and

WHEREAS, such special committee has, after investigation and consideration, issued its final report with findings and conclusions.

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

1. That the Legislature ratifies and adopts the findings and conclusions of the special committee as set forth in the Final Report of the Special Commonwealth Committee of the Eighty-Eighth Legislature, Second Session, of the State of Nebraska.

Laid over.

## UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendment to LR 39 in the Journal. No objections. So ordered.

In the 1st paragraph of the "Now therefore" section strike "$20,500,000" and insert "a maximum of $20,500,000 or such lower amount as the Lancaster County District Court approves as reasonable and proper."

## UNANIMOUS CONSENT - Add Co-Introducers

Mr. Carsten asked unanimous consent to have his name added as co-introducer to LR 39. No objections. So ordered.

Mr. Hoagland asked unanimous consent to have his name added as co-introducer to LB 496. No objections. So ordered.

## RESOLUTION

**LEGISLATIVE RESOLUTION 42.**

Introduced by Smith, 33rd District; Abboud, 12th District; Baack, 47th District; Barrett, 39th District; Beutler, 28th District; Beyer, 3rd District; Carsten, 2nd District; Chambers, 11th District; Chizek, 31st District; Chronister, 18th District; Conway, 17th District; DeCamp, 40th District; Eret, 32nd District; Goodrich, 20th District; Haberman, 44th District; Hall, 7th District; Hannibal, 4th District; Harris, 27th District; Hartnett, 45th District; Hefner, 19th District; Higgins, 9th District; Hoagland, 6th District; L. Johnson, 15th District; R. Johnson, 34th District; V. Johnson, 8th District; Labedz, 5th District; Lamb, 43rd District; Landis, 46th District; Lundy, 36th District; Lynch, 13th District; Marsh, 29th District; Miller, 37th District; Morehead, 30th District; Nelson, 35th District; Nichol, 48th District; Pappas, 42nd District; Peterson, 21st District; Pirsch, 10th District; Remmers, 1st District; Rogers, 41st District; Rupp, 22nd District; Schmit, 23rd District; Scofield, 49th District; Sieck, 24th District; Vickers, 38th District; Warner, 25th District; Wesely, 26th District; Withem, 14th District.

WHEREAS, Senator Eva Bowring served the people of the state of Nebraska as a member of the United States Congress; and

WHEREAS, as the first Nebraska woman to be appointed to the United States Congress she began a tradition of outstanding representation by women leaders of Nebraska; and

WHEREAS, she brought humor and intelligence to her public service; and

WHEREAS, she will be remembered for her grace and integrity as a citizen of the State of Nebraska; and

WHEREAS, she demonstrated her vision for the future in preserving the past, and has made an outstanding gift to the State of Nebraska by giving her 8,300 acre Cherry County ranch to the Nebraska Game and Parks Foundation.

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

1. That the Legislature takes special notice of the contributions of one of Nebraska's outstanding women.

2. That the Legislature salute the generosity of Eva Bowring.

Laid over.

## ADJOURNMENT

At 12:03 p.m., on a motion by Speaker Nichol, the Legislature adjourned until 9:00 a.m., Wednesday, January 30, 1985.

Patrick J. O'Donnell
Clerk of the Legislature

## THIRTEENTH DAY - JANUARY 30, 1985

## LEGISLATIVE JOURNAL

## EIGHTY-NINTH LEGISLATURE
## FIRST SESSION

## THIRTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, January 30, 1985

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

## PRAYER

The prayer was offered by Dr. Robert Palmer, Westminster Presbyterian Church, Lincoln, Nebraska.

## ROLL CALL

The roll was called and all members were present except Messrs. Conway, Goodrich, Haberman, Hall, Hannibal, Harris, Hoagland, R. Johnson, Landis, Schmit, Warner, Wesely, Mesdames Morehead, and Pirsch who were excused until they arrive.

## CORRECTIONS FOR THE JOURNAL

The Journal for the Twelfth Day was approved.

## ATTORNEY GENERAL'S OPINIONS

Opinion No. 9
January 24, 1985

RE: Article XII, Section 8, Nebraska Constitution

Dear Senator Wesely:

In an effort to determine whether or not there is any need to clarify the provisions of Article XII, Section 8, of the Constitution, you have

asked if that part of Section 8 which prohibits the corporate ownership of farm or ranch land includes corporations which may be engaged in:

(a) the production of turkeys;
(b) the production of broilers;
(c) the production of chickens producing eggs for market purposes;
(d) the production of poultry for processing of poultry and poultry products;
(e) the production of poultry breeding stock and poultry for breeding purposes.

Section 8 of Article XII of our Constitution provides in part: "no corporation or syndicate shall acquire, or otherwise obtain an interest, whether legal, beneficial, or otherwise, in any title to real estate used for farming or ranching in this state, or engage in farming or ranching."

After defining corporations, Section 8 goes to set forth a number of instances which the above restrictions shall not apply to. One of those instances is as follows: "(F) Agricultural land operated by a corporation for the purpose of raising poultry."

With regard to the production of turkeys, broilers, poultry for processing of poultry, poultry breeding stock and poultry for breeding purposes, we find that in Bartels v. State, 91 Neb. 575, 136 N.W. 717 (1912), our Supreme Court stated that poultry, according to the definition in Webster's New International Dictionary is: "(2) domestic fowls reared for the table, or for their eggs or feathers, such as cocks and hens, capons, turkeys, ducks and geese." Other jurisdictions have accepted the same definition.

It would appear from this definition that the word poultry encompasses only a live domesticated fowl and does not include parts or products of the fowl, such as eggs, feathers, or the parts of a dressed bird. For example, in Purdue, Inc. v. State Department of Assessments and Taxation, 264 Md. 228, 286 A.2d 165, the Maryland court held that hatchery eggs are not poultry and do not become poultry until hatched, at which time the newborn chick becomes poultry. In Qwong Yuen Shing v. U.S., 177 F. 605, the court held that duck made in tin, some salted and dried, and some packed in oil, is not poultry; and in Smith Company v. U.S., 168 F. 462, the same court held that "cooked meat of poultry and game, in tins, and goose livers prepared as pate de foie gras, are not dutiable, either directly or by similitude as poultry."

With regard to your question concerning the production of eggs for market purposes, it would appear from the above cases that where the issue has arisen the courts are unanimous in holding that eggs are not poultry. This being so, it could probably be argued that the production of eggs is a farming activity and not exempt from the

restrictive provisions of Article XII, Section 8, of the Constitution. However, there is one other matter that we find should be considered.

From our discussions with authorities on the raising of poultry and the production of eggs, it is our understanding that there are three essential periods of time to be considered during the life span of any domestic fowl which would produce eggs for commercial purposes. The first period is the pullet stage from the time the egg is hatched until the hen becomes a producer of eggs, (roosters, except those kept for breeding purposes, are usually destroyed soon after they are hatched); the second period is the period during which the hen would be producing eggs for whatever purposes; and the third period is the one during which the fowl would be sold to commercial concerns in preparation for human or other consumption. It is quite clear that during all three periods poultry is being raised even though during one of those periods the poultry is being raised primarily for the production of eggs.

With this in mind, it would appear that in order to determine whether a production facility is or is not subject to the restrictions of Article XII, Section 8, of the Constitution, it would first be necessary to determine whether the primary purpose of the facility is the production of eggs for market purposes, or for the production of poultry. If the primary purpose is the production of poultry, then the restrictions of the Constitution would not apply. If the primary purpose is the production of eggs, then the restrictions would apply.

Very truly yours,
A. EUGENE CRUMP
Deputy Attorney General
(Signed) Bernard L. Packett
Assistant Attorney General

BLP:dr
cc: Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 10
January 28, 1985

Dear Senator Haberman:

You have requested our opinion in regard to LB 367. You ask whether at the present time and under present statutes the county attorneys can ask for assistance from this office.

LB 367 proposes to establish a division of criminal prosecution within the office of the Attorney General. This division would have one or more assistant attorneys' general assigned to the division. The

bill provides that the primary duty shall be to assist county attorneys upon request in the prosecution of homicides, conspiracy, and attempted homicides; felony theft of grain, felony violations of laws pertaining to banks and other financial institutions, and any conspiracy or attempt cases involving such theft or violations. Additionally, cases involving the prosecution of county officials and cases in which the county attorney has a conflict would be within the parameters of the bill.

Traditionally, the county attorney has been charged with enforcing the laws as the elected representative of the state within the various counties of the State of Nebraska. The county attorney's duties under statute and case law are relatively well developed. Generally, the trial level prosecutions within Nebraska have been handled by the county attorneys across the state. Appellate level criminal matters have been handled in the office of the Attorney General pursuant to Neb.Rev.Stat. §84-205(9) (Reissue 1981). Under Neb.Rev.Stat. §84-204 (Reissue 1981) the Attorney General has concurrent powers in each of the several counties of the state as the county attorneys in their respective counties. From the statutes it is clear that the Attorney General's power in this regard is substantial. As a matter of historical precedent, however, the Attorney General's office has not exercised these powers except in rare and unusual cases.

From 1975 to 1983 this office did provide a limited amount of assistance to county attorneys, primarily in homicide cases. This assistance was provided under existing statutes. However, budget constraints and unavailability of trained personnel caused the office to cease providing this assistance. If the question is limited to statutory authority, the assistance can be provided. However, when the budgetary constraints are considered the service cannot, at the present time, be provided.

Even if the bill as proposed is enacted, this office will require an appropriation before we will be able to provide such assistance.

Very truly yours,
A. EUGENE CRUMP
Deputy Attorney General
(Signed) Patrick T. O'Brien
Counsel to the Attorney General

PTO:ejg
cc: Patrick J. O'Donnell
Clerk of the Legislature

## SELECT FILE

**LEGISLATIVE BILL 1.** E & R amendments, AM0051, found in the

Journal on page 373 for the Eleventh Day were adopted.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 2.** E & R amendments, AM0050, found in the Journal on page 374 for the Eleventh Day were adopted.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 3.** Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 4.** E & R amendments, AM0052, found in the Journal on page 105 for the Eleventh Day were adopted.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 5.** Mr. Beutler offered the following amendment:
AM0009
1. On page 2, line 1, strike "and 46-706" and insert "to 46-707".

The Beutler amendment was adopted with 25 ayes, 0 nays, 9 present and not voting, and 15 excused and not voting.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 6.** Advanced to E & R for Engrossment.
**LEGISLATIVE BILL 7.** Advanced to E & R for Engrossment.
**LEGISLATIVE BILL 8.** Advanced to E & R for Engrossment.
**LEGISLATIVE BILL 9.** Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 10.** E & R amendment, AM0053, found in the Journal on page 375 for the Eleventh Day was adopted.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 11.** E & R amendment, AM0054, found in the Journal on page 375 for the Eleventh Day was adopted.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 12.** Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 13.** E & R amendment, AM0055, found in the

Journal on page 375 for the Eleventh Day was adopted.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 14.** Advanced to E & R for Engrossment.
**LEGISLATIVE BILL 15.** Advanced to E & R for Engrossment.
**LEGISLATIVE BILL 16.** Advanced to E & R for Engrossment.
**LEGISLATIVE BILL 17.** Advanced to E & R for Engrossment.
**LEGISLATIVE BILL 18.** Advanced to E & R for Engrossment.

## MOTION - Withdraw LR 31

Mr. Chambers renewed his pending motion found in the Journal on page 387 to withdraw LR 31CA.

The motion prevailed with 31 ayes, 0 nays, 7 present and not voting, and 11 excused and not voting.

## UNANIMOUS CONSENT - Member Excused

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

## RESOLUTIONS

**LEGISLATIVE RESOLUTION 39.** Considered.

Messrs. Schmit and Vickers renewed their pending amendment found in the Journal on page 381.

The Schmit-Vickers amendment was adopted with 27 ayes, 0 nays, 21 present and not voting, and 1 excused and not voting.

Mr. Hannibal offered the following amendment:

I move to amend LR 39, by striking Paragraph 1 following "NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OR NEBRASKA, FIRST SESSION:"; and inserting the following new paragraph:

1. It is the intent of the Legislature to settle all Commonwealth Savings Company related claims against the State of Nebraska, its officers and its employees wherein the state agrees to pay and the Receiver agrees to accept the sum of Ten million dollars or such other amount as the Lancaster County District Court deems reasonable and proper in full and complete settlement of all claims which have

been or may be made by the Receiver on behalf of all creditors of Commonwealth Savings Company, Insolvent.

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. Hannibal requested a record vote on his amendment.

Voting in the affirmative, 10:

| | | | | |
|---|---|---|---|---|
| Beyer | Hannibal | Morehead | Peterson | Remmers |
| Haberman | Lamb | Pappas | Pirsch | Rupp |

Voting in the negative, 29:

| | | | | |
|---|---|---|---|---|
| Abboud | Conway | Hoagland | Lynch | Sieck |
| Baack | Eret | Johnson, L. | Marsh | Smith |
| Beutler | Goll | Johnson, V. | Miller | Warner |
| Carsten | Hall | Labedz | Nelson | Wesely |
| Chambers | Harris | Landis | Nichol | Withem |
| Chizek | Higgins | Lundy | Rogers | |

Present and not voting, 9:

| | | | | |
|---|---|---|---|---|
| Barrett | Goodrich | Hefner | Schmit | Vickers |
| Chronister | Hartnett | Johnson, R. | Scofield | |

Excused and not voting, 1:

DeCamp

The Hannibal amendment lost with 10 ayes, 29 nays, 9 present and not voting, and 1 excused and not voting.

Mr. DeCamp asked unanimous consent to withdraw his pending amendment found in the Journal on page 392 to LR 39. No objections. So ordered.

Mrs. Pirsch asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Beutler moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 4 nays, and 19 not voting.

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

Mr. Landis moved for a call of the house. The motion prevailed with 24 ayes, 0 nays, and 25 not voting.

Mr. Landis requested a roll call vote on the motion to adopt LR 39.

Voting in the affirmative, 29:

| | | | | |
|---|---|---|---|---|
| Beutler | Eret | Johnson, V. | Morehead | Sieck |
| Carsten | Hall | Labedz | Nelson | Smith |
| Chambers | Harris | Landis | Nichol | Warner |
| Chizek | Hartnett | Lynch | Pappas | Wesely |
| Chronister | Higgins | Marsh | Schmit | Withem |
| DeCamp | Hoagland | Miller | Scofield | |

Voting in the negative, 17:

| | | | | |
|---|---|---|---|---|
| Abboud | Conway | Hefner | Lundy | Rupp |
| Baack | Goll | Johnson, L. | Peterson | |
| Barrett | Haberman | Johnson, R. | Remmers | |
| Beyer | Hannibal | Lamb | Rogers | |

Present and not voting, 1:

Goodrich

Excused and not voting, 2:

Pirsch Vickers

LR 39 was adopted with 29 ayes, 17 nays, 1 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

**LEGISLATIVE RESOLUTION 41.** Read. Considered.

Mr. Beutler offered the following amendment:

To amend LR 41, in the first line following the "be it resolved" paragraph, strike "ratifies and adopts" and insert "accepts"

The Beutler amendment was adopted with 27 ayes, 0 nays, 20 present

and not voting, and 2 excused and not voting.

Mr. R. Johnson asked unanimous consent to be excused. No objections. So ordered.

Mrs. Higgins moved to adjourn until 9:00 a.m., January 31. The motion lost with 8 ayes, 16 nays, and 25 not voitng.

Mr. Haberman 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. Hefner asked unanimous consent to be excused. No objections. So ordered.

Mr. Lamb raised a point of order, asking that the question be divided.

The Chair ruled the point of order out of order given that the vote to cease debate prevailed.

Mr. Haberman requested a record vote on the adoption of LR 41.

Voting in the affirmative, 38:

| | | | | |
|---|---|---|---|---|
| Abboud | Conway | Hartnett | Lynch | Rogers |
| Baack | DeCamp | Hoagland | Miller | Schmit |
| Barrett | Goll | Johnson, L. | Morehead | Scofield |
| Beyer | Goodrich | Johnson, V. | Nelson | Sieck |
| Carsten | Haberman | Labedz | Nichol | Smith |
| Chambers | Hall | Lamb | Pappas | Warner |
| Chizek | Hannibal | Landis | Peterson | |
| Chronister | Harris | Lundy | Remmers | |

Voting in the negative, 0.

Present and not voting, 7:

| | | | |
|---|---|---|---|
| Beutler | Higgins | Rupp | Withem |
| Eret | Marsh | Wesely | |

Excused and not voting, 4:

| | | | |
|---|---|---|---|
| Hefner | Johnson, R. | Pirsch | Vickers |

LR 41 was adopted with 38 ayes, 0 nays, 7 present and not voting, and 4 excused and not voting.

## NOTICE OF COMMITTEE HEARINGS
### Government, Military and Veterans Affairs

| | | |
|---|---|---|
| LB 134 | Thursday, February 7, 1985 | 1:30 p.m. |
| LB 49 | Thursday, February 7, 1985 | 1:30 p.m. |
| LB 263 | Thursday, February 7, 1985 | 1:30 p.m. |
| LB 155 | Thursday, February 7, 1985 | 1:30 p.m. |
| LB 206 | Friday, February 8, 1985 | 1:30 p.m. |
| LB 40 | Friday, February 8, 1985 | 1:30 p.m. |
| LB 166 | Friday, February 8, 1985 | 1:30 p.m. |
| LB 412 | Friday, February 15, 1985 | 1:30 p.m. |
| LB 32 | Friday, February 15, 1985 | 1:30 p.m. |
| LB 80 | Friday, February 15, 1985 | 1:30 p.m. |
| LB 392 | Thursday, February 21, 1985 | 1:30 p.m. |
| LB 316 | Thursday, February 21, 1985 | 1:30 p.m. |
| LB 421 | Thursday, February 21, 1985 | 1:30 p.m. |
| LB 413 | Thursday, February 21, 1985 | 1:30 p.m. |
| LB 401 | Friday, February 22, 1985 | 1:30 p.m. |
| LB 440 | Friday, February 22, 1985 | 1:30 p.m. |
| LB 500 | Friday, February 22, 1985 | 1:30 p.m. |
| LB 435 | Thursday, February 28, 1985 | 1:30 p.m. |
| LB 358 | Thursday, February 28, 1985 | 1:30 p.m. |
| LB 644 | Thursday, February 28, 1985 | 1:30 p.m. |
| LB 664 | Thursday, February 28, 1985 | 1:30 p.m. |
| LB 328 | Friday, March 1, 1985 | 1:30 p.m. |
| LB 85 | Friday, March 1, 1985 | 1:30 p.m. |
| LB 178 | Friday, March 1, 1985 | 1:30 p.m. |
| LB 424 | Friday, March 1, 1985 | 1:30 p.m. |
| LB 439 | Friday, March 1, 1985 | 1:30 p.m. |
| LB 393 | Thursday, March 7, 1985 | 1:30 p.m. |
| LB 423 | Thursday, March 7, 1985 | 1:30 p.m. |
| LB 512 | Thursday, March 7, 1985 | 1:30 p.m. |
| LB 547 | Thursday, March 7, 1985 | 1:30 p.m. |

(Signed) David Landis, Chairperson

**Nebraska Retirement Systems**

| | | |
|---|---|---|
| LB 706 | Wednesday, February 20, 1985 | 12:00 noon |
| LB 215 | Wednesday, February 20, 1985 | 12:00 noon |
| LB 402 | Thursday, February 28, 1985 | 12:00 noon |
| LB 403 | Thursday, February 28, 1985 | 12:00 noon |
| LB 311 | Thursday, February 28, 1985 | 12:00 noon |
| LB 92 | Tuesday, March 5, 1985 | 12:00 noon |
| LB 93 | Tuesday, March 5, 1985 | 12:00 noon |
| LB 351 | Tuesday, March 5, 1985 | 12:00 noon |
| LB 347 | Tuesday, March 12, 1985 | 12:00 noon |
| LB 164 | Tuesday, March 12, 1985 | 12:00 noon |
| LB 349 | Tuesday, March 12, 1985 | 12:00 noon |
| LB 567 | Monday, March 18, 1985 | 7:00 p.m. |

(Signed) Bill Harris, Chairperson

**Constitutional Revision and Recreation**

| | | |
|---|---|---|
| LR 5CA | Thursday, February 7, 1985 | 1:30 p.m. |
| LR 4CA | Thursday, February 7, 1985 | 1:30 p.m. |
| LR 26CA | Thursday, February 7, 1985 | 1:30 p.m. |
| LR 33CA | Thursday, February 7, 1985 | 1:30 p.m. |
| LB 711 | Friday, February 8, 1985 | 1:30 p.m. |
| LB 687 | Friday, February 8, 1985 | 1:30 p.m. |
| LB 446 | Friday, February 8, 1985 | 1:30 p.m. |
| LB 558 | Friday, February 8, 1985 | 1:30 p.m. |

(Signed) Lee Rupp, Chairperson

## RESOLUTIONS

**LEGISLATIVE RESOLUTION 43.**

Introduced by Marsh, 29th District.

WHEREAS, Debra Ann Badeer has served honorably and well as Mrs. Nebraska of 1984; and

WHEREAS, Mrs. Badeer graduated from Hastings High School and attended the University of Nebraska-Lincoln; and

WHEREAS, Mrs. Badeer is married to Daniel H. Badeer, is the mother of Armen Daniel and Leah Rachel, and is a homemaker, professional singer, and model; and

WHEREAS, Mrs. Badeer is active in Indian Hills Community Church and is a sign language interpreter, speaker, and Bible Club teacher; and

WHEREAS, Mrs. Badeer's past achievements include National Rifle Association Expert Rifle Marksman, Miss Southwest Nebraska 1975, Miss University Nebraska 1976, Miss Nebraska-U.S.A. 1977, and membership in the Scarlet and Cream Singers and Cornhusker Marching and Pep Bands.

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

1. That Debra Ann Badeer is hereby recognized and commended for her service to the State as Mrs. Nebraska of 1984.

2. That a copy of this resolution be sent to Mrs. Badeer.

Laid over.

**LEGISLATIVE RESOLUTION 44.**

Introduced by Lamb, 43rd District; Miller, 37th District; Baack, 47th District; Chronister, 18th District; Lundy, 36th District; Barrett, 39th District; Withem, 14th District; Hefner, 19th District; Sieck, 24th District; Smith, 33rd District; Lynch, 13th District; Labedz, 5th District; Nelson, 35th District; Remmers, 1st District; Carsten, 2nd District; Pappas, 42nd District; Rogers, 41st District; Beyer, 3rd District; Peterson, 21st District; Schmit, 23rd District; R. Johnson, 34th District.

WHEREAS, the federal tax system has become incredibly complicated; and

WHEREAS, the Congress has turned what should be a civic duty - paying taxes into a dreaded and "put off as long as possible" chore for all taxpayers; and

WHEREAS, forty per cent of all taxpayers now require tax preparers to fill out their federal tax returns, compared to only eighteen per cent thirty years ago; and

WHEREAS, the Internal Revenue Code is now over 2,000 pages, more than double what it was just twenty years ago; and

WHEREAS, whether people respect the tax system determines to a great extent whether they respect government; and

WHEREAS, the sheer complexity, rampant unfairness, and gross inefficiency of the federal tax system is forfeiting public confidence in and respect for the system; and

WHEREAS, section 280F of the Internal Revenue Code allows farmers and businesses to claim deductions for the use of motor vehicles; and

WHEREAS, the original regulations to implement section 280F are unduly and necessarily burdensome, causing farmers and business people to spend as much time keeping records as they do making a living.

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

1. That the United States Congress and the Internal Revenue Service should promptly simplify or eliminate the onerous and burdensome regulations accompanying section 280F of the Internal Revenue Code.

2. That the reported modified rules to be issued soon, whereby farmers may keep track of personal use of a farm vehicle or treat eighty per cent of the use as business and twenty per cent as personal, would still be unacceptable because those using farm vehicles one hundred per cent for business would still have to comply with the onerous record keeping to qualify for expense deductions.

3. That the United States Congress should expeditiously work to vastly simplify the federal tax system.

4. That a copy of this resolution be sent to each member of Nebraska's congressional delegation and to the Internal Revenue Service.

Laid over.

**LEGISLATIVE RESOLUTION 45.**

Introduced by Pappas, 42nd District; Baack, 47th District; Barrett, 39th District; Carsten, 2nd District; Chizek, 31st District; Chronister, 18th District; Conway, 17th District; Eret, 32nd District; Goll, 16th District; Goodrich, 20th District; Haberman, 44th District; Hall, 7th District; Harris, 27th District; Hartnett, 45th District; Higgins, 9th District; L. Johnson, 15th District; R. Johnson, 34th District; V. Johnson, 8th District; Labedz, 5th District; Lamb, 43rd District; Lundy, 36th District; Lynch, 13th District; Morehead, 30th District; Nelson, 35th District; Nichol, 48th District; Pirsch, 10th District; Remmers, 1st District; Rogers, 41st District; Rupp, 22nd District; Schmit, 23rd District; Scofield, 49th District; Sieck, 24th District; Smith, 33rd District; Vickers, 38th District; Warner, 25th District;

Wesely, 26th District; Withem, 14th District.

Whereas, airline service in Nebraska is a necessary and valuable commodity; and

Whereas, smaller communities are having difficulty retaining airline services throughout Nebraska thereby leaving fringe markets in the state with little continuity; and

Whereas, the federal government currently is seriously considering removing subsidies to smaller communities; and

Whereas, larger communities are losing the advantages of a competitive market place because of the disengagement of airline service in their community; and

Whereas, it is in the best interest of the state of Nebraska to study the continuation of airline service throughout the state and that a task force shall be established by the Governor to evaluate the present and future needs of airline services in Nebraska; and

Whereas, the Governor's task force should include a representative from the Department of Aeronautics, the airline industry, the legislature, and interested public citizens; and

Whereas, the Governor's task force shall report back within the year to the Governor and to the legislature to present its report on the needs of the state in regard to airline services.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, FIRST SESSION,

That a task force shall be appointed by the Governor to research and present a report back to the legislature concerning airline services in Nebraska.

Laid over.

## LEGISLATIVE RESOLUTION 46.

Introduced by Schmit, 23rd District; Haberman, 44th District; Lynch, 13th District; Beyer, 3rd District; Miller, 37th District; Vickers, 38th District; Rogers, 41st District; Baack, 47th District; Eret, 32nd District; Higgins, 9th District; Pappas, 42nd District; Chronister, 18th District; Hefner, 19th District; Goodrich, 20th District; Carsten, 2nd District; R. Johnson, 34th District; Remmers, 1st District; DeCamp, 40th District; Nichol, 48th District; Lamb, 43rd District; Lundy, 36th District; Sieck, 24th District; Chizek, 31st District; Peterson, 21st District; Nelson, 35th District; Smith, 33rd District; Barrett, 39th District; Goll, 16th District; Morehead, 30th District; Harris, 27th District.

WHEREAS, the United States Department of Interior, on May 15, 1978, after abandoning plans to establish a Platte River Refuge, declared a fifty-mile reach of the Platte River in central Nebraska as critical habitat for the endangered whooping crane; and

WHEREAS, such designation by law declares that the designated area is necessary for the survivability of the whooping crane; and

WHEREAS, whooping cranes use the critical habitat area only very rarely and most sightings of whooping cranes in the past four decades have been on reservoirs, lakes, and farm ponds or lagoons in central Nebraska and northern Kansas.

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

1. That the United States Department of Interior is urged to undertake detailed study to determine if the critical habitat area is indeed critical to the survivability of the endangered whooping crane and, if it is not, to remove the designation.

Laid over.

## UNANIMOUS CONSENT - Announcement

Messrs. Hefner and Schmit asked unanimous consent to allow the Miscellaneous Subjects Committee to use Room 1517 for its public hearing on January 31, 1985, and to allow the Public Works Committee to use Room 1117 for its public hearings on January 31, 1985.

No objections. So ordered.

## VISITOR

Visitor to the Chamber was Mr. Jim Russel from Omaha.

## ADJOURNMENT

At 12:03 p.m., on a motion by Mrs. Nelson, the Legislature adjourned until 9:00 a.m., Thursday, January 31, 1985.

Patrick J. O'Donnell
Clerk of the Legislature

# FOURTEENTH DAY - JANUARY 31, 1985

# LEGISLATIVE JOURNAL

# FOURTEENTH DAY - JANUARY 31, 1985

## LEGISLATIVE JOURNAL

## EIGHTY-NINTH LEGISLATURE
## FIRST SESSION

## FOURTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, January 31, 1985

Pursuant to adjournment, the Legislature met at 9:04 a.m., President McGinley presiding.

## PRAYER

The prayer was offered by Dr. Robert Palmer, Westminster Presbyterian Church, Lincoln, Nebraska.

## ROLL CALL

The roll was called and all members were present except Messrs. Rogers, Hoagland, and Mrs. Labedz who were excused; and Messrs. Conway, Haberman, Hall, Harris, R. Johnson, V. Johnson, Peterson, Schmit, Sieck, Vickers, Withem, and Ms. Scofield who were excused until they arrive.

## CORRECTIONS FOR THE JOURNAL

The Journal for the Thirteenth Day was approved.

## REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the rereferral of legislative bill 322.

| LB | Committee |
|---|---|
| 322 | Agriculture and Environment |

(Signed) Chris Beutler, Chairperson

Legislative Council
Executive Board

## UNANIMOUS CONSENT - Add Co-Introducer

Mr. Pappas asked unanimous consent to have his name added as co-introducer to LB 463. No objections. So ordered.

## ATTORNEY GENERAL'S OPINION

Opinion No. 11
January 30, 1985

Dear Senator Warner:

This is in response to your request for an opinion dated January 16, 1985. In that letter you ask "{H}ow many votes would be required to pass a bill appropriating funds to pay a miscellaneous claim on behalf of the Commonwealth depositors." You qualify this request with the assumptions that a separate bill for this claim will be introduced early in the session and that the emergency clause will not be adopted.

Your question revolves around the provisions of Article IV, Section 7, of the Nebraska Constitution which contains certain restrictions as to the number of votes required for appropriations in excess of the Governor's recommended budget. This section in its appropriate part reads as follows:

> At a time fixed by law, he shall present, by message, a complete itemized budget of the financial requirements of all departments, institutions and agencies of the state and a budget bill to be introduced by the Speaker of the Legislature at the request of the Governor. Said budget bill shall be prepared with such expert assistance and under such regulations as may be required by the Governor. No appropriations shall be made in excess of the recommendation contained in such budget including any amendment the Governor may make thereto unless by three-fifths vote of the Legislature, and such excess so approved shall be subject to veto by the Governor. (Emphasis added.)

Of course, if an appropriation bill does not come within the restrictions of this provision, it would require only 25 votes.

The issue then is whether such a bill would amount to an appropriation "in excess of the recommendation contained in such budget." The answer to this question would appear to have been fairly well resolved in the case of Mekota v. State Board of Equalization and Assessment, 146 Neb. 370, 19 N.W.2d 633 (1945).

In that case the issue involved an appropriation for a new state agency created by the Legislature during that session, which in turn was not in existence at the time of the Governor's proposed budget. The court held that this appropriation did not come within the restrictions of Article IV, Section 7, of the Constitution. In so doing, the court reasoned as follows:

> Of course the Governor could not have, at the time his budget recommendations were required, made a recommendation of appropriation for the Department of Industrial Development and it does not seem reasonable that it was intended that the provision should be applicable to that which could not be anticipated but which was within the legislative prerogative.

Id. at 378-379. The court went on to explain this constitutional provisions as follows:

> Again it will be noted that the provision contains these words: "No appropriations shall be made in excess of the recommendation contained in such budget . . . ." The plural, "appropriations," is used. This would imply a limitation upon increase of amounts named in the budget and required to be therein and not to matters which could not be contemplated or anticipated. It would also imply an intention that the limitation was to attach to named subjects of appropriation and not to appropriations generally.

Id. at 379.

Appropriations for miscellaneous claims are not part of the Governor's budget recommendations, as these are not part of the required on-going operations of state government, but rather are strictly within the legislative prerogative. Thus, such bills containing appropriations for miscellaneous claims would not be increases of appropriations for subjects listed in the Governor's budget and the restrictions of Article IV, Section 7, would not apply to such appropriations measures. Thus, such a bill would require only 25 votes for passage.

Finally, we must emphasize that this opinion is directed only towards the question of the number of votes required to pass an appropriation for a miscellaneous claim and it does not address any of the other legal or constitutional issues that may be involved in such a claim.

Sincerely,
A. EUGENE CRUMP
Deputy Attorney General
(Signed) John Boehm
Assistant Attorney General

JB:ejg

cc: Patrick J. O'Donnell
Clerk of the Legislature

## SELECT FILE

**LEGISLATIVE BILL 19.** Advanced to E & R for Engrossment.
**LEGISLATIVE BILL 20.** Advanced to E & R for Engrossment.
**LEGISLATIVE BILL 21.** Advanced to E & R for Engrossment.
**LEGISLATIVE BILL 22.** Advanced to E & R for Engrossment.
**LEGISLATIVE BILL 23.** Advanced to E & R for Engrossment.
**LEGISLATIVE BILL 24.** Advanced to E & R for Engrossment.
**LEGISLATIVE BILL 25.** Advanced to E & R for Engrossment.
**LEGISLATIVE BILL 26.** Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 27.** E & R amendment, AM0056, found in the Journal on page 384 for the Twelfth Day was adopted.

Advanced to E & R for Engrossment.

## RESOLUTIONS

**LEGISLATIVE RESOLUTION 40.** Read. Considered.

LR 40 was adopted with 28 ayes, 0 nays, and 21 not voting.

**LEGISLATIVE RESOLUTION 42.** Read. Considered.

LR 42 was adopted with 34 ayes, 0 nays, and 15 not voting.

**LEGISLATIVE RESOLUTION 43.** Read. Considered.

LR 43 was adopted with 33 ayes, 0 nays, and 16 not voting.

**LEGISLATIVE RESOLUTION 44.** Read. Considered.

LR 44 was adopted with 31 ayes, 0 nays, and 18 not voting.

**LEGISLATIVE RESOLUTION 45.** Read. Considered.

LR 45 was adopted with 33 ayes, 0 nays, and 16 not voting.

**LEGISLATIVE RESOLUTION 46.** Read. Considered.

LR 46 was adopted with 27 ayes, 1 nay, and 21 not voting.

## UNANIMOUS CONSENT - Add Co-Introducer

Mr. Abboud asked unanimous consent to have his name added as co-introducer to LR 44. No objections. So ordered.

## NOTICE OF COMMITTEE HEARINGS
### Administrative Rules and Regulations Review

| | | |
|---|---|---|
| LB 449 | Monday, February 11, 1985 | 5:30 p.m. |
| LB 536 | Monday, February 11, 1985 | 5:30 p.m. |

(Signed) Gary Hannibal, Chairperson

### Appropriations

| | | |
|---|---|---|
| LB 658 | Thursday, February 7, 1985 | 1:30 p.m. |
| LB 630 | Wednesday, February 13, 1985 | 1:30 p.m. |
| LB 195 | Thursday, February 14, 1985 | 1:30 p.m. |

(Signed) Jerome Warner, Chairperson

## VISITORS

Visitors to the Chamber were Virginia Thrall, Regional Director and Dave Nichols, Staff Associate of Midwestern Office of Council of State Governments.

## RECESS

At 9:49 a.m., on a motion by Mrs. Marsh, the Legislature recessed until 11:30 a.m.

## AFTER RECESS

The Legislature reconvened at 11:31 a.m., President McGinley presiding.

## ROLL CALL

The roll was called and all members were present except Messrs. Hoagland, Rogers, Mesdames Higgins, and Labedz who were excused; and Messrs. Beutler, Eret, Haberman, Hannibal, Hartnett, R. Johnson, V. Johnson, Pappas, Remmers, Schmit, and Vickers

who were excused until they arrive.

## NOTICE OF COMMITTEE HEARINGS
### Agriculture and Environment

| | | |
|---|---|---|
| LB 463 | Thursday, February 7 (Cancelled) | 1:30 p.m. |
| LB 463 | Thursday, February 14 (Reset) | 1:30 p.m. |

(Signed) Rod Johnson, Chairperson

### Urban Affairs

| | | |
|---|---|---|
| LB 372 | Wednesday, February 13, 1985 | 1:30 p.m. |
| LB 494 | Wednesday, February 13, 1985 | 1:30 p.m. |
| LB 673 | Wednesday, February 13, 1985 | 1:30 p.m. |
| LB 207 | Wednesday, February 20, 1985 | 1:30 p.m. |
| LB 482 | Wednesday, February 20, 1985 | 1:30 p.m. |
| LB 483 | Wednesday, February 20, 1985 | 1:30 p.m. |
| LB 484 | Wednesday, February 20, 1985 | 1:30 p.m. |
| LB 399 | Wednesday, March 6, 1985 | 1:30 p.m. |
| LB 532 | Wednesday, March 6, 1985 | 1:30 p.m. |
| LB 544 | Wednesday, March 6, 1985 | 1:30 p.m. |
| LB 519 | Wednesday, March 13, 1985 | 1:30 p.m. |
| LB 665 | Wednesday, March 13, 1985 | 1:30 p.m. |
| LB 666 | Wednesday, March 13, 1985 | 1:30 p.m. |

(Signed) Ron Withem, Chairperson

## PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolutions: LR 39 and LR 41.

## STANDING COMMITTEE REPORTS
### Urban Affairs

**LEGISLATIVE BILL 51.** Placed on General File.
**LEGISLATIVE BILL 52.** Placed on General File.

(Signed) Ron Withem, Chairperson

**Banking, Commerce and Insurance**

**LEGISLATIVE BILL 128.** Placed on General File.
**LEGISLATIVE BILL 136.** Placed on General File.

**LEGISLATIVE BILL 109.** Placed on General File as amended.
Standing Committee amendment to LB 109:
AM0033
1. On page 7, line 3, strike "owner" and insert "broker".

**LEGISLATIVE BILL 126.** Placed on General File as amended.
Standing Committee amendment to LB 126:
AM0031
1. On page 2, line 21; and page 3, in lines 11, 21, and 26, strike "1992" and insert "1988".

(Signed) John DeCamp, Chairperson

**Judiciary**

**LEGISLATIVE BILL 41.** Placed on General File.

**LEGISLATIVE BILL 187.** Placed on General File as amended.
Standing Committee amendment to LB 187:
AM0015
1. Strike original sections 1 and 4 and insert new sections as follows:
"Section 1. For purposes of this act, unless the context otherwise requires, missing person shall mean a person who has been reported as missing to a law enforcement agency.
Sec. 4. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

**LEGISLATIVE BILL 241.** Indefinitely postponed.

(Signed) Ernie Chambers, Vice Chairperson

**Appropriations**

**LEGISLATIVE BILL 151.** Placed on General File.

(Signed) Jerome Warner, Chairperson

**Education**

**LEGISLATIVE BILL 417.** Placed on General File.

**LEGISLATIVE BILL 115.** Indefinitely postponed.
**LEGISLATIVE BILL 163.** Indefinitely postponed.
**LEGISLATIVE BILL 168.** Indefinitely postponed.
**LEGISLATIVE BILL 354.** Indefinitely postponed.

(Signed) Tom Vickers, Chairperson

**Public Health and Welfare**

**LEGISLATIVE BILL 42.** Placed on General File as amended.
Standing Committee amendments to LB 42:
AM0027

1. On page 7, line 7, strike "complete" and insert "file"; and in line 16 after "dead" insert "human" and strike "or fetus".

2. On page 8, line 2, after "one" insert "dead human".

3. On page 9, strike beginning with "All" in line 4 through the period in line 8 and show the old matter as stricken; in line 12 after "dead" insert "human"; and in line 21 after the stricken "permit" insert "in a state other than Nebraska.".

4. On page 13, line 14, after "fund" insert "administered by the department".

5. On page 15, line 2, strike "the age of majority" and insert "at least eighteen years of age" and strike "has" and insert "is"; in line 3 strike "attained the age of majority" and insert "eighteen years of age".

**LEGISLATIVE BILL 129.** Placed on General File as amended.
Standing Committee amendment to LB 129:
AM0026

1. On page 25, line 23, strike "have a signed" and insert "the audiologist shall issue a written"; in line 26 after "audiologist" insert "and the individual receiving aural rehabilitation", strike "also", and after "statement" insert "and a copy of the statement shall be provided to the individual".

**LEGISLATIVE BILL 249.** Placed on General File as amended.
Standing Committee amendments to LB 249:
AM0006

1. Strike the original sections and insert new sections as follows:

"Section 1. That section 43-654, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

43-654. There is hereby created the Nebraska Coordinating Council for the Handicapped, hereinafter referred to as the council, for the purpose of coordinating programs for the handicapped, including children from birth. Such coordination shall include a statewide assessment of services available to handicapped persons under the auspices of public and private agencies. The assessment shall include, but not be limited to, data on the functions, resources, services, and financial responsibility of each agency as it relates to the health and educational needs of handicapped children. The council shall maintain a directory of services available for the handicapped in the State of Nebraska; distribute information to parents, doctors, and other persons concerning such services; initiate coordinated planning by and between the agencies and departments of the state, private associations, organizations, and corporations for the handicapped; develop a plan as provided under section 43-654.01; maintain records and information concerning handicapping conditions and the handicapped in Nebraska; and make recommendations to the public and private agencies working with the handicapped concerning needs for additional services or areas in which coordination of services may benefit the handicapped. The council shall consist of the following official voting members:

(1) From the Department of Social Services, the Director of Social Services or his or her designated representative, the Director of Social Services or his or her designated representative, the Director of Medical Services or his or her designated representative, and the Director of Services for Medically Handicapped ~~Crippled~~ Children or his or her designated representative;

(2) From the Department of Public Institutions, the Director of Public Institutions or his

or her designated representative, the Director of Medical Services or his or her designated representative, the Director of Mental Retardation or his or her designated representative, and the Director of Rehabilitation Services for Visually Impaired or his or her designated representative;

(3) From the State Department of Education, the Commissioner of Education or his or her designated representative, the Director of Special Education or his or her designated representative, and the Director of Vocational Rehabilitation or his or her designated representative;

(4) From the Department of Health, the Director of Health or his or her designated representative, the Director of Maternal and Child Health or his or her designated representative, and a person within the Department of Health who is familiar with developmental disabilities, to be appointed by the Director of Health; and

(5) The chairperson of the Commission for the Hearing Impaired.

The council shall give public notice of all meetings. Any private association, organization, or corporation representing the handicapped upon request shall be provided with notice of all meetings of the council and a copy of the annual report of the council.

Sec. 2. That section 68-309, Revised Statutes Supplement, 1984, be amended to read as follows:

68-309. The Department of Social Services shall be the sole agency of the State of Nebraska to administer the State Assistance Fund for assistance to the aged, blind, or disabled, aid to dependent children, medical assistance, medically handicapped ~~crippled~~ children's services, child welfare services, and such other assistance and services as may be made available to the State of Nebraska by the government of the United States.

Sec. 3. That section 68-313, Revised Statutes Supplement, 1984, be amended to read as follows:

68-313. It shall be unlawful, except as permitted by section 68-313.01 and except for purposes directly connected with the administration of general assistance, medically handicapped ~~crippled~~ children's services, medical assistance, assistance to the aged, blind, or disabled, or aid to dependent children, and in

accordance with the rules and regulations of the Department of Social Services, for any person or persons to solicit, disclose, receive, make use of, authorize, knowingly permit, participate in, or acquiesce in the use of, any list of or names of, any information concerning, or persons applying for or receiving such aid or assistance, directly or indirectly derived from the records, papers, files, or communications of the state, or subdivisions or agencies thereof, or acquired in the course of the performance of official duties.

Sec. 4. That section 68-717, Revised Statutes Supplement, 1984, be amended to read as follows:

68-717. The Department of Social Services shall assume the sole responsibility for all public assistance, including aid to families with dependent children, assistance to the aged, blind, or disabled, ~~crippled~~ medically handicapped children's services, commodities, and food stamps. On and after July 1, 1986, the department shall also assume the sole responsibility for medical assistance.

Sec. 5. That section 68-1405, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

68-1405. The Department of Social Services shall establish uniform standards of financial eligibility for the treatment services under the program established under sections 68-1401 to 68-1406, including a uniform formula for the payment of services by physicians and health care providers rendered under such program and such formula for payment shall provide for reimbursement at rates similar to those set by other federal and state programs, and private entitlements. The Department of Social Services standards for financial eligibility shall be the same as those established for ~~Crippled~~ Medically Handicapped Children's Services, as administered by the Department of Social Services. All county or district health departments shall use the uniform standards for financial eligibility and uniform formula for payment established by the department. All payments shall be used in support of the program for services established under sections 68-1401 to 68-1406.

The department shall establish payment schedules for services not later than June 30, 1980.

Sec. 6. That section 71-1401, Reissue Revised

Statutes of Nebraska, 1943, be amended to read as follows:

71-1401. There is hereby created a committee for crippled children, to be known as the ~~Crippled~~ Medically Handicapped Children's Committee, and composed of nine members appointed by the Governor, two of whom shall be duly licensed practicing physicians and surgeons in the State of Nebraska. The members of such committee shall serve without salary or compensation but they shall be reimbursed by the Department of Social Services for their actual and necessary expenses incurred in the performance of their official duties as provided in sections 84-306.01 to 84-306.05 for state employees. In every fourth year, dating from the year 1938, three members of the committee, and in every other year two members of the committee, shall be appointed, each of whom shall serve for the period of four years, or until a successor has been appointed and has accepted. Vacancies shall be filled by appointment of the Governor for unexpired terms.

Sec. 7. That section 71-1402, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-1402. The members of the ~~Crippled~~ Medically Handicapped Children's Committee shall meet at least once quarterly at times and places to be designated by its ~~chairman~~ chairperson. At the first;.br meeting of the committee held each year it shall elect one of its members ~~chairman~~ chairperson and another ~~vice-chairman~~ vice-chairperson, and it may also select from its membership a secretary. Each of the officers shall hold office for one year or until their successors are chosen as aforesaid.

Sec. 8. That section 71-1403, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-1403. It shall be the duty of the Medically Handicapped ~~Crippled~~ Children's Committee to serve in an advisory capacity to the Department of Social Services or any other board, commission, division, agency, officer, or employee of the State of Nebraska, legally charged with the duty of exercising supervision over and administering services to ~~crippled~~ medically handicapped children of the State of Nebraska.

Sec. 9. That section 71-1404, Revised

Statutes Supplement, 1984, be amended to read as follows:

71-1404. For all purposes of sections 71-1401 to 71-1405, a ~~crippled~~ medically handicapped child is one under twenty-one years of age and unmarried, afflicted with a harelip, cleft palate, hernia, congenital cataract, or disability resulting from congenital or acquired heart disease, or any congenital abnormality or orthopedic condition that can be cured or materially improved. The orthopedic condition or deformity referred to above shall include any deformity or disease of childhood generally recognized by the medical profession, and it shall include deformities resulting from burns. It shall not include recent fractures, except those sufficiently severe or complicated as are likely to result in permanent deformity or disability if not treated immediately.

Sec. 10. That original sections 43-654, 68-1405, and 71-1401 to 71-1403, Reissue Revised Statutes of Nebraska, 1943, and sections 68-309, 68-313, 68-717, and 71-1404, Revised Statutes Supplement, 1984, are repealed.".

(Signed) Don Wesely, Chairperson

**Banking, Commerce and Insurance**

**LEGISLATIVE BILL 48.** Placed on General File as amended.
Standing Committee amendments to LB 48:
AM0028

1. On page 2, line 24, after "44-3904." insert "(1)".

2. On page 3, after line 22 insert:

"(2) The department shall develop and administer a test to all licensees referred to in subsection (1) of this section. Such licensees shall be required to take the test every two years, prior to the end of their two-year period, and to answer seventy per cent of the questions on the test correctly. The director may assess a fee for the test to cover the costs of administering the test.".

3. Insert the following new sections:

"Sec. 3. That section 44-4034, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

44-4034. No insurance company admitted to do business in this state shall accept applications for, write, place, or cause to be written or placed any policy of insurance the solicitation of which involves an insurance agent, insurance broker, or insurance agency and which covers ~~covering~~ risks located or residing in this state except through a licensed agent who has been appointed by such company pursuant to section 44-4035 or through an individual licensed as a broker in this state.

Sec. 5. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

4. On page 3, line 23, strike "and" and insert a comma; and in line 24, after the first comma insert "and 44-4034,".

5. Renumber section 3 as section 4.

**LEGISLATIVE BILL 191.** Placed on General File as amended.
Standing Committee amendment to LB 191:
AM0032

1. On page 3, line 12, strike "ten" and insert "five".

**LEGISLATIVE BILL 295.** Placed on General File as amended.
Standing Committee amendment to LB 295:
AM0017

1. On page 9, line 20, strike "twenty" and insert "fourteen".

(Signed) John DeCamp, Chairperson

## Revenue

**LEGISLATIVE BILL 30.** Placed on General File as amended.
Standing Committee amendments to LB 30:
AM0034

1. Insert the following new sections:

"Section 1. That section 77-112, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-112. (1) Except as provided in subsection (2) of this section, actual ~~Actual~~ value of property for taxation shall mean and include the value of property for taxation that is ascertained by using the following formula where applicable: ~~(1)~~ (a) Earning capacity of

the property; ~~(2)~~ (b) relative location; ~~(3)~~ (c) desirability and functional use; ~~(4)~~ (d) reproduction cost less depreciation; ~~(5)~~ (e) comparison with other properties of known or recognized value; ~~(6)~~ (f) market value in the ordinary course of trade; and ~~(7)~~ (g) existing zoning of the property.

(2) The term actual value when applied to agricultural land and horticultural land for purposes of taxation shall mean that value determined pursuant to section 2 of this act.

Sec. 3. That section 77-1301.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-1301.01. The Tax Commissioner shall by rule establish standards for the reappraisal of all lands and improvements in the various counties. The standards established shall require that all reappraisals shall be based upon the use of appraisal manuals developed pursuant to section 77-1330, and shall be such as to assure the determination of actual value on a consistent basis in accordance with the ~~formula~~ formulas prescribed in section 77-112 and section 2 of this act and the equalization of values. The Tax Commissioner shall also establish standards for reappraisal contracts which shall, among other provisions, require that all such contracts shall require the use of appraisal manuals developed pursuant to section 77-1330, that no reappraisal contract shall be valid until approved in writing by the Tax Commissioner, and that payment of the final ten per cent of the contract price shall not be made until the reappraisal has been approved by the Tax Commissioner. The approval of the reappraisal by the Tax Commissioner shall be made only after the Tax Commissioner has held a public hearing regarding such approval. Such hearing shall be held in accordance with ~~the provisions of~~ Chapter 84, article 9.

Sec. 4. That section 77-1301.13, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-1301.13. (1) The agreement for reappraisal shall be such as to assure the determination of actual values on a consistent basis in accordance with the ~~formula~~ formulas prescribed in section 77-112 and section 2 of this act.

(2) The agreement shall contain at least the following provisions:

(a) Procedures under which reappraisal shall be conducted;

(b) Qualifications for all persons performing the reappraisal;

(c) Type and amount of work which may be performed by county officials and their employees;

(d) Type and amount of work which may be performed by independent contractors under the direction and control of one of the parties to the agreement;

(e) The time period in which work shall be performed by all parties;

(f) That a cadastral map and parcel numbering system pursuant to section 77-1301.04 be adopted;

(g) That payment for actual cost of any work performed under the agreement by independent contractors pursuant to the direction and control of the Tax Commissioner or state employees be made to the Tax Commissioner; and

(h) That the reappraisal be based upon the appraisal manuals developed pursuant to section 77-1330.".

2. On page 2, line 13, after the underscored comma insert "agricultural land and horticultural land shall be valued using"; in line 16, strike " shall be used"; after line 16 insert the following new subsections:

"(3) For purposes of subsection (2) of this section, agricultural land and horticultural land shall mean any parcel of land valued by the county accessor as agricultural land or horticultural land in the tax year prior to January 1, 1985, unless the principal use, zoning, or ownership of such land changes, at which time the classification of such land shall be reviewed by the county assessor.

(4) Nothing in subsection (2) of this section shall be construed to eliminate the requirement that county assessors utilize and implement soil surveys completed for tax year 1985."; in line 19, strike "section 77-201" and insert "sections 77-112, 77-201, 77-1301.01, and 77-1301.13"; and in line 20 strike "is" and insert "are".

3. Renumber original sections 1 and 2 to 4 as sections 2 and 5 to 7 respectively.

(Signed) Vard R. Johnson, Chairperson

**LEGISLATIVE BILL 272.** Placed on General File as amended.
Standing Committee amendments to LB 272:
AM0039

1. On page 2, line 21, after the period insert "For purposes of this section, aviation gasoline shall mean fuel used in aircraft meeting the criteria established for motor vehicle fuel in subdivision (2) of section 66-401.".

2. On page 3, line 18, strike "on" and insert "for all aviation fuel purchased on or after".

(Signed) Elroy M. Hefner, Vice Chairperson

## VISITORS

Visitors to the Chamber were Sam Christiasen-President, Russ Zeeb-State Sec., and Fred Altic-Past Pres. of the State Fraternal Order of Police; and a group from the 17th Legislative District.

## ADJOURNMENT

At 11:41 a.m., on a motion by Mr. Conway, the Legislature adjourned until 9:00 a.m., Friday, February 1, 1985.

Patrick J. O'Donnell
Clerk of the Legislature

# FIFTEENTH DAY - FEBRUARY 1, 1985

## LEGISLATIVE JOURNAL

## EIGHTY-NINTH LEGISLATURE
## FIRST SESSION

## FIFTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, February 1, 1985

Pursuant to adjournment, the Legislature met at 9:00 a.m., President McGinley presiding.

## PRAYER

The prayer was offered by Dr. Robert Palmer, Westminster Presbyterian Church, Lincoln, Nebraska.

## ROLL CALL

The roll was called and all members were present except Mr. Hoagland who was excused; and Messrs. Chambers, DeCamp, R. Johnson, V. Johnson, Landis, Rogers, and Schmit who were excused until they arrive.

## CORRECTIONS FOR THE JOURNAL

Page 337, line 21, strike "1:31" and insert "2:31".
The Journal for the Tenth Day was approved as corrected.
The Journal for the Fourteenth Day was approved.

## STANDING COMMITTEE REPORTS
### Public Works

**LEGISLATIVE BILL 75.** Placed on General File.
**LEGISLATIVE BILL 81.** Placed on General File.
**LEGISLATIVE BILL 96.** Placed on General File.
**LEGISLATIVE BILL 193.** Placed on General File.
**LEGISLATIVE BILL 240.** Placed on General File.

(Signed) Loran Schmit, Chairperson

**Business and Labor**

**LEGISLATIVE BILL 337.** Placed on General File.
**LEGISLATIVE BILL 339.** Placed on General File.
**LEGISLATIVE BILL 341.** Placed on General File.

**LEGISLATIVE BILL 338.** Placed on General File as amended.
Standing Committee amendments to LB 338:
AM0050

1. On page 3, line 22, strike "to 48-640", show as stricken, and insert "and 48-639" and after the first "the" insert "district".

2. On page 4, line 16, after the underscored period insert "In any judicial proceeding under this section the court shall consider the matter de novo upon the record.".

**LEGISLATIVE BILL 342.** Placed on General File as amended.
Standing Committee amendments to LB 342:
AM0051

1. On page 2, strike beginning with "shall" in line 3 through "Such" in line 5, show as stricken, and insert "(1) shall determine the rate of contributions applicable to each employer pursuant to section 48-649, and (2) may determine, at any time during the year, whether services performed by an individual were employment or for an employer. Any such"; in line 7 after "the" insert "prompt"; in line 14 after "hearing" insert "conducted by the commissioner or his or her designee"; and in line 16 strike the underscored comma and reinstate the stricken "or contribution liability".

2. On page 3, line 1, after the period insert "All testimony at any such hearing shall be recorded, but need not be transcribed unless the redetermination is further appealed."; and in line 10 after "de novo" insert "on the record".

(Signed) Bill Barrett, Chairperson

## SELECT COMMITTEE REPORTS
**Enrollment and Review**

**Correctly Engrossed**

The following bills were correctly engrossed: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, and 18.

(Signed) Tim Hall, Chairperson

**Enrollment and Review Change to LB 4**

The following change, required to be reported for publication in the Journal, has been made:
ER0010
1. On page 2, line 2, "is" has been struck and "are" inserted.

**Enrollment and Review Changes to LB 5**

The following changes, required to be reported for publication in the Journal, have been made:
ER0011
1. On page 1, line 4, "to eliminate a requirement for development of a map;" has been inserted after the semicolon and "and 46-706" has been struck and "to 46-707" inserted.

(Signed) Mary Sommermeyer
E & R Attorney

**MOTION - Withdraw LB 649**

Mr. Lundy moved to withdraw LB 649.

Laid over.

**NOTICE OF COMMITTEE HEARINGS**
**Executive Board**

Wednesday, February 13, 1985 7:30 p.m.
Revenue Bond request for the Rice-Carlson Expansion Project at Wayne State College.

(Signed) Chris Beutler, Chairperson

**Business and Labor**

| | | |
|---|---|---|
| LB 336 | Wednesday, February 20, 1985 | 1:30 p.m. |
| LB 340 | Wednesday, February 20, 1985 | 1:30 p.m. |
| LB 343 | Wednesday, February 20, 1985 | 1:30 p.m. |
| LB 216 | Wednesday, February 20, 1985 | 1:30 p.m. |
| LB 426 | Wednesday, February 20, 1985 | 1:30 p.m. |

(Signed) Bill Barrett, Chairperson

## PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolutions: LR 40, LR 42, LR 43, LR 44, LR 45, and LR 46.

## EASE

The Legislature was at ease from 9:12 a.m. until 9:20 a.m.

## GENERAL FILE

**LEGISLATIVE BILL 51.** Title read. Considered.

Advanced to E & R for Review with 32 ayes, 0 nays, 10 present and not voting, and 7 excused and not voting.

**LEGISLATIVE BILL 52.** Title read. Considered.

Advanced to E & R for Review with 32 ayes, 6 nays, 5 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 128.** Title read. Considered.

Advanced to E & R for Review with 31 ayes, 0 nays, 12 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 136.** Title read. Considered.

Messrs. Beutler and Wesely moved to indefinitely postpone LB 136.

Mrs. Morehead asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Beutler requested a record vote on the motion to indefinitely postpone.

Voting in the affirmative, 20:

| | | | | |
|---|---|---|---|---|
| Beutler | Eret | Johnson, V. | Lynch | Vickers |
| Chambers | Hall | Labedz | Marsh | Warner |
| Chizek | Harris | Landis | Scofield | Wesely |
| Conway | Higgins | Lundy | Sieck | Withem |

Voting in the negative, 23:

| | | | | |
|---|---|---|---|---|
| Abboud | Chronister | Hannibal | Nichol | Rupp |
| Baack | DeCamp | Hefner | Pappas | Schmit |
| Barrett | Goll | Johnson, L. | Peterson | Smith |
| Beyer | Goodrich | Lamb | Pirsch | |
| Carsten | Haberman | Nelson | Remmers | |

Present and not voting, 3:

| | | |
|---|---|---|
| Hartnett | Miller | Rogers |

Excused and not voting, 3:

| | | |
|---|---|---|
| Hoagland | Johnson, R. | Morehead |

The Beutler-Wesely motion to indefinitely postpone lost with 20 ayes, 23 nays, 3 present and not voting, and 3 excused and not voting.

Mrs. Higgins offered the following amendment:

To amend LB 136 by striking "State Treasurer, Auditor of Public Accounts" and insert "two members appointed by the Legislature nominated by a special committee of the Legislature made up of equal members of Republicans, Democrats and Independants if available."

Mrs. Higgins asked unanimous consent to withdraw her pending amendment. No objections. So ordered.

Mr. Chambers offered the following amendment to LB 136:

Add new section:

Amend 81-8,211 to provide that any claim may be approved by a majority vote of the Claims Board members.

The Chambers amendment was adopted with 29 ayes, 2 nays, 15 present and not voting, and 3 excused and not voting.

Messrs. Pappas and Carsten asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Lamb moved for a call of the house. The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

Mr. Lamb requested a roll call vote on the advancement of LB 136.

Voting in the affirmative, 19:

| | | | | |
|---|---|---|---|---|
| Abboud | Chronister | Hefner | Lundy | Remmers |
| Baack | DeCamp | Johnson, L. | Nichol | Rupp |
| Barrett | Goodrich | Johnson, R. | Peterson | Schmit |
| Beyer | Haberman | Lamb | Pirsch | |

Voting in the negative, 26:

| | | | | |
|---|---|---|---|---|
| Beutler | Goll | Higgins | Marsh | Sieck |
| Chambers | Hall | Johnson, V. | Miller | Smith |
| Chizek | Hannibal | Labedz | Morehead | Vickers |
| Conway | Harris | Landis | Nelson | Warner |
| Eret | Hartnett | Lynch | Scofield | Wesely |
| | | | | Withem |

Present and not voting, 1:

Rogers

Excused and not voting, 3:

Carsten Hoagland Pappas

Failed to advance to E & R for Review with 19 ayes, 26 nays, 1 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

## ANNOUNCEMENT

The Chair announced today is Senator Rogers' birthday.

## UNANIMOUS CONSENT - Add Co-Introducers

Mr. DeCamp asked unanimous consent to have his name added as co-introducer to LB 616. No objections. So ordered.

Mr. Hefner asked unanimous consent to have his name added as co-introducer to LB 668. No objections. So ordered.

Mr. DeCamp asked unanimous consent to have his name added as co-introducer to LB 573. No objections. So ordered.

## UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendment to LB 295 in the Journal. No objections. So ordered.

AM0054

1. Insert the following new section:

"Sec. 2. That section 8-602, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

8-602. The Director of Banking and Finance shall charge and collect fees for certain services rendered by the Department of Banking and Finance according to the following schedule:

(1) For filing and examining articles of incorporation, association, and bylaws, excepting cooperative credit associations and credit unions, twenty dollars, and for cooperative credit associations and credit unions, five dollars;

(2) For filing and examining an amendment to articles of incorporation, association, and bylaws, excepting cooperative credit associations and credit unions, ten dollars, for cooperative credit associations, three dollars, and for credit unions, two dollars;

(3) For issuing to banks, trust companies, building and loan associations, and industrial loan and investment companies a charter, authority, or license to do business in this state, a sum which shall be determined on the basis of one dollar and fifty cents for each one thousand dollars of authorized capital. The ~~; PROVIDED, that the~~ minimum fee in each case shall be fifty dollars. All ~~; AND PROVIDED FURTHER, that all~~ foreign building and loan associations shall pay annually a fee of one hundred dollars;

(4) For issuing to cooperative credit associations a charter, authority, or license to do business in this state, twenty-five dollars;

(5) For issuing an executive officer's or loan officer's license, ten dollars at the time of the initial license and five dollars on or before January 15 in each year thereafter, except cooperative credit associations and credit unions for which the fee shall be five dollars at the time of the initial license and five dollars thereafter on or before January 15 each year;

(6) For affixing certificate and seal, two dollars;

(7) For making a copy of instruments, documents, or any other departmental records, each one hundred words, thirty cents except when the photostatic copying method is used the charge shall be at the rate of one dollar and fifty cents per page;

(8) For making substitution of securities held by it and issuing a receipt, five dollars;

(9) For issuing a certificate of approval to a credit union, ten dollars;

(10) For investigating the statements required by sections 8-120 and 8-201 and the applications required by sections 8-331, 8-403, 21-1312, and 21-1313 the cost of such examination, investigation, and inspection, including all legal expenses and the cost of any hearing transcript, with a minimum fee under (a) section 8-120 of one thousand five hundred dollars, (b) section 8-331 of one thousand dollars, (c) section 8-403 of eight hundred dollars, (d) sections 8-201, 21-1312, and 21-1313 of two hundred fifty dollars, and (e) ~~under~~ section 8-816 of fifty dollars. The department may require the applicant to procure and give a surety bond in such principal amount as the department may determine, and conditioned for the payment of the fees herein provided;

(11) To meet the expense of safekeeping securities as provided in section 8-210, the company or national bank~~,~~ shall, at the time of the initial deposit thereof, pay one dollar and fifty cents for each thousand dollars of securities deposited and a like amount on or before January 15 in each year thereafter;

(12) For investigating an application to move its location within the city or village limits of its original license or charter~~,~~ for banks, trust companies, building and loan associations, and industrial loan and investment companies, two hundred fifty dollars; and

(13) For investigating an application for approval of a detached ~~auxiliary teller office~~ branch bank pursuant to section 8-157, two hundred fifty dollars.

All fees and all money collected by or paid to the department under any of the provisions of Chapter 8 or any other law shall, if and when specifically appropriated by the Legislature during any biennium, constitute the Financial Institution Assessment Cash Fund in the state treasury for the use of the department during any biennium in administering ~~the provisions of said chapter~~ Chapter 8 and any duties imposed upon the department by any other law, and all of such money when appropriated shall be appropriated for the purposes herein expressed.".

2. On page 11, line 7, after "original" insert "section 8-602, Reissue Revised Statutes of Nebraska, 1943, and".

3. Renumber sections 2 to 5 as sections 3 to 6 respectively.

## RESOLUTION

**LEGISLATIVE RESOLUTION 47.**

Introduced by Labedz, 5th District.

WHEREAS, on February sixteenth, people of Lithuanian descent, as well as all freedom loving people, will commemorate Lithuania's Independence Day; and

WHEREAS, this state has been enriched by the values brought here by those of Lithuanian descent; and

WHEREAS, the Legislature recognizes the courageous struggle of the Lithuanians to lift the yoke of Soviet tyranny and to restore Lithuania's democratic traditions; and

WHEREAS, the people of Lithuania deserve recognition of their continuing struggle against Russia despite overwhelming odds.

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

1. That February sixteenth be declared Lithuanian Independence Day to commemorate Lithuania's struggle for freedom.

2. That a copy of this resolution be provided to the Lithuanian American Community of Omaha.

Laid over.

## SELECT COMMITTEE REPORTS
### Enrollment and Review

### Correctly Engrossed

The following bills were correctly engrossed: 19, 20, 21, 22, 23, 24, 25, 26, and 27.

(Signed) Tim Hall, Chairperson

## REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of January 31, 1985. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Agee, W. B. - Lincoln, Nebraska Petroleum Marketers, Inc.
Belford, Paula - Lincoln, Nebraska Water Conservation Council
Coyne, Ann - Omaha, Coyne, Ann
Crosby, Guenzel, Davis, Kessner & Kuester
  Crosby, Robert B. - Lincoln, Nebraska Water Resources Association; United Banks of Colorado
  Orton, Leroy W. - Lincoln, United Banks of Colorado
Cutshall, Bruce A. - Lincoln, South Central Irrigators Association
Dalton, Cynthia G. - Lincoln, Nebraska Fertilizer & Ag-Chemical Institute; Nebraska Grain & Feed Dealers Association
Dennis, Michael E. - Lincoln, Nebraska Wildlife Federation
Ellerbee, Don - Hastings, Garey Management Organization, Inc.
Evans, Mary Kay - Albion, Nebraska Coalition for Women
Fenger, George - Bellevue, Nebraska Tax Limit Coalition, Inc.
Garey, Robert W. - Hastings, Nebraska Funeral Directors Association; Nebraska Veterinary Medical Association
Ketelsen, Roger G. - Lincoln, Independent Insurance Agents of Nebraska
Kistler, Bradford E. - Lincoln, Retirement Housing Foundation
Knudsen, Berkheimer, Richardson & Endacott
  Mueller, William J. - Lincoln, Nebraska Mortgage Association; South Central Irrigators Association

Ruth, Larry L. - Lincoln, Nebraska Mortgage Association; South Central Irrigators Association
Kronberg, Wendell - Omaha, Ralston Area Chamber of Commerce
Lineweber, Ray L. - Lincoln, Nebraska Livestock Markets Association
Miller, Morris F. - Omaha, Nebraska Dept. of Banking & Finance, Receiver for Commonwealth Savings Co., Inc., Insolvent
Morrison, Clint - Mitchell, Scotts Bluff County Lottery Agents
Olson, Ralph A. - Ceresco, Nebraska Grain Sorghum Producers Association
Parker, David R. - Lincoln, First Savings Company of Norfolk
Peters, William E. - Lincoln, Nebraska Cable Communications Association; Nebraska Petroleum Marketers, Inc.
Radcliffe, Walter/Tews & Radcliffe
Radcliffe, Walter H. - Lincoln, Howard, Weil, Labouisse, Friedrichs, Inc.; Nebraska Dept. of Banking & Finance, Receiver for Commonwealth Savings Co., Inc., Insolvent; Nebraska Pyrotechnics Association
Rasmussen, Dennis - Lincoln, Independent Petroleum Association of Mountain States
Ross, Barry A. - Lincoln, Nebraska Dental Association
Ryan, James E. - Lincoln, Nebraska Sheriffs' Association
Seline, Kathleen D. - Omaha, Creighton University
Shuler, James O. - Omaha, Central States Health & Life Company
Voldbaek, Kathy - Omaha, Omaha Education Association
Willey, Bobby T. - Omaha, Farmers Insurance Group of Companies

## NOTICE OF COMMITTEE HEARINGS
### Miscellaneous Subjects

| | | |
|---|---|---|
| LB 106 | Thursday, February 14, 1985 | 1:30 p.m. |
| LB 202 | Thursday, February 14, 1985 | 1:30 p.m. |
| LB 515 | Thursday, February 14, 1985 | 1:30 p.m. |
| LB 230 | Thursday, February 14, 1985 | 1:30 p.m. |
| LB 535 | Friday, February 15, 1985 | 1:30 p.m. |
| LB 334 | Friday, February 15, 1985 | 1:30 p.m. |
| LB 429 | Thursday, February 21, 1985 | 1:30 p.m. |
| LB 379 | Thursday, February 21, 1985 | 1:30 p.m. |
| LB 183 | Thursday, February 21, 1985 | 1:30 p.m. |
| LB 359 | Thursday, February 21, 1985 | 1:30 p.m. |
| LB 699 | Friday, February 22, 1985 | 1:30 p.m. |
| LB 235 | Friday, February 22, 1985 | 1:30 p.m. |

(Signed) Elroy M. Hefner, Chairperson

**Public Health and Welfare**

| | | |
|---|---|---|
| LB 131 | Monday, February 11, 1985 | 1:30 p.m. |
| LB 291 | Monday, February 11, 1985 | 1:30 p.m. |
| LB 132 | Monday, February 11, 1985 | 1:30 p.m. |
| LB 243 | Monday, February 11, 1985 | 1:30 p.m. |
| LB 277 | Monday, February 11, 1985 | 1:30 p.m. |

Governor Appointments Monday, February 11, 1985 1:00 p.m.
Burrell Williams-Foster Care Review Board
Margaret Conneally-Foster Care Review Board
Shirley Vickers-Foster Care Review Board

| | | |
|---|---|---|
| LB 62 | Tuesday, February 12, 1985 | 1:30 p.m. |
| LB 407 | Tuesday, February 12, 1985 | 1:30 p.m. |
| LB 355 | Tuesday, February 12, 1985 | 1:30 p.m. |
| LB 398 | Tuesday, February 12, 1985 | 1:30 p.m. |
| LB 654 | Tuesday, February 12, 1985 | 1:30 p.m. |
| LB 201 | Tuesday, February 19, 1985 | 1:30 p.m. |
| LB 218 | Tuesday, February 19, 1985 | 1:30 p.m. |
| LB 259 | Tuesday, February 19, 1985 | 1:30 p.m. |
| LB 333 | Tuesday, February 19, 1985 | 1:30 p.m. |
| LB 632 | Tuesday, February 19, 1985 | 1:30 p.m. |
| LB 285 | Monday, March 4, 1985 | 1:30 p.m. |
| LB 314 | Monday, March 4, 1985 | 1:30 p.m. |
| LB 382 | Monday, March 4, 1985 | 1:30 p.m. |

(Signed) Don Wesely, Chairperson

## STANDING COMMITTEE REPORTS
### Banking, Commerce and Insurance

**LEGISLATIVE BILL 101.** Placed on General File as amended.
Standing Committee amendments to LB 101:
AM0029

1. Insert the following new section:

"Sec. 4. That section 81-885.07, Revised Statutes Supplement, 1984, be amended to read as follows:

81-885.07. (1) There is hereby created the

State Real Estate Commission which shall consist of the Secretary of State, who shall be chairperson of the commission, and ~~six~~ eight members appointed by the Governor. Four of the members of such commission, appointed by the Governor, shall be active and licensed real estate brokers who have engaged in the real estate business as brokers or associate brokers for not less than five years, which members shall be appointed by the Governor, one from each of the four congressional districts as the districts were constituted on January 1, 1961. The remaining members shall be appointed at large, ~~one~~ three of whom ~~shall be representative~~ are representatives of the public and are not and have never been licensed brokers or real estate salespersons and one of whom ~~shall be~~ is a licensed real estate salesperson who has engaged in the real estate business as a salesperson for not less than three years.

(2) The present members of the commission shall continue to serve for the terms for which they were respectively appointed, except that within ~~.~~ ~~Within~~ thirty days after ~~September 2, 1973,~~ the effective date of this act the Governor shall appoint the ~~at-large member~~ three members who are representatives of the public for a term of six years from ~~September 2, 1973~~ the effective date of this act. Within thirty days after July 22, 1978, the Governor shall appoint the salesperson member for a term of six years from July 22, 1978. At the expiration of the term of any member of the commission, the Governor shall appoint a successor for a term of six years. Any appointed member shall be limited to one six-year term, in addition to any partial term served. In the event of a vacancy on the commission, the Governor shall fill such vacancy by appointing a member to serve during the unexpired term of the member whose office has become vacant. In the absence of the chairperson, the senior member of the commission in point of service present shall serve as presiding officer. Not less than ~~four~~ five members of the commission must be present at any official meeting of the commission. The action of the majority of the members of the commission shall be deemed the action of the commission. No appointed person may act as a member of the commission while holding any other elective or appointive state or federal office.

(3) Each member of the commission shall receive as compensation for each day actually spent on official duties at scheduled meetings the sum of fifty dollars and actual and necessary expenses incurred in the performance of his or her official duties.

(4) The commission shall employ a director who shall keep a record of all the proceedings, transactions, communications, and official acts of the commission, be custodian of all the records of the commission, and perform such other duties as the commission may require. The director shall call a meeting of the commission at his or her discretion or upon the direction of the chairperson or upon a written request of two or more members of the commission. The commission may employ such other employees as may be necessary to properly carry out ~~the provisions of~~ sections 81-885.01 to 81-885.48, fix the salaries of such employees, and make such other expenditures as are necessary to properly carry out ~~the provisions of~~ sections 81-885.01 to 81-885.48. The office of the commission shall be maintained in Lincoln and all files, records, and property of the commission shall remain therein. Neither the director nor any employee of the commission may be an officer or paid employee of any real estate association or group of real estate dealers or brokers.

(5) The commission may adopt rules and regulations relating to the administration of, but not inconsistent with, ~~the provisions of~~ sections 81-885.01 to 81-885.48.

(6) The commission may conduct or assist in conducting real estate institutes and seminars, and incur and pay the necessary expenses in connection therewith. Such ~~, which~~ institutes or seminars shall be open to all licensees.".

2. On page 4, lines 1, 3, and 8, strike "5 to 10" and insert "6 to 11".

3. On page 5, lines 13 and 14, strike "5 to 10" and insert "6 to 11".

4. On page 6, lines 4 and 17, strike "5 to 10" and insert "6 to 11"; and in line 22, after the second comma insert "81-885.07,".

5. Renumber sections 4 to 12 as sections 5 to 13.

(Signed) John DeCamp, Chairperson

**Public Works**

**LEGISLATIVE BILL 103.** Placed on General File.

(Signed) Loran Schmit, Chairperson

**Revenue**

**LEGISLATIVE BILL 282.** Placed on General File as amended.
Standing Committee amendments to LB 282:
AM0042

1. On page 2, lines 3 and 7 through 17, reinstate the stricken matter; reinstate the stricken matter beginning with "For" in line 26 through line 27; and in line 26 before the reinstated "For" insert "(c)".

2. On page 3, lines 1 through 6, 22, and 23, reinstate the stricken matter; reinstate the stricken matter beginning with "For" in line 11 through line 14; and in line 11 before the reinstated "For" insert "(d)".

3. On page 4, lines 15 and 16, reinstate the stricken matter; and in line 16 strike "two", show as stricken, and insert "three".

**LEGISLATIVE BILL 283.** Placed on General File as amended.
Standing Committee amendments to LB 283:
AM0043

1. On page 2, lines 5 and 7, reinstate the stricken matter; and strike beginning with "with" in line 8 through "Legislature" in line 9.

**LEGISLATIVE BILL 345.** Placed on General File as amended.
Standing Committee amendment to LB 345:
AM0055

1. On page 8, line 10, after the period insert "The Auditor of Public Accounts shall statistically and randomly select the tax returns and tax return information to be audited based upon a computer tape provided by the Department of Revenue which contains only total population documents without specific identification of taxpayers. The Tax Commissioner shall have the authority to approve the statistical sampling method used by the Auditor of Public Accounts."; and in line 12 after the period

insert "All audit work papers pertaining to the audit of the Department of Revenue shall be stored in a secure place in the Department of Revenue.".

2. On page 9, line 14, after "identity" insert "as defined in subdivision (11)(c) of this section".

3. On page 10, strike beginning with the first "the" in line 3 through "and" in line 5; and strike beginning with the second comma in line 5 through "information" in line 6.

(Signed) Vard Johnson, Chairperson

## UNANIMOUS CONSENT - Member Excused

Messrs. Remmers and Chronister asked unanimous consent to be excused until they return. No objections. So ordered.

## GENERAL FILE

**LEGISLATIVE BILL 109.** Title read. Considered.

Standing Committee amendment, AM0033, found in the Journal on page 416 for the Fourteenth Day was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Mr. V. Johnson offered the following amendment:

To amend LB 109 by deleting subsection 28 in its entirety, as set out on page 9.

Mr. V. Johnson asked unanimous consent to withdraw his pending amendment. No objections. So ordered.

Mrs. Marsh and Mr. Sieck asked unanimous consent to be excused until they return. No objections. So ordered.

Advanced to E & R for Review with 30 ayes, 1 nay, 11 present and not voting, and 7 excused and not voting.

## UNANIMOUS CONSENT - Add Co-Introducers

Mr. Hartnett asked unanimous consent to have his name added as co-introducer to LB 238. No objections. So ordered.

Mr. Hall asked unanimous consent to have his name added as co-introducer to LB 164. No objections. So ordered.

## NOTICE OF COMMITTEE HEARINGS
### Appropriations

| | | |
|---|---|---|
| LB 91 | Thursday, February 21, 1985 | 1:30 p.m. |
| LB 64 | Thursday, February 21, 1985 | 1:30 p.m. |
| LB 212 | Friday, February 22, 1985 | 1:30 p.m. |
| LB 599 | Friday, February 22, 1985 | 1:30 p.m. |
| LB 59 | Friday, February 22, 1985 | 1:30 p.m. |
| LB 99 | Friday, February 22, 1985 | 1:30 p.m. |

(Signed) Jerome Warner, Chairperson

## UNANIMOUS CONSENT - Print in Journal

Mr. Harris asked unanimous consent to print the following amendment to LB 295 in the Journal. No objections. So ordered.

AM0059

1. On page 3, strike beginning with "With" in line 11 through the period in line 25 and insert "With the approval of the Nebraska Branch Banking Commission, created pursuant to section 2 of this act, a bank may establish and maintain not more than five detached branch banks within the corporate limits of the municipality in which the bank's main office is located. A detached branch bank established or maintained as a result of the acquisition of or merger with an institution under section 8-903 or sections 8-1506 to 8-1510 shall not count against the number of detached branch banks permitted under this subsection nor shall the location of such branch banks be restricted by this subsection."; and in line 26 strike "director" and insert "Nebraska Branch Banking Commission".

2. On page 9, strike beginning with "and" in line 13 through "state" in line 14 and show as stricken; in line 20 strike "twenty" and insert "sixteen"; and strike beginning with "plus" in line 21 through "state" in line 24 and show as stricken.

3. On page 10, line 27, after "section" insert "until deposits in such institutions acquired or formed under sections 8-1506 to 8-1510 equal or exceed one-third of sixteen per cent of the total deposits of all banks in this state".

4. Insert a new section as follows:

"Sec. 2. (1) There is hereby created the Nebraska Branch Banking Commission which shall consist of the Director of Banking and Finance who shall serve as chairperson and two members appointed by the Governor. No appointed member shall, while a member, own more than one per cent of the shares of any bank or bank holding company or be an officer or director thereof. All appointed members shall serve four-year terms, except that of the first members appointed one shall serve until January 1, 1987, and the other shall serve until January 1, 1989. Terms of appointed members shall begin on January 1. In the event of a vacancy, the Governor shall appoint a new member to fill the unexpired portion of the term.

(2) The commission shall be located within the Department of Banking and Finance which shall provide meeting space and staff support. A majority of the members of the commission shall constitute a quorum for the purpose of transacting business and every act of a majority shall be deemed an act of the commission.

(3) Members of the commission attending meetings of the commission or performing functions authorized by the commission may be reimbursed at the commission's discretion for expenses as provided in sections 84-306.01 to 84-306.05 for state employees.

(4) The commission may approve the establishment and maintenance of branches of banks under the jurisdiction of the Department of Banking and Finance and, after the effective date of this act, no such bank shall establish any new branch bank in this state without an approval order issued by the commission. The application for approval shall be made on forms prescribed by the commission. When an application is made for a branch bank, notice of the filing of the application shall be published by the commission for two weeks in a legal newspaper of general circulation in the county where the applicant proposes to establish the branch bank. The expense of the publication shall be paid by the applicant. A public hearing shall be held on each application. The date for hearing the application shall be not more than sixty days after the filing of the application and not less than fifteen days after the last publication notice. If the commission, upon investigation and after public

hearing on the application, is satisfied that the public necessity, convenience, and advantage will be promoted by permitting such branch bank and that, under prudent banking practices, the applicant will have sufficient capital, taking into consideration the amount and types of deposits expected at the branch bank, the commission shall, upon payment of the required fees, issue to the applicant an order of approval for the branch bank.

(5) In addition to any other authority granted by this section, the commission shall regulate its own practice and procedure through the adoption and promulgation of rules and regulations and the fixing of reasonable fees.".

5. Renumber original sections 2 to 5 as sections 3 to 6, respectively.

## STANDING COMMITTEE REPORTS

### Public Works

**LEGISLATIVE BILL 179.** Placed on General File as amended.
Standing Committee amendment to LB 179:
AM0060

1. Strike the original section and insert the following new section:

"Section 1. The State of Nebraska or any political subdivision which has a duty to construct or maintain any street, road, or highway shall ensure that reasonable accessibility exists to all business properties during any period of construction or maintenance, based upon the nature of the business.".

(Signed) Loran Schmit, Chairperson

### Appropriations

**LEGISLATIVE BILL 152.** Placed on General File as amended.
Standing Committee amendment to LB 152:
AM0056

1. On page 2, in lines 5 and 8 strike "Epply" and insert "Eppley".

(Signed) Jerome Warner, Chairperson

## GENERAL FILE

**LEGISLATIVE BILL 126.** Title read. Considered.

Standing Committee amendment, AM0031, found in the Journal on page 416 for the Fourteenth Day was considered.

Mr. Wesely offered the following amendment to the Standing Committee amendment:
AM0064
1. In the Standing Committee amendments, on page 1, line 2, strike "1988" and insert "1989".

The Wesely amendment was adopted with 16 ayes, 10 nays, 16 present and not voting, and 7 excused and not voting.

The Standing Committee amendment was adopted, as amended, with 28 ayes, 0 nays, 14 present and not voting, and 7 excused and not voting.

Advanced to E & R for Review with 26 ayes, 2 nays, 14 present and not voting, and 7 excused and not voting.

## STANDING COMMITTEE REPORTS
### Judiciary

**LEGISLATIVE BILL 323.** Placed on General File as amended.
Standing Committee amendments to LB 323:
AM0052
1. On page 11, strike the new matter in line 3 and insert "(45) tilidine; and (46) alfentanil".
2. On page 17, line 5, strike "and"; and in line 6 after "forms" insert "; and (23) sufentanil".

**LEGISLATIVE BILL 406.** Placed on General File as amended.
Standing Committee amendment to LB 406:
AM0053
1. On page 4, strike beginning with "or" in line 8 through "substance" in line 10.

(Signed) Peter Hoagland, Chairperson

## GENERAL FILE

**LEGISLATIVE BILL 41.** Title read. Considered.

Advanced to E & R for Review with 33 ayes, 1 nay, 8 present and

not voting, and 7 excused and not voting.

## VISITORS

Visitors to the Chamber were State 4-H Awareness Team and Advisors; Jim Young from Omaha; 38 fourth graders and teachers from Eagle Elementary School; and Mrs. Dana Nielsen from Walthill.

## ADJOURNMENT

At 11:58 a.m., on a motion by Mr. Hartnett, the Legislature adjourned until 9:00 a.m., Monday, February 4, 1985.

Patrick J. O'Donnell
Clerk of the Legislature

# SIXTEENTH DAY - FEBRUARY 4, 1985

# LEGISLATIVE JOURNAL

# SIXTEENTH DAY - FEBRUARY 4, 1985

## LEGISLATIVE JOURNAL

## EIGHTY-NINTH LEGISLATURE
## FIRST SESSION

## SIXTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, February 4, 1985

Pursuant to adjournment, the Legislature met at 9:06 a.m., Mrs. Labedz presiding.

## PRAYER

The prayer was offered by Rev. Fred. J. Wolff, Friedens Lutheran Church, Lincoln, Nebraska.

## ROLL CALL

The roll was called and all members were present except Messrs. Chronister, DeCamp, and Withem who were excused; and Messrs. Beutler, Conway, Hartnett, V. Johnson, Landis, Miller, Rogers, Rupp, Schmit, Sieck, Warner, and Mrs. Pirsch who were excused until they arrive.

## CORRECTIONS FOR THE JOURNAL

The Journal for the Fifteenth Day was approved.

## NOTICE OF COMMITTEE HEARINGS
**Revenue**

| | | |
|---|---|---|
| LB 200 | Monday, February 11, 1985 | 1:30 p.m. |
| LB 552 | Monday, February 11, 1985 | 1:30 p.m. |
| LB 560 | Monday, February 11, 1985 | 1:30 p.m. |
| LB 577 | Monday, February 11, 1985 | 1:30 p.m. |
| LB 172 | Monday, February 11, 1985 | 1:30 p.m. |
| LB 190 | Tuesday, February 12, 1985 | 1:30 p.m. |

| | | |
|---|---|---|
| LB 39 | Tuesday, February 12, 1985 | 1:30 p.m. |
| LB 280 | Tuesday, February 12, 1985 | 1:30 p.m. |
| LB 174 | Tuesday, February 12, 1985 | 1:30 p.m. |
| LB 594 | Tuesday, February 12, 1985 | 1:30 p.m. |
| LB 344 | Wednesday, February 13, 1985 | 1:30 p.m. |
| LB 475 | Wednesday, February 13, 1985 | 1:30 p.m. |
| LB 210 | Wednesday, February 13, 1985 | 1:30 p.m. |

(Signed) Vard R. Johnson, Chairperson

## MOTION - Withdraw LB 649

Mr. Lundy renewed his pending motion found in the Journal on page 429 to withdraw LB 649.

The motion prevailed with 25 ayes, 0 nays, 10 present and not voting, and 14 excused and not voting.

**MRS. MARSH PRESIDING**

## RESOLUTION

**LEGISLATIVE RESOLUTION 47.** Read. Considered.

LR 47 was adopted with 30 ayes, 0 nays, and 19 not voting.

## GENERAL FILE

**LEGISLATIVE BILL 187.** Title read. Considered.

Standing Committee amendment, AM0015, found in the Journal on page 416 for the Fourteenth Day was adopted with 27 ayes, 0 nays, 11 present and not voting, and 11 excused and not voting.

Advanced to E & R for Review with 29 ayes, 0 nays, 9 present and not voting, and 11 excused and not voting.

**LEGISLATIVE BILL 151.** Title read. Considered.

Advanced to E & R for Review with 28 ayes, 0 nays, 12 present and not voting, and 9 excused and not voting.

**LEGISLATIVE BILL 417.** Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays, 13 present and not voting, and 9 excused and not voting.

**LEGISLATIVE BILL 42.** Title read. Considered.

Standing Committee amendments, AM0027, found in the Journal on page 417 for the Fourteenth Day were adopted with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

Advanced to E & R for Review with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 129.** Title read. Considered.

**MRS. LABEDZ PRESIDING**

Standing Committee amendment, AM0026, found in the Journal on page 417 for the Fourteenth Day was adopted with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

Advanced to E & R for Review with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 249.** Title read. Considered.

Standing Committee amendments, AM0006, found in the Journal on page 418 for the Fourteenth Day were adopted with 32 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.

Advanced to E & R for Review with 34 ayes, 0 nays, 12 present and not voting, and 3 excused and not voting.

Mr. Nichol, Mesdames Morehead, and Pirsch asked unanimous consent to be excused until they return. No objections. So ordered.

**LEGISLATIVE BILL 191.** Title read. Considered.

Standing Committee amendment, AM0032, found in the Journal on page 423 for the Fourteenth Day was adopted with 31 ayes, 0 nays, 12 present and not voting, and 6 excused and not voting.

Advanced to E & R for Review with 34 ayes, 0 nays, 9 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 30.** Title read. Considered.

Standing Committee amendments, AM0034, found in the Journal on page 423 for the Fourteenth Day were considered.

Mr. Haberman requested a division of the question on the Standing Committee amendments.

The Chair sustained the division of the question.

The first Standing Committee amendment is all of the Standing Committee amendment except the underscored portion in lines 16 through 19 on page 425 of the Journal.

**PRESIDENT MCGINLEY PRESIDING**

The first Standing Committee was adopted with 34 ayes, 1 nay, 11 present and not voting, and 3 excused and not voting.

The second Standing Committee amendment is as follows:
16 (4) Nothing in subsection (2) of this section
17 shall be construed to eliminate the requirement that
18 county assessors utilize and implement soil surveys
19 completed for tax year 1985.

The second Standing Committee amendment was adopted with 30 ayes, 0 nays, 16 present and not voting, and 3 excused and not voting.

Mr. Hannibal moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 1 nay, and 19 not voting.

Advanced to E & R for Review with 39 ayes, 0 nays, 7 present and not voting, and 3 excused and not voting.

## UNANIMOUS CONSENT - Expedite LB 30

Mr. Carsten asked unanimous consent to expedite LB 30. No objections. So ordered.

## STANDING COMMITTEE REPORTS
### Government, Military and Veterans Affairs

**LEGISLATIVE BILL 53.** Placed on General File.
**LEGISLATIVE BILL 422.** Placed on General File.

**LEGISLATIVE BILL 184.** Indefinitely postponed.

(Signed) David Landis, Chairperson

## BILL ON FIRST READING

The following bill was read for the first time by title:

**LEGISLATIVE BILL 129A.** By Marsh, 29th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 129, Eighty-ninth Legislature, First Session, 1985; and to declare an emergency.

## REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative bills 662 and 679.

| LB | Committee |
|---|---|
| 662 | Education and Executive Board |
| 679 | Education and Executive Board |

(Signed) Chris Beutler, Chairperson
Legislative Council
Executive Board

## NOTICE OF COMMITTEE HEARINGS
### Banking, Commerce and Insurance

| | | |
|---|---|---|
| LB 63 | Monday, February 11, 1985 | 1:30 p.m. |
| LB 135 | Monday, February 11, 1985 | 1:30 p.m. |
| LB 487 | Monday, February 11, 1985 | 1:30 p.m. |
| LB 593 | Monday, February 11, 1985 | 1:30 p.m. |
| LB 613 | Monday, February 11, 1985 | 1:30 p.m. |
| LB 614 | Monday, February 11, 1985 | 1:30 p.m. |
| LB 618 | Monday, February 11, 1985 | 1:30 p.m. |
| LB 691 | Monday, February 11, 1985 | 1:30 p.m. |
| LB 276 | Tuesday, February 12, 1985 | 1:30 p.m. |
| LB 278 | Tuesday, February 12, 1985 | 1:30 p.m. |
| LB 430 | Tuesday, February 12, 1985 | 1:30 p.m. |
| LB 434 | Tuesday, February 12, 1985 | 1:30 p.m. |
| LB 450 | Tuesday, February 12, 1985 | 1:30 p.m. |
| LB 451 | Tuesday, February 12, 1985 | 1:30 p.m. |

| | | |
|---|---|---|
| LB 469 | Tuesday, February 12, 1985 | 1:30 p.m. |
| LB 479 | Tuesday, February 12, 1985 | 1:30 p.m. |
| LB 480 | Tuesday, February 12, 1985 | 1:30 p.m. |
| LB 335 | Tuesday, February 12, 1985 | 1:30 p.m. |

(Signed) John DeCamp, Chairperson

**Education**

| | | |
|---|---|---|
| LB 68 | Monday, February 11, 1985 | 1:30 p.m. |
| LB 234 | Monday, February 11, 1985 | 1:30 p.m. |
| LB 495 | Monday, February 11, 1985 | 1:30 p.m. |
| LB 710 | Monday, February 11, 1985 | 1:30 p.m. |
| LB 695 | Tuesday, February 12, 1985 | 1:30 p.m. |
| LB 461 | Tuesday, February 12, 1985 | 1:30 p.m. |
| LB 205 | Tuesday, February 12, 1985 | 1:30 p.m. |
| LB 28 | Tuesday, February 12, 1985 | 1:30 p.m. |
| LB 254 | Tuesday, February 19, 1985 | 1:30 p.m. |
| LB 156 | Tuesday, February 19, 1985 | 1:30 p.m. |
| LB 607 | Tuesday, February 19, 1985 | 1:30 p.m. |
| LB 415 | Tuesday, February 19, 1985 | 1:30 p.m. |
| LB 65 | Monday, March 4, 1985 | 1:30 p.m. |
| LB 414 | Monday, March 4, 1985 | 1:30 p.m. |
| LB 636 | Monday, March 4, 1985 | 1:30 p.m. |
| LB 670 | Monday, March 4, 1985 | 1:30 p.m. |
| LB 455 | Tuesday, March 5, 1985 | 1:30 p.m. |
| LB 182 | Tuesday, March 5, 1985 | 1:30 p.m. |
| LB 633 | Tuesday, March 5, 1985 | 1:30 p.m. |
| LB 689 | Tuesday, March 5, 1985 | 1:30 p.m. |
| LB 57 | Monday, March 11, 1985 | 1:30 p.m. |
| LB 84 | Monday, March 11, 1985 | 1:30 p.m. |
| LB 185 | Monday, March 11, 1985 | 1:30 p.m. |
| LB 534 | Monday, March 11, 1985 | 1:30 p.m. |
| LB 551 | Monday, March 11, 1985 | 1:30 p.m. |
| LB 642 | Monday, March 11, 1985 | 1:30 p.m. |
| LB 133 | Tuesday, March 12, 1985 | 1:30 p.m. |
| LB 641 | Tuesday, March 12, 1985 | 1:30 p.m. |
| LB 246 | Tuesday, March 12, 1985 | 1:30 p.m. |

| | | |
|---|---|---|
| LB 228 | Monday, March 18, 1985 | 1:30 p.m. |
| LB 50 | Monday, March 18, 1985 | 1:30 p.m. |
| LB 418 | Monday, March 18, 1985 | 1:30 p.m. |

Joint hearing between the Executive Board and Education Committee in the East Chamber.

| | | |
|---|---|---|
| LB 662 | Thursday, February 14, 1985 | 7:00 p.m. |
| LB 679 | Thursday, February 14, 1985 | 7:00 p.m. |

(Signed) Tom Vickers, Chairperson

**UNANIMOUS CONSENT - Add Co-Introducer**

Mr. Schmit asked unanimous consent to have his name added as co-introducer to LB 87. No objections. So ordered.

**MOTION - Rerefer LB 662 and LB 679**

Mr. Lamb moved to rerefer LB 662 and LB 679 to the Education Committee.

Laid over.

**GENERAL FILE**

**LEGISLATIVE BILL 272.** Title read. Considered.

Standing Committee amendments, AM0039, found in the Journal on page 426 for the Fourteenth Day were adopted with 30 ayes, 0 nays, 16 present and not voting, and 3 excused and not voting.

Advanced to E & R for Review with 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 75.** Title read. Considered.

Advanced to E & R for Review with 30 ayes, 1 nay, 15 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 81.** Title read. Considered.

Advanced to E & R for Review with 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 96.** Title read. Considered.

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

Advanced to E & R for Review with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 193.** Title read. Considered.

Mr. R. Johnson asked unanimous consent to be excused. No objections. So ordered.

Advanced to E & R for Review with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 240.** Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

## MOTION - Rerefer LB 662

Mr. V. Johnson moved to rerefer LB 662 to the Revenue Committee.

Laid over.

## UNANIMOUS CONSENT - Withdraw Co-Introducer

Mr. Pappas asked unanimous consent to have his name withdrawn as co-introducer to LR 37. No objections. So ordered.

## NOTICE OF COMMITTEE HEARINGS
### Judiciary

| | | |
|---|---|---|
| LB 411 | Monday, February 11, 1985 | 1:30 p.m. |
| LB 530 | Monday, February 11, 1985 | 1:30 p.m. |
| LB 287 | Monday, February 11, 1985 | 1:30 p.m. |
| LB 516 | Monday, February 11, 1985 | 1:30 p.m. |
| LB 146 | Monday, February 11, 1985 | 1:30 p.m. |

(Signed) Peter Hoagland, Chairperson

## PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolution: LR 47.

## GENERAL FILE

**LEGISLATIVE BILL 337.** Title read. Considered.

Advanced to E & R for Review with 25 ayes, 1 nay, 18 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 339.** Title read. Considered.

Advanced to E & R for Review with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 341.** Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Mrs. Marsh asked unanimous consent to be excused. No objections. So ordered.

**LEGISLATIVE BILL 338.** Title read. Considered.

Standing Committee amendments, AM0050, found in the Journal on page 428 for the Fifteenth Day were adopted with 28 ayes, 0 nays, 15 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.

## UNANIMOUS CONSENT - Print in Journal

Messrs. V. Johnson, Hoagland, and Landis asked unanimous consent to print the following amendment to LB 662 in the Journal. No objections. So ordered.

AM0074

1. Insert the following new section:

"Sec. 16. Notwithstanding any other provision of sections 2 to 7 of this act or Chapter 79, after the effective date of this section, whenever the question of closing an elementary school attendance site is raised following a reorganization governed by such sections or

act in which a school district has attached itself as a whole to a Class II, III, IV, or V school district, such elementary school attendance site shall not be closed unless a majority of the qualified electors of such school district, as it existed prior to reorganization, vote pursuant to section 79-426.15 to close such site.".

2. On page 17, line 2, strike "19" and insert "20"; and in line 4 strike "18" and insert "19".

3. Renumber the remaining sections accordingly.

## VISITORS

Visitors to the Chamber were 15 L.E.A.D. (Leadership Education Action Development) Fellows of the Program of NE. AG. Leadership Council; and Anne Blaich from Clearwater, Florida.

## ADJOURNMENT

At 11:54 a.m., on a motion by Mrs. Nelson, the Legislature adjourned until 9:00 a.m., Tuesday, February 5, 1985.

Patrick J. O'Donnell
Clerk of the Legislature

# SEVENTEENTH DAY - FEBRUARY 5, 1985

# LEGISLATIVE JOURNAL

# SEVENTEENTH DAY - FEBRUARY 5, 1985

## LEGISLATIVE JOURNAL

## EIGHTY-NINTH LEGISLATURE
## FIRST SESSION

## SEVENTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, February 5, 1985

Pursuant to adjournment, the Legislature met at 9:01 a.m., Speaker Nichol presiding.

## PRAYER

The prayer was offered by Father Peter Gadient, St. Mary's Church, Lincoln, Nebraska.

## ROLL CALL

The roll was called and all members were present except Messrs. Chronister, DeCamp, Schmit, Withem, and Mrs. Marsh who were excused; and Messrs. Beutler, Chambers, Hall, R. Johnson, V. Johnson, Remmers, and Rogers who were excused until they arrive.

## CORRECTIONS FOR THE JOURNAL

The Journal for the Sixteenth Day was approved.

## UNANIMOUS CONSENT - Member Excused

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

## NOTICE OF COMMITTEE HEARINGS
### Public Works

| | | |
|---|---|---|
| LB 308 | Wednesday, February 13, 1985 | 1:30 p.m. |
| LB 309 | Wednesday, February 13, 1985 | 1:30 p.m. |

| | | |
|---|---|---|
| LB 488 | Wednesday, February 13, 1985 | 1:30 p.m. |
| LB 384 | Wednesday, February 13, 1985 | 1:30 p.m. |
| LB 585 | Wednesday, February 13, 1985 | 1:30 p.m. |
| LB 300 | Thursday, February 14, 1985 | 1:30 p.m. |
| LB 301 | Thursday, February 14, 1985 | 1:30 p.m. |
| LB 538 | Thursday, February 14, 1985 | 1:30 p.m. |
| LB 553 | Thursday, February 14, 1985 | 1:30 p.m. |
| LB 582 | Thursday, February 14, 1985 | 1:30 p.m. |
| LB 148 | Friday, February 15, 1985 | 1:30 p.m. |
| LB 489 | Friday, February 15, 1985 | 1:30 p.m. |
| LB 501 | Friday, February 15, 1985 | 1:30 p.m. |
| LB 705 | Friday, February 15, 1985 | 1:30 p.m. |
| LB 575 | Friday, February 15, 1985 | 1:30 p.m. |

(Signed) Loran Schmit, Chairperson

## SELECT COMMITTEE REPORTS
### Enrollment and Review

**LEGISLATIVE BILL 41.** Placed on Select File.
**LEGISLATIVE BILL 128.** Placed on Select File.

**LEGISLATIVE BILL 30.** Placed on Select File as amended.
E & R amendments to LB 30:
AM5010

1. In the Standing Committee amendments, AM0034, adopted February 4, 1985:
   a. On page 1, line 19, strike "2 of this act" and insert "77-201";
   b. On page 2, line 5, strike the comma and show as stricken; in line 8 strike "section", show as stricken, and insert "sections", and strike "section 2 of" and insert "77-201"; and in line 9 strike "this act";
   c. On page 3, line 4, strike "section", show as stricken, and insert "sections"; and in line 5 strike the new matter and insert "77-201"; and
   d. On page 4, line 10, strike "accessor" and insert "assessor".
2. On page 1, line 2, strike "section 77-201" and insert "sections 77-112, 77-201, 77-1301.01, and 77-1301.13"; in line 5 after the semicolon insert "to harmonize provisions;" and in line 6 strike "section"

and insert "sections".

3. On page 2, line 6, strike the comma and show as stricken.

**LEGISLATIVE BILL 51.** Placed on Select File as amended.
E & R amendment to LB 51:
AM5007

1. On page 2, line 8, after "and" insert "shall be".

**LEGISLATIVE BILL 52.** Placed on Select File as amended.
E & R amendments to LB 52:
AM5008

1. On page 2, line 9, after "including" insert "the power".

2. On page 5, line 7, after "or" insert "other"; and in line 10 after the stricken "all" insert "and".

**LEGISLATIVE BILL 109.** Placed on Select File as amended.
E & R amendments to LB 109:
AM5009

1. On page 1, line 7, after "broker" insert ", salesperson, or subdivider".

2. On page 2, line 15, strike the first "or" and show as stricken and after "lease" insert an underscored comma.

3. On page 4, line 20, strike the comma and show as stricken.

4. On page 5, line 15, strike the first comma and show as stricken.

5. On page 7, line 17, strike "sections 81-885.01 to 81-885.48", show as stricken, and insert "the Nebraska Real Estate License Act".

6. On page 9, line 19, strike the third comma and show as stricken.

7. On page 10, line 2, strike the comma and show as stricken.

**LEGISLATIVE BILL 126.** Placed on Select File as amended.
E & R amendment to LB 126:
AM5011

1. On page 2, line 6, strike the comma and show as stricken.

(Signed) Timothy Hall, Chairperson

## GENERAL FILE

**LEGISLATIVE BILL 342.** Title read. Considered.

Standing Committee amendments, AM0051, found in the Journal on page 428 for the Fifteenth Day were adopted with 26 ayes, 0 nays, 10 present and not voting, and 13 excused and not voting.

Advanced to E & R for Review with 28 ayes, 0 nays, 8 present and not voting, and 13 excused and not voting.

**LEGISLATIVE BILL 101.** Title read. Considered.

Standing Committee amendments, AM0029, found in the Journal on page 438 for the Fifteenth Day were considered.

Mrs. Higgins moved for a call of the house. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

Mrs. Higgins requested a roll call vote on the Standing Committee amendments.

Voting in the affirmative, 23:

| | | | | |
|---|---|---|---|---|
| Beutler | Haberman | Labedz | Nichol | Sieck |
| Beyer | Harris | Landis | Pappas | Smith |
| Chambers | Higgins | Miller | Pirsch | Wesely |
| Chizek | Hoagland | Morehead | Rupp | |
| Conway | Johnson, V. | Nelson | Scofield | |

Voting in the negative, 14:

| | | | | |
|---|---|---|---|---|
| Abboud | Carsten | Hefner | Lundy | Remmers |
| Baack | Goodrich | Johnson, L. | Lynch | Warner |
| Barrett | Hannibal | Lamb | Peterson | |

Present and not voting, 4:

| | | | |
|---|---|---|---|
| Eret | Hartnett | Johnson, R. | Vickers |

Excused and not voting, 8:

| | | | | |
|---|---|---|---|---|
| Chronister | DeCamp | Goll | Hall | Marsh |

Rogers Schmit Withem

The Standing Committee amendments lost with 23 ayes, 14 nays, 4 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

Mr. Pappas offered the following amendment:
On page 6, line 21, to add
"The commission shall not require completion of any formal educational requirements in order to take the examination for licensing as a real estate broker or salesperson."

The Pappas amendment lost with 9 ayes, 9 nays, 23 present and not voting, and 8 excused and not voting.

Mr. Hannibal offered the following amendment:
Delete sections 5 thru 10.

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

Mr. Hannibal asked unanimous consent to withdraw his pending amendment. No objections. So ordered.

Advanced to E & R for Review with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

## UNANIMOUS CONSENT - Member Excused

Mrs. Morehead asked unanimous consent to be excused until she returns. No objections. So ordered.

## NOTICE OF COMMITTEE HEARINGS
### Education

| | | |
|---|---|---|
| LB 260 | Tuesday, March 19, 1985 | 1:30 p.m. |
| LB 261 | Tuesday, March 19, 1985 | 1:30 p.m. |
| LB 204 | Monday, March 25, 1985 | 1:30 p.m. |
| LB 506 | Monday, March 25, 1985 | 1:30 p.m. |

(Signed) Tom Vickers, Chairperson

### Constitutional Revision and Recreation

| | | |
|---|---|---|
| LR 32CA | Thursday, February 14, 1985 | 1:30 p.m. |
| LR 36CA | Thursday, February 14, 1985 | 1:30 p.m. |
| LR 38CA | Thursday, February 14, 1985 | 1:30 p.m. |
| LR 18CA | Friday, February 22, 1985 | 1:30 p.m. |
| LR 27CA | Friday, February 22, 1985 | 1:30 p.m. |
| LR 12CA | Friday, February 22, 1985 | 1:30 p.m. |
| LR 15CA | Thursday, February 28, 1985 | 1:30 p.m. |
| LR 9CA | Thursday, February 28, 1985 | 1:30 p.m. |
| LR 19CA | Thursday, February 28, 1985 | 1:30 p.m. |

(Signed) Lee Rupp, Chairperson

## SELECT COMMITTEE REPORTS
### Enrollment and Review

**LEGISLATIVE BILL 151.** Placed on Select File.
**LEGISLATIVE BILL 417.** Placed on Select File.

**LEGISLATIVE BILL 187.** Placed on Select File as amended.
E & R amendment to LB 187:
AM5012

1. On page 1, line 1, strike "provide"; in line 2 strike "definitions" and insert "define a term"; in line 4 after "for" insert "reports involving"; and in line 5 strike "provide a penalty" and insert "declare an emergency".

(Signed) Timothy Hall, Chairperson

## RESOLUTION

**LEGISLATIVE RESOLUTION 48.**

Introduced by Morehead, 30th District.

WHEREAS, Marcelle Nedrow of Beatrice has been named Mrs. Nebraska of 1985; and

WHEREAS Marcelle Nedrow will represent the State of Nebraska in the Mrs. America pageant in Reno, Nevada; and

WHEREAS Marcelle Nedrow is the wife of James Nedrow and the mother of Brooke Nedrow and Blake Nedrow.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS

OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That Marcelle Nedrow be issued the congratulations and best wishes of the Legislature.
2. That a copy of this resolution be sent to Marcelle Nedrow.

Laid over.

## MOTION - Rerefer LB 662 and LB 679

Mr. Lamb renewed his pending motion found in the Journal on page 454 to rerefer LB 662 and LB 679 to the Education Committee.

Mr. Landis moved the previous question. The question is, "Shall the debate now close?"

Mr. Landis 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 26 ayes, 12 nays, and 11 not voting.

Mr. Lamb requested a roll call vote on his motion to rerefer LB 662 and LB 679 to the Education Committee.

Voting in the affirmative, 17:

| | | | | |
|---|---|---|---|---|
| Abboud | Hannibal | Nichol | Rupp | Warner |
| Carsten | Hefner | Peterson | Scofield | |
| Eret | Johnson, L. | Pirsch | Sieck | |
| Haberman | Lamb | Remmers | Smith | |

Voting in the negative, 24:

| | | | | |
|---|---|---|---|---|
| Baack | Chizek | Hartnett | Labedz | Nelson |
| Barrett | Conway | Higgins | Landis | Pappas |
| Beutler | Goodrich | Hoagland | Lundy | Vickers |
| Beyer | Hall | Johnson, R. | Lynch | Wesely |
| Chambers | Harris | Johnson, V. | Miller | |

Excused and not voting, 8:

| | | | |
|---|---|---|---|
| Chronister | Goll | Morehead | Schmit |
| DeCamp | Marsh | Rogers | Withem |

The Lamb motion lost with 17 ayes, 24 nays, and 8 excused and not voting.

The Chair declared the call raised.

## SPEAKER'S ANNOUNCEMENT

Speaker Nichol announced the last day for public hearings will be Wednesday, March 27, 1985. All day sessions will begin on Thursday, March 28, 1985.

## STANDING COMMITTEE REPORT
### Banking, Commerce and Insurance

**LEGISLATIVE BILL 86.** Placed on General File as amended.
Standing Committee amendment to LB 86:
AM0030

1. Insert the following new section:

"Sec. 5. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

(Signed) Rex Haberman, Vice Chairperson

## NOTICE OF COMMITTEE HEARINGS
### Business and Labor

| | | |
|---|---|---|
| LB 256 | Wednesday, March 6, 1985 | 1:30 p.m. |
| LB 608 | Wednesday, March 6, 1985 | 1:30 p.m. |
| LB 303 | Wednesday, March 6, 1985 | 1:30 p.m. |
| LB 457 | Wednesday, March 13, 1985 | 1:30 p.m. |
| LB 497 | Wednesday, March 13, 1985 | 1:30 p.m. |
| LB 513 | Wednesday, March 13, 1985 | 1:30 p.m. |
| LB 257 | Wednesday, March 20, 1985 | 1:30 p.m. |
| LB 485 | Wednesday, March 20, 1985 | 1:30 p.m. |

(Signed) Bill Barrett, Chairperson

### Miscellaneous Subjects

| | | |
|---|---|---|
| LB 279 | Friday, February 15, 1985 | 1:30 p.m. |
| LB 203 | Thursday, February 28, 1985 | 1:30 p.m. |

| | | |
|---|---|---|
| LB 141 | Thursday, February 28, 1985 | 1:30 p.m. |
| LB 657 | Thursday, February 28, 1985 | 1:30 p.m. |
| LB 33 | Friday, March 1, 1985 | 1:30 p.m. |
| LB 265 | Friday, March 1, 1985 | 1:30 p.m. |
| LB 420 | Friday, March 1, 1985 | 1:30 p.m. |

(Signed) Elroy M. Hefner, Chairperson

**MOTION - Rerefer LB 662**

Mr. V. Johnson renewed his pending motion found in the Journal on page 455 to rerefer LB 662 to the Revenue Committee.

Mr. V. Johnson asked unanimous consent to withdraw his pending motion. No objections. So ordered.

**MOTION - Rerefer LB 662 and LB 679**

Mr. Haberman moved to rerefer LB 662 and LB 679 to the Education Committee and the Revenue Committee.

Mr. Beutler moved the previous question. The question is, "Shall the debate now close?"

Mr. Beutler moved for a call of the house. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

The motion to cease debate prevailed with 25 ayes, 7 nays, and 17 not voting.

Mr. Haberman requested a roll call vote on his motion to rerefer LB 662 and LB 679 to the Education Committee and the Revenue Committee.

Voting in the affirmative, 16:

| | | | | |
|---|---|---|---|---|
| Abboud | Higgins | Lamb | Pappas | Rupp |
| Eret | Johnson, L. | Landis | Pirsch | Scofield |
| Haberman | Labedz | Nichol | Remmers | Sieck |
| Hefner | | | | |

Voting in the negative, 25:

| | | | | |
|---|---|---|---|---|
| Baack | Barrett | Beutler | Beyer | Carsten |

| | | | | |
|---|---|---|---|---|
| Chambers | Hall | Hoagland | Lynch | Smith |
| Chizek | Hannibal | Johnson, R. | Miller | Vickers |
| Conway | Harris | Johnson, V. | Nelson | Warner |
| Goodrich | Hartnett | Lundy | Peterson | Wesely |

Excused and not voting, 8:

| | | | |
|---|---|---|---|
| Chronister | Goll | Morehead | Schmit |
| DeCamp | Marsh | Rogers | Withem |

The Haberman motion lost with 16 ayes, 25 nays, and 8 excused and not voting.

The Chair declared the call raised.

## NOTICE OF COMMITTEE HEARINGS
### Judiciary

| | | |
|---|---|---|
| LB 245 | Tuesday, February 12, 1985 | 1:30 p.m. |
| LB 631 | Tuesday, February 12, 1985 | 1:30 p.m. |
| LB 626 | Tuesday, February 12, 1985 | 1:30 p.m. |
| LB 362 | Tuesday, February 12, 1985 | 1:30 p.m. |
| LB 646 | Tuesday, February 12, 1985 | 1:30 p.m. |
| LB 361 | Wednesday, February 13, 1985 | 1:30 p.m. |
| LB 171 | Wednesday, February 13, 1985 | 1:30 p.m. |
| LB 292 | Wednesday, February 13, 1985 | 1:30 p.m. |
| LB 293 | Wednesday, February 13, 1985 | 1:30 p.m. |
| LB 367 | Wednesday, February 13, 1985 | 1:30 p.m. |

(Signed) Peter Hoagland, Chairperson

## STANDING COMMITTEE REPORT
### Constitutional Revision and Recreation

**LEGISLATIVE BILL 224.** Placed on General File.

(Signed) Lee Rupp, Chairperson

## GENERAL FILE

**LEGISLATIVE BILL 103.** Title read. Considered.

Messrs. Haberman and Peterson asked unanimous consent to be excused until they return. No objections. So ordered.

Advanced to E & R for Review with 28 ayes, 0 nays, 11 present and not voting, and 10 excused and not voting.

**LEGISLATIVE BILL 282.** Title read. Considered.

Standing Committee amendments, AM0042, found in the Journal on page 441 for the Fifteenth Day were adopted with 27 ayes, 0 nays, 12 present and not voting, and 10 excused and not voting.

Mr. Warner offered the following amendment:
On page 3 line 19 strike "1" and insert "15"

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

Mrs. Higgins asked unanimous consent to be excused until she returns. No objections. So ordered.

**LEGISLATIVE BILL 283.** Title read. Considered.

Standing Committee amendment, AM0043, found in the Journal on page 441 for the Fifteenth Day was adopted with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 12 present and not voting, and 11 excused and not voting.

**LEGISLATIVE BILL 345.** Title read. Considered.

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

Standing Committee amendment, AM0055, found in the Journal on page 441 for the Fifteenth Day was adopted with 26 ayes, 0 nays, 11 present and not voting, and 12 excused and not voting.

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

Advanced to E & R for Review with 25 ayes, 0 nays, 11 present and not voting, and 13 excused and not voting.

**LEGISLATIVE BILL 152.** Title read. Considered.

Standing Committee amendment, AM0056, found in the Journal on page 445 for the Fifteenth Day was adopted with 26 ayes, 0 nays, 10 present and not voting, and 13 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 11 present and not voting, and 13 excused and not voting.

**LEGISLATIVE BILL 323.** Title read. Considered.

Standing Committee amendments, AM0052, found in the Journal on page 446 for the Fifteenth Day were adopted with 25 ayes, 0 nays, 11 present and not voting, 13 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 11 present and not voting, and 13 excused and not voting.

**LEGISLATIVE BILL 406.** Title read. Considered.

Messrs. Pappas and Barrett asked unanimous consent to be excused until they return. No objections. So ordered.

Standing Committee amendment, AM0053, found in the Journal on page 446 for the Fifteenth Day was adopted with 25 ayes, 0 nays, 9 present and not voting, and 15 excused and not voting.

Pending.

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

## STANDING COMMITTEE REPORT
### Constitutional Revision and Recreation

**LEGISLATIVE BILL 557.** Placed on General File.

(Signed) Lee Rupp, Chairperson

## UNANIMOUS CONSENT - Print in Journal

Mr. Chambers asked unanimous consent to print the following amendment to LB 406 in the Journal. No objections. So ordered.

1. P. 4, line 1 strike "or", insert "and"
2. P. 4, line 7 - after "person", insert "knowledgeable of controlled substances"
3. P. 4, line 5 - strike "or", insert "and"

## VISITORS

Visitors to the Chamber were Dennis and Pricilla Millsap and children Michelle, Melony, and Dustin.

## ADJOURNMENT

At 11:52 a.m., on a motion by Mr. Chizek, the Legislature adjourned until 9:00 a.m., Wednesday, February 6, 1985.

Patrick J. O'Donnell
Clerk of the Legislature

# EIGHTEENTH DAY - FEBRUARY 6, 1985

## LEGISLATIVE JOURNAL

## EIGHTY-NINTH LEGISLATURE
## FIRST SESSION

## EIGHTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, February 6, 1985

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

## PRAYER

The prayer was offered by Rev. Janice Sutter, First Mennonite Church, Lincoln, Nebraska.

## ROLL CALL

The roll was called and all members were present except Messrs. Chronister, DeCamp, Hoagland, V. Johnson, and Schmit who were excused; and Messrs. Beutler, Hartnett, Hefner, Rogers, and Withem who were excused until they arrive.

## CORRECTIONS FOR THE JOURNAL

The Journal for the Seventeenth Day was approved.

## STANDING COMMITTEE REPORT
### Public Works

**LEGISLATIVE BILL 387.** Placed on General File as amended.
Standing Committee amendment to LB 387:
AM0071
1. On page 7, line 5, strike "executed by a lender" and show as stricken.

(Signed) Loran Schmit, Chairperson

## RESOLUTION

**LEGISLATIVE RESOLUTION 48.** Read. Considered.

LR 48 was adopted with 33 ayes, 0 nays, and 16 not voting.

## BILLS ON FINAL READING

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 1.**

A BILL FOR AN ACT relating to the Department of Social Services; to amend sections 43-654, 68-1207, and 83-1040, Reissue Revised Statutes of Nebraska, 1943; to repeal provisions relating to the Division of Social Services within the Department of Social Services; to harmonize provisions; to provide duties of the department and director; and to repeal the original sections, and also section 68-1201, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 39:

| | | | | |
|---|---|---|---|---|
| Abboud | Goll | Johnson, L. | Miller | Rupp |
| Baack | Goodrich | Johnson, R. | Morehead | Scofield |
| Barrett | Haberman | Labedz | Nelson | Sieck |
| Beyer | Hall | Lamb | Nichol | Smith |
| Carsten | Hannibal | Landis | Pappas | Vickers |
| Chizek | Harris | Lundy | Peterson | Warner |
| Conway | Hefner | Lynch | Pirsch | Wesely |
| Eret | Higgins | Marsh | Remmers | |

Voting in the negative, 0.

Present and not voting, 1:

Chambers

Excused and not voting, 9:

| | | | | |
|---|---|---|---|---|
| Beutler | DeCamp | Hoagland | Rogers | Withem |
| Chronister | Hartnett | Johnson, V. | Schmit | |

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 2.**

A BILL FOR AN ACT relating to internal references; to amend sections 14-1005, 44-1525, 70-601, and 81-187, Reissue Revised Statutes of Nebraska, 1943, and sections 28-318 and 70-619, Revised Statutes Supplement, 1984; to correct references to statutes which have been repealed; 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 | Eret | Higgins | Marsh | Remmers |
| Baack | Goll | Johnson, L. | Miller | Rupp |
| Barrett | Goodrich | Johnson, R. | Morehead | Scofield |
| Beyer | Haberman | Labedz | Nelson | Sieck |
| Carsten | Hall | Lamb | Nichol | Smith |
| Chambers | Hannibal | Landis | Pappas | Vickers |
| Chizek | Harris | Lundy | Peterson | Warner |
| Conway | Hefner | Lynch | Pirsch | Wesely |

Voting in the negative, 0.

Excused and not voting, 9:

| | | | | |
|---|---|---|---|---|
| Beutler | DeCamp | Hoagland | Rogers | Withem |
| Chronister | Hartnett | Johnson, V. | Schmit | |

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 3.**

A BILL FOR AN ACT relating to retirement; to amend sections 16-1012, 16-1032, and 18-1723, Reissue Revised Statutes of Nebraska, 1943; to correct erroneous internal references; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative

to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

| | | | | |
|---|---|---|---|---|
| Abboud | Eret | Higgins | Marsh | Remmers |
| Baack | Goll | Johnson, L. | Miller | Rupp |
| Barrett | Goodrich | Johnson, R. | Morehead | Scofield |
| Beyer | Haberman | Labedz | Nelson | Sieck |
| Carsten | Hall | Lamb | Nichol | Smith |
| Chambers | Hannibal | Landis | Pappas | Vickers |
| Chizek | Harris | Lundy | Peterson | Warner |
| Conway | Hefner | Lynch | Pirsch | Wesely |

Voting in the negative, 0.

Excused and not voting, 9:

| | | | | |
|---|---|---|---|---|
| Beutler | DeCamp | Hoagland | Rogers | Withem |
| Chronister | Hartnett | Johnson, V. | Schmit | |

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 4.**

A BILL FOR AN ACT relating to the Nebraska Commission on Aging; to repeal provisions governing the transfer of certain property and personnel and the substitution of certain terms to be made after July 17, 1982; and to repeal sections 68-1110 and 68-1111, Revised Statutes Supplement, 1984.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

| | | | | |
|---|---|---|---|---|
| Abboud | Conway | Harris | Landis | Nichol |
| Baack | Eret | Hefner | Lundy | Pappas |
| Barrett | Goll | Higgins | Lynch | Peterson |
| Beyer | Goodrich | Johnson, L. | Marsh | Pirsch |
| Carsten | Haberman | Johnson, R. | Miller | Remmers |
| Chambers | Hall | Labedz | Morehead | Rupp |
| Chizek | Hannibal | Lamb | Nelson | Scofield |

| | | | | |
|---|---|---|---|---|
| Sieck | Smith | Vickers | Warner | Wesely |

Voting in the negative, 0.

Excused and not voting, 9:

| | | | | |
|---|---|---|---|---|
| Beutler | DeCamp | Hoagland | Rogers | Withem |
| Chronister | Hartnett | Johnson, V. | Schmit | |

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 5.**

A BILL FOR AN ACT relating to the Department of Water Resources; to delete provisions governing a transfer of powers, duties, and property on September 20, 1957; and to repeal sections 46-705 to 46-707, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

| | | | | |
|---|---|---|---|---|
| Abboud | Eret | Higgins | Marsh | Remmers |
| Baack | Goll | Johnson, L. | Miller | Rupp |
| Barrett | Goodrich | Johnson, R. | Morehead | Scofield |
| Beyer | Haberman | Labedz | Nelson | Sieck |
| Carsten | Hall | Lamb | Nichol | Smith |
| Chambers | Hannibal | Landis | Pappas | Vickers |
| Chizek | Harris | Lundy | Peterson | Warner |
| Conway | Hefner | Lynch | Pirsch | Wesely |

Voting in the negative, 0.

Excused and not voting, 9:

| | | | | |
|---|---|---|---|---|
| Beutler | DeCamp | Hoagland | Rogers | Withem |
| Chronister | Hartnett | Johnson, V. | Schmit | |

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 6.**

A BILL FOR AN ACT relating to the Political Subdivision Budget Limit Act of 1979; to amend sections 16-1041, 79-1371, 79-1373, and 79-1374, Reissue Revised Statutes of Nebraska, 1943, and sections 81-1633 and 81-1634, Revised Statutes Supplement, 1984; to repeal provisions which terminated December 31, 1984; to repeal related provisions; to harmonize provisions; and to repeal the original sections, and also sections 77-3412 to 77-3423, 77-3424 to 77-3432.04, and 77-3433 to 77-3435, Reissue Revised Statutes of Nebraska, 1943, and sections 77-3423.01, 77-3432.05 to 77-3432.12, and 77-3436, Revised Statutes Supplement, 1984.

Whereupon the 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 | Eret | Higgins | Marsh | Remmers |
| Baack | Goll | Johnson, L. | Miller | Rupp |
| Barrett | Goodrich | Johnson, R. | Morehead | Scofield |
| Beyer | Haberman | Labedz | Nelson | Sieck |
| Carsten | Hall | Lamb | Nichol | Smith |
| Chambers | Hannibal | Landis | Pappas | Vickers |
| Chizek | Harris | Lundy | Peterson | Wesely |
| Conway | Hefner | Lynch | Pirsch | |

Voting in the negative, 0.

Present and not voting, 1:

Warner

Excused and not voting, 9:

| | | | | |
|---|---|---|---|---|
| Beutler | DeCamp | Hoagland | Rogers | Withem |
| Chronister | Hartnett | Johnson, V. | Schmit | |

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 7.**

A BILL FOR AN ACT relating to the Secretary of State; to repeal a provision governing the transfer of certain property on October 23,

1967; and to repeal section 11-101.04, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 39:

| | | | | |
|---|---|---|---|---|
| Abboud | Goll | Johnson, L. | Miller | Rupp |
| Baack | Goodrich | Johnson, R. | Morehead | Scofield |
| Barrett | Haberman | Labedz | Nelson | Sieck |
| Beyer | Hall | Lamb | Nichol | Smith |
| Carsten | Hannibal | Landis | Pappas | Vickers |
| Chambers | Harris | Lundy | Peterson | Warner |
| Chizek | Hefner | Lynch | Pirsch | Wesely |
| Conway | Higgins | Marsh | Remmers | |

Voting in the negative, 0.

Present and not voting, 1:

Eret

Excused and not voting, 9:

| | | | | |
|---|---|---|---|---|
| Beutler | DeCamp | Hoagland | Rogers | Withem |
| Chronister | Hartnett | Johnson, V. | Schmit | |

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 8.**

A BILL FOR AN ACT relating to the Nebraska American Revolution Bicentennial Commission; to eliminate the commission which terminated June 30, 1984; and to repeal sections 81-8,272 to 81-8,275, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

| | | | | |
|---|---|---|---|---|
| Abboud | Eret | Higgins | Marsh | Remmers |
| Baack | Goll | Johnson, L. | Miller | Rupp |
| Barrett | Goodrich | Johnson, R. | Morehead | Scofield |
| Beyer | Haberman | Labedz | Nelson | Sieck |
| Carsten | Hall | Lamb | Nichol | Smith |
| Chambers | Hannibal | Landis | Pappas | Vickers |
| Chizek | Harris | Lundy | Peterson | Warner |
| Conway | Hefner | Lynch | Pirsch | Wesely |

Voting in the negative, 0.

Excused and not voting, 9:

| | | | | |
|---|---|---|---|---|
| Beutler | DeCamp | Hoagland | Rogers | Withem |
| Chronister | Hartnett | Johnson, V. | Schmit | |

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 9.**

A BILL FOR AN ACT relating to the Nebraska Postsecondary Education Advisory Committee; to delete provisions relating to the committee which ceased to exist on July 1, 1978; and to repeal sections 50-801 to 50-808, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

| | | | | |
|---|---|---|---|---|
| Abboud | Eret | Higgins | Marsh | Remmers |
| Baack | Goll | Johnson, L. | Miller | Rupp |
| Barrett | Goodrich | Johnson, R. | Morehead | Scofield |
| Beyer | Haberman | Labedz | Nelson | Sieck |
| Carsten | Hall | Lamb | Nichol | Smith |
| Chambers | Hannibal | Landis | Pappas | Vickers |
| Chizek | Harris | Lundy | Peterson | Warner |
| Conway | Hefner | Lynch | Pirsch | Wesely |

Voting in the negative, 0.

Excused and not voting, 9:

| | | | | |
|---|---|---|---|---|
| Beutler | DeCamp | Hoagland | Rogers | Withem |
| Chronister | Hartnett | Johnson, V. | Schmit | |

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 10.**

A BILL FOR AN ACT relating to game, parks, and forestation; to eliminate obsolete language relating to the Game, Forestation and Parks Commission; and to repeal sections 85-163.07 and 85-163.08, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 39:

| | | | | |
|---|---|---|---|---|
| Abboud | Eret | Higgins | Marsh | Rupp |
| Baack | Goll | Johnson, L. | Miller | Scofield |
| Barrett | Goodrich | Johnson, R. | Nelson | Sieck |
| Beyer | Haberman | Labedz | Nichol | Smith |
| Carsten | Hall | Lamb | Pappas | Vickers |
| Chambers | Hannibal | Landis | Peterson | Warner |
| Chizek | Harris | Lundy | Pirsch | Wesely |
| Conway | Hefner | Lynch | Remmers | |

Voting in the negative, 0.

Present and not voting, 1:

Morehead

Excused and not voting, 9:

| | | | | |
|---|---|---|---|---|
| Beutler | DeCamp | Hoagland | Rogers | Withem |
| Chronister | Hartnett | Johnson, V. | Schmit | |

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 11.**

A BILL FOR AN ACT relating to state buildings; to eliminate a

provision relating to the renovation of certain buildings and the preparation of a plan by July 1, 1985; and to repeal section 81-176, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

| | | | | |
|---|---|---|---|---|
| Abboud | Eret | Higgins | Marsh | Remmers |
| Baack | Goll | Johnson, L. | Miller | Rupp |
| Barrett | Goodrich | Johnson, R. | Morehead | Scofield |
| Beyer | Haberman | Labedz | Nelson | Sieck |
| Carsten | Hall | Lamb | Nichol | Smith |
| Chambers | Hannibal | Landis | Pappas | Vickers |
| Chizek | Harris | Lundy | Peterson | Warner |
| Conway | Hefner | Lynch | Pirsch | Wesely |

Voting in the negative, 0.

Excused and not voting, 9:

| | | | | |
|---|---|---|---|---|
| Beutler | DeCamp | Hoagland | Rogers | Withem |
| Chronister | Hartnett | Johnson, V. | Schmit | |

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 12.**

A BILL FOR AN ACT relating to administrative services; to eliminate obsolete language relating to the transfer in 1965 of certain functions, powers, and duties; and to repeal sections 81-1123 to 81-1125, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

| | | | | |
|---|---|---|---|---|
| Abboud | Beyer | Chizek | Goll | Hall |
| Baack | Carsten | Conway | Goodrich | Hannibal |
| Barrett | Chambers | Eret | Haberman | Harris |

| | | | | |
|---|---|---|---|---|
| Hefner | Lamb | Miller | Peterson | Sieck |
| Higgins | Landis | Morehead | Pirsch | Smith |
| Johnson, L. | Lundy | Nelson | Remmers | Vickers |
| Johnson, R. | Lynch | Nichol | Rupp | Warner |
| Labedz | Marsh | Pappas | Scofield | Wesely |

Voting in the negative, 0.

Excused and not voting, 9:

| | | | | |
|---|---|---|---|---|
| Beutler | DeCamp | Hoagland | Rogers | Withem |
| Chronister | Hartnett | Johnson, V. | Schmit | |

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 13.**

A BILL FOR AN ACT relating to the Nebraska Center for Children and Youth Cash Fund; to eliminate obsolete language relating to the change in 1971 of the name of the fund; and to repeal section 43-912, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

| | | | | |
|---|---|---|---|---|
| Abboud | Eret | Higgins | Marsh | Remmers |
| Baack | Goll | Johnson, L. | Miller | Rupp |
| Barrett | Goodrich | Johnson, R. | Morehead | Scofield |
| Beyer | Haberman | Labedz | Nelson | Sieck |
| Carsten | Hall | Lamb | Nichol | Smith |
| Chambers | Hannibal | Landis | Pappas | Vickers |
| Chizek | Harris | Lundy | Peterson | Warner |
| Conway | Hefner | Lynch | Pirsch | Wesely |

Voting in the negative, 0.

Excused and not voting, 9:

| | | | | |
|---|---|---|---|---|
| Beutler | DeCamp | Hoagland | Rogers | Withem |
| Chronister | Hartnett | Johnson, V. | Schmit | |

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 14.**

A BILL FOR AN ACT relating to motor vehicle registration; to repeal provisions governing license plate renewal tabs which terminated May 1, 1984; and to repeal sections 60-311.22 to 60-311.24, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

| | | | | |
|---|---|---|---|---|
| Abboud | Eret | Higgins | Marsh | Remmers |
| Baack | Goll | Johnson, L. | Miller | Rupp |
| Barrett | Goodrich | Johnson, R. | Morehead | Scofield |
| Beyer | Haberman | Labedz | Nelson | Sieck |
| Carsten | Hall | Lamb | Nichol | Smith |
| Chambers | Hannibal | Landis | Pappas | Vickers |
| Chizek | Harris | Lundy | Peterson | Warner |
| Conway | Hefner | Lynch | Pirsch | Wesely |

Voting in the negative, 0.

Excused and not voting, 9:

| | | | | |
|---|---|---|---|---|
| Beutler | DeCamp | Hoagland | Rogers | Withem |
| Chronister | Hartnett | Johnson, V. | Schmit | |

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 15.**

A BILL FOR AN ACT relating to county judges; to repeal a provision governing an election in 1972; and to repeal section 24-592, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

| | | | | |
|---|---|---|---|---|
| Abboud | Eret | Higgins | Marsh | Remmers |
| Baack | Goll | Johnson, L. | Miller | Rupp |
| Barrett | Goodrich | Johnson, R. | Morehead | Scofield |
| Beyer | Haberman | Labedz | Nelson | Sieck |
| Carsten | Hall | Lamb | Nichol | Smith |
| Chambers | Hannibal | Landis | Pappas | Vickers |
| Chizek | Harris | Lundy | Peterson | Warner |
| Conway | Hefner | Lynch | Pirsch | Wesely |

Voting in the negative, 0.

Excused and not voting, 9:

| | | | | |
|---|---|---|---|---|
| Beutler | DeCamp | Hoagland | Rogers | Withem |
| Chronister | Hartnett | Johnson, V. | Schmit | |

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 16.**

A BILL FOR AN ACT relating to livestock; to repeal a section governing the transfer of certain property on July 1, 1975; and to repeal section 54-141.01, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

| | | | | |
|---|---|---|---|---|
| Abboud | Eret | Higgins | Marsh | Remmers |
| Baack | Goll | Johnson, L. | Miller | Rupp |
| Barrett | Goodrich | Johnson, R. | Morehead | Scofield |
| Beyer | Haberman | Labedz | Nelson | Sieck |
| Carsten | Hall | Lamb | Nichol | Smith |
| Chambers | Hannibal | Landis | Pappas | Vickers |
| Chizek | Harris | Lundy | Peterson | Warner |
| Conway | Hefner | Lynch | Pirsch | Wesely |

Voting in the negative, 0.

Excused and not voting, 9:

| | | | | |
|---|---|---|---|---|
| Beutler | DeCamp | Hoagland | Rogers | Withem |
| Chronister | Hartnett | Johnson, V. | Schmit | |

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 17.**

A BILL FOR AN ACT relating to elections; to eliminate a statute which provided an operative date; and to repeal section 32-202.01, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

| | | | | |
|---|---|---|---|---|
| Abboud | Eret | Higgins | Marsh | Remmers |
| Baack | Goll | Johnson, L. | Miller | Rupp |
| Barrett | Goodrich | Johnson, R. | Morehead | Scofield |
| Beyer | Haberman | Labedz | Nelson | Sieck |
| Carsten | Hall | Lamb | Nichol | Smith |
| Chambers | Hannibal | Landis | Pappas | Vickers |
| Chizek | Harris | Lundy | Peterson | Warner |
| Conway | Hefner | Lynch | Pirsch | Wesely |

Voting in the negative, 0.

Excused and not voting, 9:

| | | | | |
|---|---|---|---|---|
| Beutler | DeCamp | Hoagland | Rogers | Withem |
| Chronister | Hartnett | Johnson, V. | Schmit | |

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 18.**

A BILL FOR AN ACT relating to natural resources; to eliminate a statute which governed substitution of terms for a commission and committee; and to repeal section 2-3260, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

| | | | | |
|---|---|---|---|---|
| Abboud | Eret | Higgins | Marsh | Remmers |
| Baack | Goll | Johnson, L. | Miller | Rupp |
| Barrett | Goodrich | Johnson, R. | Morehead | Scofield |
| Beyer | Haberman | Labedz | Nelson | Sieck |
| Carsten | Hall | Lamb | Nichol | Smith |
| Chambers | Hannibal | Landis | Pappas | Vickers |
| Chizek | Harris | Lundy | Peterson | Warner |
| Conway | Hefner | Lynch | Pirsch | Wesely |

Voting in the negative, 0.

Excused and not voting, 9:

| | | | | |
|---|---|---|---|---|
| Beutler | DeCamp | Hoagland | Rogers | Withem |
| Chronister | Hartnett | Johnson, V. | Schmit | |

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 19.**

A BILL FOR AN ACT relating to criminal procedure; to amend sections 28-801, 29-422, 29-424, 29-428, and 29-435, Reissue Revised Statutes of Nebraska, 1943; to eliminate an obsolete statute which provided operative dates for certain provisions; to harmonize provisions; and to repeal the original sections, and also section 29-430, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

| | | | | |
|---|---|---|---|---|
| Abboud | Chambers | Goodrich | Hefner | Lamb |
| Baack | Chizek | Haberman | Higgins | Landis |
| Barrett | Conway | Hall | Johnson, L. | Lundy |
| Beyer | Eret | Hannibal | Johnson, R. | Lynch |
| Carsten | Goll | Harris | Labedz | Marsh |

| | | | | |
|---|---|---|---|---|
| Miller | Nichol | Pirsch | Scofield | Vickers |
| Morehead | Pappas | Remmers | Sieck | Warner |
| Nelson | Peterson | Rupp | Smith | Wesely |

Voting in the negative, 0.

Excused and not voting, 9:

| | | | | |
|---|---|---|---|---|
| Beutler | DeCamp | Hoagland | Rogers | Withem |
| Chronister | Hartnett | Johnson, V. | Schmit | |

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 20.**

A BILL FOR AN ACT relating to adoption; to eliminate a statute which applied to certain cases pending on March 1, 1971; and to repeal section 43-104.01, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

| | | | | |
|---|---|---|---|---|
| Abboud | Eret | Higgins | Marsh | Remmers |
| Baack | Goll | Johnson, L. | Miller | Rupp |
| Barrett | Goodrich | Johnson, R. | Morehead | Scofield |
| Beyer | Haberman | Labedz | Nelson | Sieck |
| Carsten | Hall | Lamb | Nichol | Smith |
| Chambers | Hannibal | Landis | Pappas | Vickers |
| Chizek | Harris | Lundy | Peterson | Warner |
| Conway | Hefner | Lynch | Pirsch | Wesely |

Voting in the negative, 0.

Excused and not voting, 9:

| | | | | |
|---|---|---|---|---|
| Beutler | DeCamp | Hoagland | Rogers | Withem |
| Chronister | Hartnett | Johnson, V. | Schmit | |

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 21.**

A BILL FOR AN ACT relating to the Department of Motor Vehicles; to repeal obsolete provisions governing a transfer of duties and substitution of names; and to repeal sections 60-1505, 60-1507, 60-1508, and 60-1510 to 60-1512, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

| | | | | |
|---|---|---|---|---|
| Abboud | Eret | Higgins | Marsh | Remmers |
| Baack | Goll | Johnson, L. | Miller | Rupp |
| Barrett | Goodrich | Johnson, R. | Morehead | Scofield |
| Beyer | Haberman | Labedz | Nelson | Sieck |
| Carsten | Hall | Lamb | Nichol | Smith |
| Chambers | Hannibal | Landis | Pappas | Vickers |
| Chizek | Harris | Lundy | Peterson | Warner |
| Conway | Hefner | Lynch | Pirsch | Wesely |

Voting in the negative, 0.

Excused and not voting, 9:

| | | | | |
|---|---|---|---|---|
| Beutler | DeCamp | Hoagland | Rogers | Withem |
| Chronister | Hartnett | Johnson, V. | Schmit | |

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 22.**

A BILL FOR AN ACT relating to revenue and taxation; to delete a provision governing taxation for 1981; and to repeal section 77-1357, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

| | | | | |
|---|---|---|---|---|
| Abboud | Eret | Higgins | Marsh | Remmers |
| Baack | Goll | Johnson, L. | Miller | Rupp |
| Barrett | Goodrich | Johnson, R. | Morehead | Scofield |
| Beyer | Haberman | Labedz | Nelson | Sieck |
| Carsten | Hall | Lamb | Nichol | Smith |
| Chambers | Hannibal | Landis | Pappas | Vickers |
| Chizek | Harris | Lundy | Peterson | Warner |
| Conway | Hefner | Lynch | Pirsch | Wesely |

Voting in the negative, 0.

Excused and not voting, 9:

| | | | | |
|---|---|---|---|---|
| Beutler | DeCamp | Hoagland | Rogers | Withem |
| Chronister | Hartnett | Johnson, V. | Schmit | |

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 23.**

A BILL FOR AN ACT relating to livestock; to delete definitions which applied to sections which have been repealed; and to repeal sections 54-726.01 and 54-726.03, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

| | | | | |
|---|---|---|---|---|
| Abboud | Eret | Higgins | Marsh | Remmers |
| Baack | Goll | Johnson, L. | Miller | Rupp |
| Barrett | Goodrich | Johnson, R. | Morehead | Scofield |
| Beyer | Haberman | Labedz | Nelson | Sieck |
| Carsten | Hall | Lamb | Nichol | Smith |
| Chambers | Hannibal | Landis | Pappas | Vickers |
| Chizek | Harris | Lundy | Peterson | Warner |
| Conway | Hefner | Lynch | Pirsch | Wesely |

Voting in the negative, 0.

Excused and not voting, 9:

| | | | | |
|---|---|---|---|---|
| Beutler | DeCamp | Hoagland | Rogers | Withem |
| Chronister | Hartnett | Johnson, V. | Schmit | |

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 24.**

A BILL FOR AN ACT relating to insurance; to delete a statute which mandated a study to be completed no later than January 1, 1984; and to repeal section 44-1639, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

| | | | | |
|---|---|---|---|---|
| Abboud | Eret | Higgins | Marsh | Remmers |
| Baack | Goll | Johnson, L. | Miller | Rupp |
| Barrett | Goodrich | Johnson, R. | Morehead | Scofield |
| Beyer | Haberman | Labedz | Nelson | Sieck |
| Carsten | Hall | Lamb | Nichol | Smith |
| Chambers | Hannibal | Landis | Pappas | Vickers |
| Chizek | Harris | Lundy | Peterson | Warner |
| Conway | Hefner | Lynch | Pirsch | Wesely |

Voting in the negative, 0.

Excused and not voting, 9:

| | | | | |
|---|---|---|---|---|
| Beutler | DeCamp | Hoagland | Rogers | Withem |
| Chronister | Hartnett | Johnson, V. | Schmit | |

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 25.**

A BILL FOR AN ACT relating to roads; to amend sections 39-2508 and 39-2509, Reissue Revised Statutes of Nebraska, 1943; to delete a provision governing the amount of money to be allocated to each county for road purposes in 1970 and 1971; to harmonize provisions; and to repeal the original sections, and also section 39-2506, Reissue

Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

| | | | | |
|---|---|---|---|---|
| Abboud | Eret | Higgins | Marsh | Remmers |
| Baack | Goll | Johnson, L. | Miller | Rupp |
| Barrett | Goodrich | Johnson, R. | Morehead | Scofield |
| Beyer | Haberman | Labedz | Nelson | Sieck |
| Carsten | Hall | Lamb | Nichol | Smith |
| Chambers | Hannibal | Landis | Pappas | Vickers |
| Chizek | Harris | Lundy | Peterson | Warner |
| Conway | Hefner | Lynch | Pirsch | Wesely |

Voting in the negative, 0.

Excused and not voting, 9:

| | | | | |
|---|---|---|---|---|
| Beutler | DeCamp | Hoagland | Rogers | Withem |
| Chronister | Hartnett | Johnson, V. | Schmit | |

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 26.**

A BILL FOR AN ACT relating to the Nebraska Center for Children and Youth; to repeal a directive governing substitution of certain terms; and to repeal section 43-901.01, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

| | | | | |
|---|---|---|---|---|
| Abboud | Chambers | Goodrich | Hefner | Lamb |
| Baack | Chizek | Haberman | Higgins | Landis |
| Barrett | Conway | Hall | Johnson, L. | Lundy |
| Beyer | Eret | Hannibal | Johnson, R. | Lynch |
| Carsten | Goll | Harris | Labedz | Marsh |

| | | | | |
|---|---|---|---|---|
| Miller | Nichol | Pirsch | Scofield | Vickers |
| Morehead | Pappas | Remmers | Sieck | Warner |
| Nelson | Peterson | Rupp | Smith | Wesely |

Voting in the negative, 0.

Excused and not voting, 9:

| | | | | |
|---|---|---|---|---|
| Beutler | DeCamp | Hoagland | Rogers | Withem |
| Chronister | Hartnett | Johnson, V. | Schmit | |

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 27.**

A BILL FOR AN ACT relating to energy audits; to delete provisions which have expired; to eliminate the Energy Audits Revolving Fund; and to repeal sections 81-1629 to 81-1631, Reissue Revised Statutes of Nebraska, 1943, and sections 81-1627 and 81-1628, Revised Statutes Supplement, 1984.

Whereupon the 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 | Eret | Higgins | Marsh | Remmers |
| Baack | Goll | Johnson, L. | Miller | Rupp |
| Barrett | Goodrich | Johnson, R. | Morehead | Scofield |
| Beyer | Haberman | Labedz | Nelson | Sieck |
| Carsten | Hall | Lamb | Nichol | Smith |
| Chambers | Hannibal | Landis | Pappas | Vickers |
| Chizek | Harris | Lundy | Peterson | Warner |
| Conway | Hefner | Lynch | Pirsch | Wesely |

Voting in the negative, 0.

Excused and not voting, 9:

| | | | | |
|---|---|---|---|---|
| Beutler | DeCamp | Hoagland | Rogers | Withem |
| Chronister | Hartnett | Johnson, V. | Schmit | |

A constitutional majority having voted in the affirmative, the

bill was declared passed and the title agreed to.

## RESOLUTION

**LEGISLATIVE RESOLUTION 49.**

Introduced by Miller, 37th District; Landis, 46th District; R. Johnson, 34th District; Carsten, 2nd District; Barrett, 39th District; Pappas, 42nd District; Sieck, 24th District; Eret, 32nd District; Chizek, 31st District; Beyer, 3rd District.

Whereas millions are starving in Africa and many Nebraska farmers face imminent bankruptcy, primarily because of the low price of grain; and

Whereas the United States has a reserve of grain sufficient to save the lives of most endangered Africans; and

Whereas sending the reserve to Africa will raise the price of grain considerably...

The Nebraska Legislature calls upon the Governor to examine a Nebraska-Led, National Program called Project Neighbor, for feasibility and desirability, as a solution to the aforementioned crises.

Laid over.

## UNANIMOUS CONSENT - Print in Journal

Messrs. Vickers and V. Johnson asked unanimous consent to print the following amendment to LB 681 in the Journal. No objections. So ordered.

Section 1. That section 72-202, Revised Statutes Supplement, 1984, be amended to read as follows:

72-202. The Board of Educational Lands and Funds shall notify the state investment officer of the funds derived from the sale of school lands. Any such funds, whether currently or previously received, and the interest therefrom ~~shall~~ may be used by the board to acquire additional lands for educational purposes which shall be held in trust for the support and maintenance of the common schools in the same manner as all other educational lands. The remainder of such funds shall be invested by the state investment officer pursuant to ~~the provisions of~~ sections 72-1237 to 72-1269. The board shall notify the state investment officer as to the amount of funds currently invested from the sale of school lands and the state investment officer shall direct the reinvestment of such funds as may be required.

The board shall notify the state investment officer of the funds

available from all bonds or notes issued by the government of the United States, ~~or~~ the State of Nebraska, or any county, school district, or municipality therein that the board has purchased. The purchased bonds or notes shall be placed in the custody and control of the State Treasurer under the same conditions as other state money. The state investment officer shall manage the funds as follows: (1) When necessary to pay a premium for bonds for such funds, the amount of the premium shall be amortized over the term of the bonds from the interest received on such bonds; and (2) when bonds for such funds are purchased at a discount, the amount of the discount shall be used to purchase additional bonds.

In exercising its discretion to acquire additional lands for educational purposes as provided in this section, the board shall purchase the same for a price that is no higher than the then current selling price of similar land similarly located and shall not acquire additional lands for educational purposes in any township if such additional educational lands so acquired together with all other educational lands in the same township would exceed a total of 1,280 surface acres as of the time of such acquisition.

Sec. 2. That original section 72-202, Revised Statutes Supplement, 1984, is repealed.

Mr. Pappas asked unanimous consent to print the following amendment to LB 116 in the Journal. No objections. So ordered.

1. On page 3, line 8, after the words, "primary class" insert the words "and Cities of the first class are" Strike the the word "is" on line 8.

## PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: LBs 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, and 27.

## GENERAL FILE

**LEGISLATIVE BILL 53.** Title read. Considered.

Advanced to E & R for Review with 26 ayes, 3 nays, 11 present and not voting, and 9 excused and not voting.

Mr. Goll asked unanimous consent to be excused until he returns.

No objections. So ordered.

**LEGISLATIVE BILL 422.** Title read. Considered.

Mr. Pappas asked unanimous consent to be excused until he returns. 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 REPORTS
### Agriculture and Environment

**LEGISLATIVE BILL 264.** Placed on General File.

**LEGISLATIVE BILL 162.** Indefinitely postponed.

(Signed) Rod Johnson, Chairperson

## NOTICE OF COMMITTEE HEARINGS
### Agriculture and Environment

| | | |
|---|---|---|
| LB 56 | Thursday, February 14, 1985 | 1:30 p.m. |
| LB 443 | Thursday, February 14, 1985 | 1:30 p.m. |
| LB 460 | Thursday, February 14, 1985 | 1:30 p.m. |
| LB 322 | Friday, February 15, 1985 | 1:30 p.m. |
| LB 474 | Friday, February 15, 1985 | 1:30 p.m. |
| LB 696 | Friday, February 15, 1985 | 1:30 p.m. |
| LB 97 | Thursday, February 21, 1985 | 1:30 p.m. |
| LB 456 | Thursday, February 21, 1985 | 1:30 p.m. |
| LB 555 | Thursday, February 21, 1985 | 1:30 p.m. |
| LB 137 | Friday, February 22, 1985 | 1:30 p.m. |
| LB 389 | Friday, February 22, 1985 | 1:30 p.m. |
| LB 444 | Friday, February 22, 1985 | 1:30 p.m. |
| LB 503 | Thursday, February 28, 1985 | 1:30 p.m. |
| LB 596 | Thursday, February 28, 1985 | 1:30 p.m. |
| LB 628 | Thursday, February 28, 1985 | 1:30 p.m. |
| LB 458 | Friday, March 1, 1985 | 1:30 p.m. |
| LB 459 | Friday, March 1, 1985 | 1:30 p.m. |
| LB 537 | Friday, March 1, 1985 | 1:30 p.m. |

| | | |
|---|---|---|
| LB 617 | Friday, March 1, 1985 | 1:30 p.m. |
| LB 463 | Thursday, February 14 (Cancelled) | 1:30 p.m. |
| LB 463 | Thursday, February 28 (Reset) | 1:30 p.m. |
| LB 127 | Thursday, March 7, 1985 | 1:30 p.m. |
| LB 312 | Thursday, March 7, 1985 | 1:30 p.m. |
| LB 380 | Thursday, March 7, 1985 | 1:30 p.m. |
| LB 638 | Thursday, March 7, 1985 | 1:30 p.m. |
| LB 441 | Friday, March 8, 1985 | 1:30 p.m. |
| LB 589 | Friday, March 8, 1985 | 1:30 p.m. |
| LB 619 | Friday, March 8, 1985 | 1:30 p.m. |
| LB 671 | Friday, March 8, 1985 | 1:30 p.m. |

(Signed) Rod Johnson, Chairperson

## SELECT FILE

**LEGISLATIVE BILL 30.** E & R amendments, AM5010, found in the Journal on page 459 for the Seventeenth Day were adopted.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 51.** E & R amendment, AM5007, found in the Journal on page 460 for the Seventeenth Day was adopted.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 52.** E & R amendments, AM5008, found in the Journal on page 460 for the Seventeenth Day were adopted.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 128.** Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 109.** E & R amendments, AM5009, found in the Journal on page 460 for the Seventeenth Day were adopted.

Messrs. Hannibal and Barrett offered the following amendment:
1. On page 2, lines 15 and 20, strike the new matter.

The Hannibal-Barrett amendment was adopted with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 126.** E & R amendment, AM5011, found in the Journal on page 460 for the Seventeenth Day was adopted.

Mr. Remmers moved to indefinitely postpone LB 126.

Laid over.

**LEGISLATIVE BILL 41.** Advanced to E & R for Engrossment.

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

**LEGISLATIVE BILL 187.** E & R amendment, AM5012, found in the Journal on page 463 for the Seventeenth Day was adopted.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 151.** Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 417.** Advanced to E & R for Engrossment.

## SELECT COMMITTEE REPORTS
### Enrollment and Review

**LEGISLATIVE BILL 42.** Placed on Select File as amended.
E & R amendments to LB 42:
AM5013

1. In the Standing Committee amendments, AM0027, adopted February 4, 1985, on page 1, line 10, strike the underscored comma; and in line 11 after "after" insert "the second".

2. On page 13, line 14, after "create" insert ", under section 81-104.01," and strike "under section"; and in line 15 strike "81-104.01".

3. On page 17, line 4, after "court" insert "as provided in section 15 of this act"; and in line 6 strike "under section 14 of this act" and insert "by the Bureau of Vital Statistics and the Director of Health".

**LEGISLATIVE BILL 129.** Placed on Select File as amended.
E & R amendments to LB 129:
AM5014

1. On page 3, lines 13, 14, and 16, strike

the first comma and show as stricken.

2. On page 6, line 2, strike the comma and show as stricken.

3. On page 9, line 9, strike the second comma and show as stricken; and in line 26 strike the comma and show as stricken.

4. On page 10, line 22, strike the third comma and show as stricken; and in line 23 strike "the provisions of" and show as stricken.

5. On page 13, lines 13 and 14, strike the last comma and show as stricken.

6. On page 16, line 16, strike the comma and show as stricken.

7. On page 21, line 2, strike "71-1,194, and" and the last underscored comma.

8. Insert the following new section:

"Sec. 34. The Revisor of Statutes shall, whenever the number 71-1,197 appears in sections 71-1,198, 71-1,207, 71-1,212, 71-1,217, 71-1,219, 71-1,220, and 71-1,221, substitute the number 71-1,196.".

9. Renumber remaining sections accordingly.

(Signed) Timothy Hall, Chairperson

## VISITOR

Visitor to the Chamber was Dr. John Wilcox of Aurora.

## ADJOURNMENT

At 10:37 a.m., on a motion by Mr. Lundy, the Legislature adjourned until 9:00 a.m., Thursday, February 7, 1985.

Patrick J. O'Donnell
Clerk of the Legislature

# NINETEENTH DAY - FEBRUARY 7, 1985

# LEGISLATIVE JOURNAL

# LEGISLATIVE JOURNAL

## EIGHTY-NINTH LEGISLATURE
## FIRST SESSION

## NINETEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, February 7, 1985

Pursuant to adjournment, the Legislature met at 9:06 a.m., Speaker Nichol presiding.

## PRAYER

The prayer was offered by Rev. Eddy Hallock, Southview Baptist Church, Lincoln, Nebraska.

## ROLL CALL

The roll was called and all members were present except Messrs. DeCamp, and Hoagland who were excused; and Messrs. Chambers, Eret, Lamb, Lynch, Schmit, Warner, and Mrs. Morehead who were excused until they arrive.

## CORRECTIONS FOR THE JOURNAL

The Journal for the Eighteenth Day was approved.

## PRESENTED TO THE GOVERNOR

Presented to the Governor on February 6, 1985, at 11:10 a.m., were the following bills: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, and 27.

(Signed) Pam Moravec, Enrolling Clerk

## ATTORNEY GENERAL'S OPINION

Opinion No. 15

February 5, 1985

Dear Senator R. Johnson:

You have asked whether or not a feed lot operator who custom or contract feeds livestock other than his or her own must hold a valid registration or license pursuant to §54-820.01(1), RRS, 1943, and pursuant to REQ 0088 which you attached to your letter.

In relation to the requirements of §54-820.01(1), it provides in part that "No person shall manufacture or distribute commercial feed in this state unless such person holds a valid registration for each manufacturing and storage facility in this state...." Commercial feeds are defined in §54-820(4) as "...all materials which are distributed for use in feeding animals other than man." Distribute is defined in §54-820(2) as "...to offer for sale, sell, barter, or otherwise supply commercial feeds."

In an effort to understand the situation presented by your letter, the Department of Agriculture, which is charged with administering this set of statutes, was contacted. The department indicated that they have contacted other states in the region which have a statutory scheme similar to the one set forth above, and that none of the states require the registration of feed lot operators in the situation you have presented. Moreover, the department indicated that they were not aware of any problems either in this state or in any other states as a result of lack of registration.

The statutory scheme of which §54-820.01 is a part, was originally enacted by LB 158 of the laws of 1951. Testimony before the Agricultural Committee on that bill indicated that it was directed at problems that the State of Nebraska was having because of it becoming a dumping ground for commercial feeds. The bill was an attempt to stop the sale of feeds that do not measure up to the specifications set forth on labels attached to the feeds and to place more responsibility on feed dealers and manufacturers. There was no testimony before the committee directed to the operation of feed lots. Additionally, this section was amended by LB 224 of the laws of 1953, LB 91 of the laws of 1977, and LB 617 of the laws of 1983, but no testimony regarding any of those bills could be located that indicated either a change of intent or that the statute should be applied to feed lots.

In addition to this apparent lack of legislative intent to have the statute apply to the situation you have presented, the situation itself appears less like a sale or supply of feed and more like an agistment. An agistment is a bailment of animals for the purpose of grazing or pasturing. The situation you have presented appears to be a bailment of animals for the purpose of feeding, which is more like an agistment

than a sale or supply of commercial feeds. When the owner of livestock places them in the custody of a custom or contract feed lot operator, that owner is being predominately provided a service, and the transfer of the feed, which is fed to the livestock, is merely an incident to the contract between the owner and the operator.

A sale has been defined as "A transfer of the absolute or general property in a thing for a price in money, which the buyer pays or promises to pay for the thing bought and sold." State ex rel. Spillman v. Central Purchasing Company, 118 Neb. 383, 389 (1929). Additionally, the Uniform Commercial Code provides: "A 'sale' consists in the passing of title from the seller to the buyer for a price." U.C.C. §2-106(1). Also "bartering" or "otherwise supplying" feed, as specified in the statute, would also suggest that the statute would apply only in the situation in which title to the feed is conveyed from one party to another. On the other hand, the situation you have presented involves a custom or contract feed lot operator entering into a contract with the livestock owner which provides for the feed lot operator to provide work, labor, and material but not title to the feed. A feed lot operator would be engaging in a conveyance of title if there was an agreement for a certain type and quantity of commercial feed to be provided for an agreed upon sum and at a set time.

Because the type of situation you have presented is presumed to not encompass a sale, barter, or otherwise supplying feed as that has been defined herein, the registration provision of §54-820.01(1), RRS 1943, would not apply to a custom or contract feed lot operator who feeds livestock other than his or her own. Additionally, because of the similar language and no indication of a change in legislative intent in the proposed legislation attached to your letter, it likewise would not apply to such feed lot operators.

We hope that this letter has been of some assistance to you. If we can be of any further service, please feel free to call upon us.

Very truly yours,
A. EUGENE CRUMP
Deputy Attorney General
(Signed) LeRoy W. Sievers
Assistant Attorney General

LWS:ccb
cc: Patrick J. O'Donnell
Clerk of the Legislature

## SELECT COMMITTEE REPORTS
### Enrollment and Review

**LEGISLATIVE BILL 249.** Placed on Select File as amended.
E & R amendments to LB 249:
AM5015

1. In the Standing Committee amendments, AM0006, adopted February 4, 1985, on page 8, line 2, after "age" insert an underscored comma and strike "and unmarried," and show as stricken; and in line 3 strike "harelip", show as stricken, and insert "cleft lip".

2. On page 1, strike beginning with "section" in line 1 through "1984" in line 2 and insert "sections 43-654, 68-1405, and 71-1401 to 71-1403, Reissue Revised Statutes of Nebraska, 1943, and sections 68-309, 68-313, 68-717, and 71-1404, Revised Statutes Supplement, 1984; to change terminology"; and in line 4 strike "section" and insert "sections".

**LEGISLATIVE BILL 191.** Placed on Select File as amended.
E & R amendment to LB 191:
AM5016

1. On page 5, line 6, and page 6, line 2, strike the comma and show as stricken.

**LEGISLATIVE BILL 272.** Placed on Select File as amended.
E & R amendment to LB 272:
AM5017

1. In the Standing Committee amendments, AM0039, adopted February 4, 1985, on page 1, line 2, insert paragraphing after "insert".

**LEGISLATIVE BILL 75.** Placed on Select File.
**LEGISLATIVE BILL 81.** Placed on Select File.
**LEGISLATIVE BILL 96.** Placed on Select File.

**LEGISLATIVE BILL 193.** Placed on Select File as amended.
E & R amendments to LB 193:
AM5018

1. On page 2, line 2, after "Revised" insert "Statutes"; strike beginning with the period in line 17 through the comma in line 19; and in line 19 after "or" insert "of any".

2. On page 3, lines 4 and 5, strike the new matter; in line 6 reinstate the stricken "or"; in line 7 strike the new matter and insert "and actions"; and in line 9 reinstate the stricken "and transactions".

**LEGISLATIVE BILL 240.** Placed on Select File as amended.
E & R amendment to LB 240:
AM5019

1. On page 2, line 18, strike "armed forces", show as stricken, and insert "Armed Forces".

**LEGISLATIVE BILL 337.** Placed on Select File.

(Signed) Timothy Hall, Chairperson

## STANDING COMMITTEE REPORTS
### Constitutional Revision and Recreation

**LEGISLATIVE BILL 223.** Placed on General File as amended.
Standing Committee amendment to LB 223:
AM0095

1. On page 2, line 20, after "concurrent" insert "criminal" and strike ",both civil and criminal,".

**LEGISLATIVE RESOLUTION 23CA.** Placed on General File as amended.
Standing Committee amendments to LR 23CA:
AM0094

1. On page 2, line 3, after "regular" insert "ninety-day"; and in line 4 after the first "the" insert "preceding" and strike beginning with "of" through "replace".

2. On page 3, line 15, strike "when" and insert "on which" and strike "meets" and insert "convenes"; and in line 16 strike "when" and insert "on which".

(Signed) Lee Rupp, Chairperson

## SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolution: LR 48.

## REPORTS

Received biennial report from the State Treasurer pursuant to Statute 84-602 R.R.S.

Received a list of registered Professional Landscape Architects in the State of Nebraska from the State Board of Landscape Architects.

Received the Nebraska State Patrol Drug Control Fund Report in accordance with Statute 28-429 (3).

Received from the Investment Council an amended or corrected report of lists of South Africa related investments as of December 31, 1984, as required by 72-1273 (3) and 72-1274 (2) of the Nebraska Statutes.

Received report from the Department of Social Services of the transition to State Administration of Social Services.

## UNANIMOUS CONSENT - Add Co-Introducer

Mrs. Higgins asked unanimous consent to have her name added as co-introducer to LR 28CA. No objections. So ordered.

## RESOLUTION

**LEGISLATIVE RESOLUTION 49.** Read. Considered.

LR 49 was adopted with 33 ayes, 0 nays, and 16 not voting.

## GENERAL FILE

**LEGISLATIVE BILL 129A.** Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays, 14 present and not voting, and 8 excused and not voting.

**LEGISLATIVE BILL 48.** Title read. Considered.

Standing Committee amendments, AM0028, found in the Journal on page 422 for the Fourteenth Day were considered.

Mrs. Marsh requested a division of the question on the Standing Committee amendments.

The Chair sustained the division of the question.

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

The first Standing Committee amendment is as follows:

2. On page 3, after line 22 insert:

"(2) The department shall develop and administer a test to all licensees referred to in subsection (1) of this section. Such licensees shall be required to take the test every two years, prior to the end of their two-year period, and to answer seventy per cent of the questions on the test correctly. The director may assess a fee for the test to cover the costs of administering the test.".

Mrs. Higgins requested a record vote on the first Standing Committee amendment.

Voting in the affirmative, 9:

| | | | | |
|---|---|---|---|---|
| Haberman | Hannibal | Higgins | Pappas | Vickers |
| Hall | Hartnett | Labedz | Pirsch | |

Voting in the negative, 27:

| | | | | |
|---|---|---|---|---|
| Abboud | Goll | Lamb | Nichol | Sieck |
| Baack | Goodrich | Landis | Peterson | Smith |
| Barrett | Harris | Lundy | Remmers | Withem |
| Beyer | Hefner | Lynch | Rogers | |
| Carsten | Johnson, L. | Miller | Rupp | |
| Chronister | Johnson, V. | Nelson | Scofield | |

Present and not voting, 6:

| | | | | |
|---|---|---|---|---|
| Beutler | Conway | Johnson, R. | Marsh | Warner |
| Chizek | | | | |

Excused and not voting, 7:

| | | | | |
|---|---|---|---|---|
| Chambers | Eret | Morehead | Schmit | Wesely |
| DeCamp | Hoagland | | | |

The first Standing Committee amendment lost with 9 ayes, 27 nays, 6 present and not voting, and 7 excused and not voting.

The second Standing Committee amendment is as follows:

1. On page 2, line 24, after "44-3904."

insert "(1)".

3. Insert the following new sections:

"Sec. 3. That section 44-4034, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

44-4034. No insurance company admitted to do business in this state shall accept applications for, write, place, or cause to be written or placed any policy of insurance the solicitation of which involves an insurance agent, insurance broker, or insurance agency and which covers ~~covering~~ risks located or residing in this state except through a licensed agent who has been appointed by such company pursuant to section 44-4035 or through an individual licensed as a broker in this state.

Sec. 5. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

4. On page 3, line 23, strike "and" and insert a comma; and in line 24, after the first comma insert "and 44-4034,".

5. Renumber section 3 as section 4.

The second Standing Committee amendment was adopted with 31 ayes, 0 nays, 11 present and not voting, and 7 excused and not voting.

Advanced to E & R for Review with 32 ayes, 1 nay, 9 present and not voting, and 7 excused and not voting.

**LEGISLATIVE BILL 224.** Title read. Considered.

Advanced to E & R for Review with 34 ayes, 0 nays, 10 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 86.** Title read. Considered.

Standing Committee amendment, AM0030, found in the Journal on page 465 for the Seventeenth Day was adopted with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

Advanced to E & R for Review with 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

**UNANIMOUS CONSENT - Print in Journal**

Mr. Beutler asked unanimous consent to print the following amendment to LB 179 in the Journal. No objections. So ordered.

Move to amend Comm. amendment to LB 179 by striking the words on line 8:
"based upon the nature of the business."
and by changing the words "reasonable assessibility" on line 6 to "ingress and egress"

## STANDING COMMITTEE REPORT
### Business and Labor

**LEGISLATIVE BILL 229.** Indefinitely postponed.

(Signed) Bill Barrett, Chairperson

## UNANIMOUS CONSENT - Members Excused

Messrs. Wesely, Baack, and Harris asked unanimous consent to be excused until they return. No objections. So ordered.

## NOTICE OF COMMITTEE HEARINGS
### Nebraska Retirement Systems

| | | |
|---|---|---|
| LB 92 | Tuesday, March 5, 1985 (Cancelled) | 12:00 noon |
| LB 92 | Wednesday, February 20, 1985 (Reset) | 12:00 noon |

(Signed) Bill Harris, Chairperson

### Miscellaneous Subjects

Gubernatorial Appts. Thursday, February 14, 1985 1:30 p.m.
David Catalan, Nebraska Arts Council
Elizabeth A. Planer McKibbin, Nebraska Arts Council
Michael Shonsey, Nebraska Arts Council

Gubernatorial Appts. Thursday, February 21, 1985 1:30 p.m.
Lucy M. Buntain, Nebraska Arts Council

(Signed) Elroy M. Hefner, Chairperson

### Public Works

| | | |
|---|---|---|
| LB 225 | Wednesday, February 20, 1985 | 1:30 p.m. |
| LB 302 | Wednesday, February 20, 1985 | 1:30 p.m. |

| | | |
|---|---|---|
| LB 360 | Wednesday, February 20, 1985 | 1:30 p.m. |
| LB 374 | Wednesday, February 20, 1985 | 1:30 p.m. |
| LB 569 | Wednesday, February 20, 1985 | 1:30 p.m. |

Thursday, February 21st hearing to be held in Room 1019:

| | | |
|---|---|---|
| LB 356 | Thursday, February 21, 1985 | 1:30 p.m. |
| LB 404 | Thursday, February 21, 1985 | 1:30 p.m. |
| LB 436 | Thursday, February 21, 1985 | 1:30 p.m. |
| LB 437 | Thursday, February 21, 1985 | 1:30 p.m. |
| LB 510 | Thursday, February 21, 1985 | 1:30 p.m. |
| LB 697 | Thursday, February 21, 1985 | 1:30 p.m. |
| | | |
| LB 310 | Friday, February 22, 1985 | 1:30 p.m. |
| LB 381 | Friday, February 22, 1985 | 1:30 p.m. |
| LB 502 | Friday, February 22, 1985 | 1:30 p.m. |
| LB 601 | Friday, February 22, 1985 | 1:30 p.m. |
| | | |
| LB 66 | Thursday, February 28, 1985 | 1:30 p.m. |
| LB 161 | Thursday, February 28, 1985 | 1:30 p.m. |
| LB 378 | Thursday, February 28, 1985 | 1:30 p.m. |
| LB 661 | Thursday, February 28, 1985 | 1:30 p.m. |
| LB 640 | Thursday, February 28, 1985 | 1:30 p.m. |
| LB 584 | Thursday, February 28, 1985 | 1:30 p.m. |
| | | |
| LB 468 | Friday, March 1, 1985 | 1:30 p.m. |
| LB 472 | Friday, March 1, 1985 | 1:30 p.m. |
| LB 476 | Friday, March 1, 1985 | 1:30 p.m. |
| LB 704 | Friday, March 1, 1985 | 1:30 p.m. |
| LB 672 | Friday, March 1, 1985 | 1:30 p.m. |
| LB 524 | Friday, March 1, 1985 | 1:30 p.m. |

(Signed) Loran Schmit, Chairperson

## STANDING COMMITTEE REPORT
### Nebraska Retirement Systems

The Nebraska Retirement Systems Committee, in executive session, voted to recommend that the Legislature confirm the following appointment to the Public Employee Retirement Board: Anne B. Brookes.

Senator Warner moved, and Senator Goodrich seconded that the above be recommended for confirmation. Voting aye were Senators Harris, Abboud, Vickers, Goodrich, Warner and Wesely.

(Signed) Bill Harris, Chairperson

## BILLS ON FIRST READING

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

**LEGISLATIVE BILL 101A.** By Goodrich, 20th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 101, Eighty-ninth Legislature, First Session, 1985; and to declare an emergency.

**LEGISLATIVE BILL 323A.** By Lynch, 13th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 323, Eighty-ninth Legislature, First Session, 1985.

## SELECT COMMITTEE REPORTS
### Enrollment and Review

**LEGISLATIVE BILL 338.** Placed on Select File.

**LEGISLATIVE BILL 341.** Placed on Select File as amended.
E & R amendment to LB 341:
AM5020

1. On page 5, lines 13 and 23, strike "workmen's", show as stricken, and insert "worker's".

**LEGISLATIVE BILL 339.** Placed on Select File as amended.
E & R amendments to LB 339:
AM5021

1. On page 14, line 6, strike "subsection", show as stricken, and insert "subdivision".
2. On page 30, line 10, strike "rent-free", show as stricken, and insert "rent free".
3. On page 34, line 14; page 38, lines 8 and 25; page 42, line 18; page 46, line 27; page 47, line 12; page 79, line 1; page 100, line 10; page 104, lines 7, 8, and 19; and page 105, line 16, strike the comma and show as stricken.
4. On page 65, line 1, strike "him or her", show the old matter as stricken, and insert "the employer".

5. On page 76, line 5, strike the second "is", show as stricken, and insert "are".
6. On page 85, line 19, strike "article", show as stricken, and insert "Article".
7. On page 86, line 4, strike "article", show as stricken, and insert "Article", strike the first comma, show as stricken and insert "of the", and strike the underscored comma; and in line 22 strike "said", show as stricken, and insert "such".
8. On page 88, line 23, after "amount" insert an underscored comma.
9. On page 98, line 8, reinstate the stricken comma.

(Signed) Timothy Hall, Chairperson

## GENERAL FILE

**LEGISLATIVE BILL 557.** 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 387.** Title read. Considered.

Standing Committee amendment, AM0071, found in the Journal on page 471 for the Eighteenth Day was adopted with 29 ayes, 0 nays, 14 present and not voting, and 6 excused and not voting.

Mr. Beutler offered the following amendment:
to amend LB 387 by adding the following language after the word "subdivision" in line 13 page 14:
"except Sanitary & Improvement Districts organized under section 31-272 et seq. and section 31-701 et seq. of the Nebraska Statutes"

The Beutler amendment was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Advanced to E & R for Review with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 264.** Title read. Considered.

Advanced to E & R for Review with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

## SELECT FILE

**LEGISLATIVE BILL 42.** E & R amendments, AM5013, found in the Journal on page 496 for the Fourteenth Day were adopted.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 129.** E & R amendments, AM5014, found in the Journal on page 496 for the Eighteenth Day were adopted.

Mr. Vickers offered the following amendment:
that line 5 p. 29 be struck from LB 129E.

The Vickers amendment was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Advanced to E & R for Engrossment.

## NOTICE OF COMMITTEE HEARINGS
### Public Health and Welfare

| | | |
|---|---|---|
| LB 396 | Tuesday, March 5, 1985 | 1:30 p.m. |
| LB 470 | Tuesday, March 5, 1985 | 1:30 p.m. |
| LB 578 | Tuesday, March 5, 1985 | 1:30 p.m. |
| LB 586 | Tuesday, March 5, 1985 | 1:30 p.m. |
| LB 286 | Monday, March 11, 1985 | 1:30 p.m. |
| LB 579 | Monday, March 11, 1985 | 1:30 p.m. |
| LB 267 | Monday, March 11, 1985 | 1:30 p.m. |
| LB 438 | Monday, March 11, 1985 | 1:30 p.m. |
| LB 572 | Monday, March 11, 1985 | 1:30 p.m. |
| LB 167 | Tuesday, March 12, 1985 | 1:30 p.m. |
| LB 433 | Tuesday, March 12, 1985 | 1:30 p.m. |
| LB 549 | Tuesday, March 12, 1985 | 1:30 p.m. |
| LB 550 | Tuesday, March 12, 1985 | 1:30 p.m. |
| LB 685 | Tuesday, March 12, 1985 | 1:30 p.m. |
| LB 318 | Monday, March 18, 1985 | 1:30 p.m. |
| LB 659 | Monday, March 18, 1985 | 1:30 p.m. |
| LB 623 | Monday, March 18, 1985 | 1:30 p.m. |
| LB 466 | Monday, March 18, 1985 | 1:30 p.m. |
| LB 643 | Tuesday, March 19, 1985 | 1:30 p.m. |

| | | |
|---|---|---|
| LB 701 | Tuesday, March 19, 1985 | 1:30 p.m. |
| LB 262 | Tuesday, March 19, 1985 | 1:30 p.m. |
| LB 562 | Tuesday, March 19, 1985 | 1:30 p.m. |
| LB 688 | Monday, March 25, 1985 | 1:30 p.m. |
| LB 147 | Monday, March 25, 1985 | 1:30 p.m. |
| LB 317 | Monday, March 25, 1985 | 1:30 p.m. |
| LB 565 | Tuesday, March 26, 1985 | 1:30 p.m. |
| LB 674 | Tuesday, March 26, 1985 | 1:30 p.m. |
| LB 675 | Tuesday, March 26, 1985 | 1:30 p.m. |

Governor Appointment Monday, February 11th (Cancellation)
Burrell Williams - Foster Care Review Board

(Signed) Don Wesely, Chairperson

## VISITORS

Visitors to the Chamber were Senator Smith's son Kent; and Amy Sears from Seward.

## ADJOURNMENT

At 10:35 a.m., on a motion by Mrs. Smith, the Legislature adjourned until 9:00 a.m., Friday, February 8, 1985.

Patrick J. O'Donnell
Clerk of the Legislature

# TWENTIETH DAY - FEBRUARY 8, 1985

# LEGISLATIVE JOURNAL

# LEGISLATIVE JOURNAL

## EIGHTY-NINTH LEGISLATURE
## FIRST SESSION

## TWENTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, February 8, 1985

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Nichol presiding.

## PRAYER

The prayer was offered by Pastor Ivan D. Richardson, Havelock United Methodist Church, Lincoln, Nebraska.

## ROLL CALL

The roll was called and all members were present except Mr. Hoagland who was excused; and Messrs. Hartnett, Schmit, Mesdames Nelson, and Pirsch who were excused until they arrive.

## CORRECTIONS FOR THE JOURNAL

The Journal for the Nineteenth Day was approved.

## SELECT COMMITTEE REPORTS
### Enrollment and Review

### Correctly Engrossed

The following bills were correctly engrossed: 30, 41, 51, 52, 109, 128, 151, 187, and 417.

(Signed) Timothy Hall, Chairperson

### Enrollment and Review Change to LB 109

The following changes, required to be reported for publication in the Journal, have been made:
ER0012

1. In lieu of the Hannibal-Barrett amendment adopted February 6, 1985:

a. On page 1, line 3, "sections" has been struck and "section" inserted; in line 4 "81-885.01 and" has been struck; and in line 5 "to redefine a term;" has been struck;

b. Section 1 has been struck and the remaining sections renumbered accordingly;

c. On page 10, line 5, "sections" has been struck and "section" inserted; and in line 6 "81-885.01 and" has been struck; and

d. E & R amendment 2 has been struck.

(Signed) Mary Sommermeyer
E & R Attorney

## STANDING COMMITTEE REPORTS
### Education

**LEGISLATIVE BILL 587.** Placed on General File.
**LEGISLATIVE BILL 405.** Placed on General File.

(Signed) Tom Vickers, Chairperson

## SELECT COMMITTEE REPORTS
### Enrollment and Review

**LEGISLATIVE BILL 342.** Placed on Select File as amended.
E & R amendments to LB 342:
AM5022

1. In the Standing Committee amendments, AM0051, adopted February 5, 1985, on page 1, line 5, strike the first comma.

2. On page 1, strike beginning with "a" in line 3 through "proceedings" in line 4 and insert "provisions relating to determination and review of employment security contributions and liability".

3. On page 2, line 9, strike the comma and show as stricken; in line 11 strike "his or her", show "his" as stricken, and insert "the"; and in line 16 reinstate the stricken comma.

4. On page 3, line 4, after "unless" insert

an underscored comma; and in line 6 strike the comma and show as stricken.

**LEGISLATIVE BILL 101.** Placed on Select File.

**LEGISLATIVE BILL 103.** Placed on Select File as amended.
E & R amendments to LB 103:
AM5023

1. On page 2, line 8, after "reservoir" insert an underscored comma; and in line 13 after "or" insert "application for".
2. On page 5, line 11, strike the comma and show as stricken.

**LEGISLATIVE BILL 282.** Placed on Select File as amended.
E & R amendments to LB 282:
AM5024

1. In the Warner amendment adopted February 5, 1985, insert underscoring in the matter in quotation marks.
2. In the Standing Committee amendments, AM0042, adopted February 5, 1985, on page 1, line 5, after "1" insert ", 4"; and in line 6 after the semicolon insert "in line 1 after the reinstated 'year' insert an underscored period; in line 3 reinstate 'Total income';".

**LEGISLATIVE BILL 283.** Placed on Select File.

**LEGISLATIVE BILL 345.** Placed on Select File as amended.
E & R amendments to LB 345:
AM5027

1. In the Standing Committee amendments, AM0055, adopted February 5, 1985, strike amendment 2.
2. On page 1, line 3, after the first semicolon insert "to change a provision on the preservation of reports and returns;".
3. On page 9, line 14, strike "identity" and insert "identification number".
4. On page 10, line 2, after the semicolon insert "and"; strike the remaining language in lines 3, 5, and 6; and in line 7 strike "(d)" and insert "(c)".

**LEGISLATIVE BILL 152.** Placed on Select File.

(Signed) Timothy Hall, Chairperson

## MESSAGES FROM THE GOVERNOR

February 7, 1985

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointments to the State Board of Health, requiring legislative confirmation:

Appointees:

Dr. Richard Powell, 3200 O St., Lincoln, NE, 68510, 475-9113(o), Term: 2/7/85 to 9/14/87 Succeeds: Wade Nyquist, term expired.

Dr. Norman R. Schneider, University of Nebraska, Veterinary Diagnostic Center, Lincoln, NE, 68588, 472-1434(o), Term: 2/7/85 to 9/14/87 Succeeds: Ronald Houser, term expired.

Bruce Gilmore, P.O. Box 565, Columbus, NE, 68601, Term: 2/7/85 to 9/14/87 Succeeds: Bob Rohling, term expired.

Dr. Robert J. Hilkeman, 2808 North 75th St., Omaha, NE, 68134, 391-7575(o) Term: 2/7/85 to 9/14/87 Succeeds: is reappointed.

Janet Coleman, 6049 Franklin, Lincoln, NE, 68506, 489-0747,(o) Term: 2/7/85 to 9/14/86 Succeeds: Lynn Roper, resigned.

These appointments are respectfully submitted for your consideration.

Sincerely,
(Signed) ROBERT KERREY
Governor

February 7, 1985

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Game and Parks Commission, requiring legislative confirmation:

LaVern Schneider, 811 East 4th St., McCook, NE, 69001, (308)345-4093, Term: 2/7/85 to 1/15/90 Succeeds: Richard L. Prasch, term expired.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) ROBERT KERREY
Governor

## NOTICE OF COMMITTEE HEARINGS
### Constitutional Revision and Recreation

| | | |
|---|---|---|
| LR 20CA | Thursday, February 21, 1985 | 1:30 p.m. |
| LR 11CA | Thursday, February 21, 1985 | 1:30 p.m. |
| LR 35CA | Thursday, February 21, 1985 | 1:30 p.m. |

(Signed) Lee Rupp, Chairperson

### Revenue

| | | |
|---|---|---|
| LB 139 | Tuesday, February 19, 1985 | 1:30 p.m. |
| LB 160 | Tuesday, February 19, 1985 | 1:30 p.m. |
| LB 346 | Tuesday, February 19, 1985 | 1:30 p.m. |
| LB 306 | Tuesday, February 19, 1985 | 1:30 p.m. |
| LB 533 | Tuesday, February 19, 1985 | 1:30 p.m. |
| LB 609 | Wednesday, February 20, 1985 | 1:30 p.m. |
| LB 112 | Wednesday, February 20, 1985 | 1:30 p.m. |
| LB 473 | Wednesday, February 20, 1985 | 1:30 p.m. |
| LB 208 | Wednesday, February 20, 1985 | 1:30 p.m. |

(Signed) Vard Johnson, Chairperson

## UNANIMOUS CONSENT - Announcement

Messrs. Rupp and Schmit ask unanimous consent to allow the Constitutional Revision and Recreation Committee to use room 1517 for its public hearing on February 21, 1985 and to allow the Public Works Committee to use Room 1019 for its public hearing on February 21, 1985. No objections. So ordered.

## SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolution: LR 49.

## GENERAL FILE

**LEGISLATIVE BILL 295.** Title read. Considered.

Standing Committee amendment, AM0017, found in the Journal on page 423 for the Fourteenth Day was considered.

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

Mr. DeCamp moved for a call of the house. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

The Chair declared the call raised.

Mr. Wesely offered the following amendment to the Standing Committee amendment:

To amend the committee amendment: on line two, strike "fourteen" and insert "twelve"

Mr. R. Johnson 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. Beyer asked unanimous consent to be excused until he returns. No objections. So ordered.

The Wesely amendment was adopted with 23 ayes, 14 nays, 9 present and not voting, and 3 excused and not voting.

Mr. Hefner offered the following amendment to the Standing Committee amendment:

To amend the committee amendment by striking the word "twelve" and substituting the word "ten"

Mr. Peterson 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. Hefner moved for a call of the house. The motion prevailed with 21 ayes, 1 nay, and 27 not voting.

Mr. Hefner requested a roll call vote on his amendment.

Voting in the affirmative, 24:

| | | | | |
|---|---|---|---|---|
| Abboud | Eret | Johnson, R. | Nichol | Scofield |
| Baack | Goll | Lamb | Peterson | Sieck |
| Barrett | Hannibal | Lundy | Remmers | Smith |
| Beyer | Hefner | Morehead | Rogers | Warner |
| Carsten | Higgins | Nelson | Rupp | |

Voting in the negative, 23:

| | | | | |
|---|---|---|---|---|
| Beutler | Goodrich | Johnson, L. | Marsh | Vickers |
| Chizek | Haberman | Johnson, V. | Miller | Wesely |
| Chronister | Hall | Labedz | Pappas | Withem |
| Conway | Harris | Landis | Pirsch | |
| DeCamp | Hartnett | Lynch | Schmit | |

Excused and not voting, 2:

Chambers Hoagland

The Hefner amendment was adopted with 24 ayes, 23 nays, and 2 excused and not voting.

The Chair declared the call raised.

Pending.

## SELECT COMMITTEE REPORTS
### Enrollment and Review

**LEGISLATIVE BILL 323.** Placed on Select File as amended.
E & R amendments to LB 323:
AM5028

1. In the Standing Committee amendments, AM0052, adopted February 5, 1985, on page 1, line 4, underscore "; and (23) sufentanil".

2. On page 5, line 4, strike the third comma and show as stricken; and in line 22 reinstate the stricken comma.

3. On page 6, line 10, strike "or" and show

as stricken.
4. On page 7, line 27, strike the comma and show as stricken
5. On page 18, line 23, strike the comma and show as stricken.

**LEGISLATIVE BILL 53.** Placed on Select File as amended.
E & R amendment to LB 53:
AM5025
1. On page 2, line 7, strike the first underscored comma.

**LEGISLATIVE BILL 422.** Placed on Select File as amended.
E & R amendment to LB 422:
AM5026
1. On page 2, line 14, strike the comma and show as stricken.

(Signed) Timothy Hall, Chairperson

## REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of February 7, 1985. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Besaw, Daniel J. - St. Paul, MN, Motor Vehicle Manufacturers Association
Blecha, Kathryn - Omaha, Junior Leagues of Nebraska
Boyer, John K. - Omaha, International Business Machines Corporation
Brown, Pamela - Omaha, Junior League of Omaha
Crosby, Guenzel, Davis, Kessner & Kuester
Crosby, Robert B. - Lincoln, Nebraska Association of Resources Districts
Orton, Leroy W. - Lincoln, Nebraska Association of Resources Districts
Seglin, Steven G. - Lincoln, Nebraska Association of Resources Districts
Gordon, James E. - Lincoln, DeHart & Darr Associates, Inc.;

National Nutritional Foods Association
Kane, Michael H. - Valparaiso, Nebraska Grain Sorghum Producers Association
Kelley, Michael - Omaha, MCI Tele Corporation
Knapp, Patricia Ann - Lincoln, Nebraska Coalition for Women
Kronberg, Wendell - Omaha, Great Plains Chapter, Paralyzed Veterans of America
Kushner, Marcia - Lincoln, Nebraska Speech, Language & Hearing Association
Nelson & Harding
Alexander, Hugh - Lincoln, MCI; RMC Transportation, Inc.
Shultz, Jack L. - Lincoln, MCI
Newell, David R. - Omaha, Distilled Spirits Council of the United States (DISCUS)
O'Hara & Associates, Inc. - Lincoln, Derby Refining Company; Pester Refining Company; Pioneer Hi-Bred International, Inc.
Osland, Norman - Lincoln, Nebraska Telephone Association
Rasmussen, Dennis - Lincoln, Coalition to Amend the Nebraska Life & Health Guarantee Act
Ryan, James E. - Lincoln, Nebraska Optometric Association
Velinsky, Frank J. - Omaha, Anti-Licensure Coalition

## STANDING COMMITTEE REPORTS
### Government, Military & Veterans Affairs

**LEGISLATIVE BILL 49.** Placed on General File.
**LEGISLATIVE BILL 263.** Placed on General File.

**LEGISLATIVE BILL 134.** Placed on General File as amended.
Standing Committee amendment to LB 134:
AM0132

1. On page 3, line 3, strike "the sum of one thousand dollars", show as stricken, and insert "an amount determined by the local county board".

(Signed) David Landis, Chairperson

### Judiciary

**LEGISLATIVE BILL 70.** Placed on General File.
**LEGISLATIVE BILL 327.** Placed on General File.

**LEGISLATIVE BILL 113.** Placed on General File as amended.
Standing Committee amendments to LB 113:
AM0037

1. Strike original section 1 and insert the following new section:

"Section 1. That section 25-1601, Revised Statutes Supplement, 1984, be amended to read as follows:

25-1601. (1) All citizens of the United States residing in any of the counties of this state ~~and having the qualifications of electors in such counties,~~ who are over the age of nineteen years, able to read, speak, and understand the English language, and free from all disqualifications set forth under this section and from all other legal exceptions are and shall be competent persons to serve on all grand and petit juries in their respective counties. Persons disqualified to serve as either grand or petit jurors are: (a) Judges of any court, (b) clerks of the Supreme or district courts, (c) sheriffs, (d) jailers, (e) persons, or the wife or husband of any such person, who are parties to suits pending in the district court of the county of his, her, or their then residence for trial at that jury panel, (f) persons who have been convicted of a criminal offense punishable by imprisonment in the Department of Correctional Services adult correctional facility, when such conviction has not been set aside or a pardon issued, and (g) persons who are subject to liability for the commission of any offense which by special provision of law does and shall disqualify them. Persons who are husband and wife shall not be summoned as jurors on the same panel. Persons who are incapable, by reason of physical or mental disability, of rendering satisfactory jury service shall not be qualified to serve on a jury; but a person claiming this disqualification may be required to submit a physician's certificate as to the disability and the certifying physician is subject to inquiry by the court at its discretion.

(2) The district court, or any judge thereof, may exercise the power of excusing any grand or petit juror or any person summoned for grand or petit jury service upon a showing of undue hardship, extreme inconvenience, or public necessity, for such period as the court deems necessary. At the conclusion of such period the person shall reappear for jury service in accordance with the court's direction. All excuses and the grounds for such excuses shall be entered upon the record of the court and shall be considered as a public

record. In districts having more than one judge of the district court, the court may by rule or order assign or delegate to the presiding judge or any one or more judges the sole authority to grant such excuses.

(3) No qualified prospective juror is exempt from jury service, except that any person sixty-five years of age or older, who shall make such request to the court at the time the juror qualification form is filed with the jury commissioner, shall be exempt from serving on grand and petit juries.".

2. On page 2, strike beginning with "The" in line 21 through "in" in line 27, show the old matter as stricken, and insert

"The officer having charge of the election records shall furnish to the jury commissioner a complete list of the names and addresses of all registered electors nineteen years of age or older in the county. The Department of Motor Vehicles shall make available to each jury commissioner each December a magnetic tape or printed list containing the names and addresses of all licensed motor vehicle operators nineteen years of age or older in the county. If a county requests additional lists, the cost of processing such lists shall be paid by the requesting county. Upon receipt of both lists the jury commissioner shall combine the separate lists attempting to reduce duplication to the best of his or her ability to produce a master list. The proposed juror list shall be derived by selecting from the master list the name of the person whose numerical order on such list corresponds with the key number and each successive tenth name thereafter. The jury commissioner shall certify that the proposed juror list has been made in accordance with sections 25-1625 to 25-1637.

Any duplication of names on a master list shall not be grounds for quashing any panel pursuant to section 25-1637 or for the disqualification of any juror.".

3. On page 3, strike lines 1 through 3 and show the old matter as stricken; and in lines 23 and 24 strike "and section 3 of this act".

4. Strike original section 3 and insert the following new section:

"Sec. 3. That section 25-1629, Reissue Revised Statutes of Nebraska, 1943, be amended to read

as follows:

25-1629. The jury commissioner shall immediately upon deriving ~~receiving~~ the proposed juror list mail a juror qualification form to each proposed juror pursuant to section 25-1629.01 and investigate the persons whose names are found on the list. If he or she finds that any one of them is not possessed of the qualifications of petit jurors, ~~,~~ as set forth in section 25-1601~~,~~ or is excluded by the terms ~~thereof~~ of section 25-1601, he or she shall strike such name from the list and make a record of each name stricken, which record shall be kept in his or her office subject to inspection by the court and attorneys of record in cases triable to a jury pending before the court, under such rules as the court may prescribe. The list as thus revised shall constitute the list from which petit jurors shall be selected, until such list shall have been exhausted in the manner hereinafter set forth, or until otherwise ordered by the judge or judges. Unless otherwise ordered by the judge or judges, the jury commissioner shall immediately upon completing the revision of the list, in the presence of a judge for such district, select at random the names of eighty persons possessing the qualifications for grand jurors as set out in section 25-1601. When ~~Where~~ no grand jury list is selected the judge or judges may at any time order the selecting of a grand jury list. This list shall constitute the list from which grand jurors shall be chosen. Any ~~; PROVIDED, that any~~ judge of the district court shall upon the request of any person entitled to access to the list of names stricken, if satisfied that such request is made in good faith, direct the jury commissioner to appear before the judge at chambers and in the presence of the complaining person state his or her reasons for striking the name specified in the request.".

5. On page 4, in lines 6, 15, and 18 and 19, strike "and section 3 of this act," and show "and" as stricken; and in lines 25 and 26 strike ", and section 3 of this act".

6. On page 5, line 4, strike "and section 3 of this act" and show "and" as stricken; strike lines 17 through 24, show the old matter as stricken, and insert "in the manner provided in section 25-1628. The jury commissioner shall revise such list and qualify and

summon jurors as provided in sections 25-1629 to 25-1630."; and in line 27 strike "25-1627.01,".

7. On page 6, line 1, strike ", and 25-1637" and insert "and 25-1629"; and in line 2, after the second comma insert "and section 25-1601, Revised Statutes Supplement, 1984,".

**LEGISLATIVE BILL 371.** Placed on General File as amended.
Standing Committee amendments to LB 371:
AM0104

1. On page 2, line 4, strike "6" and insert "7"; in lines 12, 20, 21, and 25 strike "or computer system".

2. On page 3, line 2, after "formalized" insert "or other"; in line 3 strike "system"; and strike beginning with the comma in line 10 through the first comma in line 11.

3. Strike original sections 3 and 4 and insert the following new sections:

"Sec. 3. Any person who intentionally accesses or causes to be accessed, directly or indirectly, any computer or computer network without authorization or who, having accessed any computer or computer network with authorization, knowingly and intentionally exceeds the limits of such authorization shall be guilty of a Class IV felony if he or she intentionally: (1) Deprives another of property or services; or (2) obtains property or services of another, except that any person who obtains property or services or deprives another of property or services with a value of one thousand dollars or more by such conduct shall be guilty of a Class III felony.

Sec. 4. Any person who accesses or causes to be accessed any computer or computer network without authorization or who, having accessed any computer or computer network with authorization, knowingly and intentionally exceeds the limits of such authorization shall be guilty of a Class IV felony if he or she intentionally: (1) Alters, damages, deletes, or destroys any computer, computer network, computer program, data, or other property; or (2) disrupts the operation of any computer or computer network, except that any person who causes losses with a value of one thousand dollars or more by such conduct shall be guilty of a Class III felony.

Sec. 5. Any person who intentionally accesses or causes to be accessed any computer or computer network without authorization, or who, having accessed with authorization, knowingly and intentionally exceeds the limits of such authorization, and thereby obtains information filed by the public with the state or any political subdivision which is by statute required to be kept confidential shall be guilty of a Class II misdemeanor. For any second or subsequent offense under this section such person shall be guilty of a Class I misdemeanor.".

4. On page 4, line 7, strike "without authorization"; in line 8 strike "computer system,"; in line 9 after "data" insert "without authorization"; in line 10 after "authorized" insert "or who, having accessed any computer or computer network with authorization, knowingly and intentionally exceeds the limits of such authorization", and strike "III" and insert "V"; in line 12 strike "I" and insert "II"; and in line 17 strike "6" and insert "7".

5. Renumber sections 5 to 7 as sections 6 to 8, respectively.

**LEGISLATIVE BILL 176.** Indefinitely postponed.

(Signed) Peter Hoagland, Chairperson

## STANDING COMMITTEE REPORT
### Nebraska Retirement Systems

The Nebraska Retirement Systems Committee, in executive session, voted to recommend that the Legislature confirm the following appointments to the Public Employee Retirement Board (P.E.R.B.):
Steve Williams and Leslie McFerren.

Senator Wesely moved and Senator Vickers seconded the confirmation of Steve Williams as a public employee member of the P.E.R.B. Voting aye were Senators Abboud, Harris, Vickers and Wesely. Senator Warner voted no. Senator Goodrich was not present.

Senator Wesely moved and Senator Vickers seconded that Leslie McFerren be recommended for confirmation as a public member of P.E.R.B. Voting aye were Senator Harris, Abboud, Goodrich, Vickers, Warner and Wesely.

(Signed) Bill Harris, Chairperson

## SELECT COMMITTEE REPORT
### Rules

The Rules Committee met on Friday, February 8, 1985 and acted favorably on the following proposed rule change:

Warner proposed rule change, page 26 of the Journal.

VOTE: For: Senators Morehead, L. Johnson, Vickers. Against: Senators Beutler, Chizek. Present and Not Voting: None. Absent: None.

(Signed) Patricia Morehead, Chairperson

## GENERAL FILE

**LEGISLATIVE BILL 295.** Mr. DeCamp offered the following amendment to the Standing Committee amendment:

To amend the committee amendment, by striking "ten" and inserting "eleven"

Mr. DeCamp moved for a call of the house. The motion prevailed with 10 ayes, 0 nays, and 39 not voting.

Mr. DeCamp requested a roll call vote on his amendment.

Voting in the affirmative, 24:

| | | | | |
|---|---|---|---|---|
| Beutler | Eret | Hartnett | Marsh | Schmit |
| Chizek | Goodrich | Johnson, V. | Nelson | Vickers |
| Chronister | Haberman | Labedz | Nichol | Wesely |
| Conway | Hall | Landis | Pappas | Withem |
| DeCamp | Harris | Lynch | Pirsch | |

Voting in the negative, 23:

| | | | | |
|---|---|---|---|---|
| Abboud | Goll | Johnson, R. | Peterson | Sieck |
| Baack | Hannibal | Lamb | Remmers | Smith |
| Barrett | Hefner | Lundy | Rogers | Warner |
| Beyer | Higgins | Miller | Rupp | |
| Carsten | Johnson, L. | Morehead | Scofield | |

Excused and not voting, 2:

Chambers Hoagland

The DeCamp amendment was adopted with 24 ayes, 23 nays, and 2 excused and not voting.

The Chair declared the call raised.

The Standing Committee amendment, as amended, was adopted with 30 ayes, 1 nay, 16 present and not voting, and 2 excused and not voting.

Mr. DeCamp asked unanimous consent to withdraw his pending amendment, AM0054, found in the Journal on page 433. No objections. So ordered.

Mr. DeCamp offered the following amendment to LB 295:

AM0149

1. On page 2, reinstate beginning with "No" in line 3 through "except" in line 4; in line 4 strike "Except"; in line 5 strike "(12)" and insert "(10)"; and in lines 8 through 27 reinstate the stricken matter and strike the new matter.

2. On page 3, reinstate the stricken matter in lines 1 through 10; strike beginning with "With" in line 11 through "may" in line 27 and insert "With the approval of the director, a bank may acquire another bank in Nebraska as the result of a purchase or merger so long as the acquired bank has been chartered for more than five years and the acquired institution, and its detached auxiliary offices are converted to auxiliary offices of the acquiring bank. Such auxiliary offices shall not count against the number of locations of detached auxiliary offices permitted under subsections (1) and (2) of section 8-157.".

3. On page 4, strike lines 1 through 9; and in line 10 strike "(6)" and insert "(4)".

4. On page 6, line 2, strike "attached or"; in line 3 strike "detached branch bank" and reinstate "auxiliary office premises"; and in line 24 strike "(7)" and insert "(5)".

5. On page 7, line 2, strike "(8)" and insert "(6)"; in line 11 strike "(9)" and insert "(7)"; and in line 26 strike "(10)" and insert "(8)".

6. On page 8, line 7, strike "(11)" and insert "(9)"; and in line 18 strike "(12)" and insert "(10)"; and in line 27 strike "(13)" and insert "(11)".

7. On page 9, line 20, strike "twenty" and insert "fourteen".

8. On page 10, reinstate beginning with "bank" in line 8 through the period in line 11 and before the reinstated matter insert "Except as provided in subsection (3) of section 8-157, no"; and in lines 19 and 26 reinstate "or bank acquisition limitation".

9. On page 11, line 5, reinstate the stricken matter.

The DeCamp amendment was adopted with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

Mr. Harris asked unanimous consent to withdraw his pending amendment, AM0059, found in the Journal on page 443. No objections. So ordered.

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

Mr. DeCamp offered the following amendment:
to amend the DeCamp AM0149
Pg 2 line 8 strike "fourteen" and insert "eleven"

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

Mr. Schmit offered the following amendment:
AM0077

1. On page 2, line 5, strike "(12)" and insert "(13)".

2. On page 4, after line 5, insert the following new subsection:

"(5) The name given to any detached bank or branch bank established and maintained pursuant to this section shall not be substantially similar to the name of any existing bank or branch bank which is unaffiliated with the newly created bank or branch bank and is located in the same municipality. The name of such newly created bank or branch bank shall be approved by the director."; in line 6 strike "(5)" and insert "(6)"; and in line 10 strike "(6)" and insert "(7)".

3. On page 6, line 24, strike "(7)" and insert "(8)".

4. On page 7, line 2, strike "(8)" and insert

"(9)"; in line 11 strike "(9)" and insert "(10)"; and in line 26 strike "(10)" and insert "(11)".

5. On page 8, line 7, strike "(11)" and insert "(12)"; in line 18, strike "(12)" and insert "(13)"; and in line 27 strike "(13)" and insert "(14)".

The Schmit amendment was adopted with 29 ayes, 1 nay, 16 present and not voting, and 3 excused and not voting.

Advanced to E & R for Review with 29 ayes, 10 nays, 7 present and not voting, and 3 excused and not voting.

## NOTICE OF COMMITTEE HEARINGS
### Banking, Commerce and Insurance

| | | |
|---|---|---|
| LB 108 | Tuesday, February 19, 1985 | 1:30 p.m. |
| LB 274 | Tuesday, February 19, 1985 | 1:30 p.m. |
| LB 568 | Tuesday, February 19, 1985 | 1:30 p.m. |
| LB 603 | Tuesday, February 19, 1985 | 1:30 p.m. |
| LB 604 | Tuesday, February 19, 1985 | 1:30 p.m. |
| LB 605 | Tuesday, February 19, 1985 | 1:30 p.m. |
| LB 606 | Tuesday, February 19, 1985 | 1:30 p.m. |
| LB 624 | Tuesday, February 19, 1985 | 1:30 p.m. |
| LB 700 | Tuesday, February 19, 1985 | 1:30 p.m. |
| LB 702 | Tuesday, February 19, 1985 | 1:30 p.m. |

(Signed) John DeCamp, Chairperson

## STANDING COMMITTEE REPORTS
### Public Health and Welfare

**LEGISLATIVE BILL 87.** Placed on General File as amended.
Standing Committee amendment to LB 87:
AM0119

1. On page 2, line 18, strike beginning with "caring" through "member"; and line 19 after "period" insert "for the first disabled family member".

**LEGISLATIVE BILL 252.** Placed on General File as amended.
Standing Committee amendment to LB 252:
AM0120

1. On page 2, line 26, strike "morals," and strike the second underscored comma.

(Signed) Don Wesely, Chairperson

**Constitutional Revision and Recreation**

**LEGISLATIVE RESOLUTION 4CA.** Indefinitely postponed.
**LEGISLATIVE RESOLUTION 33CA.** Indefinitely postponed.

(Signed) Lee Rupp, Chairperson

**Revenue**

**LEGISLATIVE BILL 116.** Placed on General File as amended.
Standing Committee amendment to LB 116:
AM0138

1. On page 3, line 18, strike "not later than forty-one days" and insert "within a reasonable time"; and in line 24 after the period insert "If the voters of a city of the primary class have not approved such an increase by December 31, 1987, the question of such an increase shall not be submitted thereafter to the voters, and there shall be no increase in the city sales and use tax.".

(Signed) Vard Johnson, Chairperson

**Public Health and Welfare**

**LEGISLATIVE BILL 313.** Placed on General File as amended.
(Standing Committee amendments printed separate from the Journal and on file in the Clerk's Office - Room 1102 - AM0118.)

(Signed) Don Wesely, Chairperson

**MOTION - Suspend Rules**

Mr. Eret moved to suspend the rules, Rule 3, Section 13 to permit cancellation of the public hearing on LB 443, scheduled for February 14, 1985.

The motion prevailed with 32 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.

**NOTICE OF COMMITTEE HEARING**
**Agriculture and Environment**

| | | |
|---|---|---|
| LB 443 | Thursday, February 14, 1985 (Cancelled) | 1:30 p.m. |

LB 443 Friday, March 8, 1985 (Reset) 1:30 p.m.

(Signed) Rod Johnson, Chairperson

## SELECT FILE

**LEGISLATIVE BILL 249.** E & R amendments, AM5015, found in the Journal on page 501 for the Nineteenth Day were adopted.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 191.** E & R amendment, AM5016, found in the Journal on page 501 for the Nineteenth Day was adopted.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 272.** E & R amendment, AM5017, found in the Journal on page 501 for the Nineteenth Day was adopted.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 75.** Advanced to E & R for Engrossment.
**LEGISLATIVE BILL 81.** Advanced to E & R for Engrossment.
**LEGISLATIVE BILL 96.** Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 193.** E & R amendments, AM5018, found in the Journal on page 501 for the Nineteenth Day were adopted.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 240.** E & R amendment, AM5019, found in the Journal on page 502 for the Nineteenth Day was adopted.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 337.** Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 339.** E & R amendments, AM5021, found in the Journal on page 508 for the Nineteenth Day were adopted.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 338.** Advanced to E & R for Engrossment.

## RESOLUTION

**LEGISLATIVE RESOLUTION 50.**

Introduced by Beyer, 3rd District; Hartnett, 45th District; Withem, 14th District.

WHEREAS, the county extension programs serve farmers, ranchers, agricultural businesses, public and private organizations, community leaders, families, homemakers, and youth; and

WHEREAS, the program planned by the extension agents in each county in cooperation with the county extension board serves local groups and individuals; and

WHEREAS, extension specialists plan and conduct programs and provide district and statewide coordination; and

WHEREAS, volunteers play an important part in the total extension program and serve as leaders of 4-H clubs, teach lessons at home extension club meetings, and help in many other ways; and

WHEREAS, Governor Kerrey has proclaimed the week of February 10 through 16, 1985, as Nebraska Cooperative Extension Week.

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

1. That the Legislature recognizes and honors all extension club staff and volunteer leaders comprised of county extension board members, 4-H leaders, home extension club leaders, 4-H and home extension council members, master gardeners, and other volunteers who contribute to the success of the educational programs of the Cooperative Extension Service.

Laid over.

**UNANIMOUS CONSENT - Print in Journal**

Mrs. Higgins asked unanimous consent to print the following amendment to LB 101 in the Journal. No objections. So ordered.

AM0126

1. Insert the following new section:

"Sec. 4. That section 81-885.07, Revised Statutes Supplement, 1984, be amended to read as follows:

81-885.07. (1) There is hereby created the State Real Estate Commission which shall consist of the Secretary of State, who shall be chairperson of the

commission, and ~~six~~ eight members appointed by the Governor. Four of the members of such commission, appointed by the Governor, shall be active and licensed real estate brokers who have engaged in the real estate business as brokers or associate brokers for not less than five years, which members shall be appointed by the Governor, one from each of the four congressional districts as the districts were constituted on January 1, 1961. The remaining members shall be appointed at large, ~~one~~ three of whom ~~shall be representative~~ are representatives of the public and are not and have never been licensed brokers or real estate salespersons and one of whom ~~shall be~~ is a licensed real estate salesperson who has engaged in the real estate business as a salesperson for not less than three years.

(2) The present members of the commission shall continue to serve for the terms for which they were respectively appointed, except that within ~~. Within~~ thirty days after ~~September 2, 1973~~, the effective date of this act the Governor shall appoint the ~~at-large member~~ three members who are representatives of the public for a term of six years from ~~September 2, 1973~~ the effective date of this act. Within thirty days after July 22, 1978, the Governor shall appoint the salesperson member for a term of six years from July 22, 1978. At the expiration of the term of any member of the commission, the Governor shall appoint a successor for a term of six years. Any appointed member shall be limited to one six-year term, in addition to any partial term served. In the event of a vacancy on the commission, the Governor shall fill such vacancy by appointing a member to serve during the unexpired term of the member whose office has become vacant. In the absence of the chairperson, the senior member of the commission in point of service present shall serve as presiding officer. Not less than ~~four~~ five members of the commission must be present at any official meeting of the commission. The action of the majority of the members of the commission shall be deemed the action of the commission. No appointed person may act as a member of the commission while holding any other elective or appointive state or federal office.

(3) Each member of the commission shall receive as compensation for each day actually spent on

official duties at scheduled meetings the sum of fifty dollars and actual and necessary expenses incurred in the performance of his or her official duties.

(4) The commission shall employ a director who shall keep a record of all the proceedings, transactions, communications, and official acts of the commission, be custodian of all the records of the commission, and perform such other duties as the commission may require. The director shall call a meeting of the commission at his or her discretion or upon the direction of the chairperson or upon a written request of two or more members of the commission. The commission may employ such other employees as may be necessary to properly carry out ~~the provisions of~~ sections 81-885.01 to 81-885.48, fix the salaries of such employees, and make such other expenditures as are necessary to properly carry out ~~the provisions of~~ sections 81-885.01 to 81-885.48. The office of the commission shall be maintained in Lincoln and all files, records, and property of the commission shall remain therein. Neither the director nor any employee of the commission may be an officer or paid employee of any real estate association or group of real estate dealers or brokers.

(5) The commission may adopt rules and regulations relating to the administration of, but not inconsistent with, ~~the provisions of~~ sections 81-885.01 to 81-885.48.

(6) The commission may conduct or assist in conducting real estate institutes and seminars, ~~and~~ incur and pay the necessary expenses in connection therewith. Such ~~, which~~ institutes or seminars shall be open to all licensees.".

2. On page 4, lines 1, 3, and 8, strike "5 to 10" and insert "6 to 11".

3. On page 5, lines 13 and 14, strike "5 to 10" and insert "6 to 11".

4. On page 6, lines 4 and 17, strike "5 to 10" and insert "6 to 11"; and in line 22, after the second comma insert "81-885.07,".

5. Renumber sections 4 to 12 as sections 5 to 13.

Mr. Vickers asked unanimous consent to print the following amendment to LB 489 in the Journal. No objections. So ordered.

STRIKE THE ORIGINAL SECTIONS AND INSERT THE FOLLOWING LANGUAGE.
Sec. 1 ~~Owners,~~
An owner of
agricultural land may drain the same in the general course of natural drainage by constructing, wholly on his or her own land, an open ditch or tile drain ~~,~~
which discharges ~~discharging~~ the water therefrom into any natural watercourse or into any natural depression or draw, whereby such water may be carried into some natural watercourse ~~, and when such drain or ditch is wholly on the owner's land, he shall not be liable in damages thereafter to any person or corporation.~~ but such owner shall be liable if his or her action is unreasonable and the proximate cause of damage to a lower land owner or operator who owned or operated such land when construction of the drain or ditch was completed. Such construction shall be considered unreasonable if the gravity of the harm caused thereby outweighs the utility of such action or if such harm, regardless of the utility of the action, is so severe that it is greater than the lower land owner should be required to bear without compensation.
Sec. 2 In determining the gravity of the harm to the lower land owner or operator, the following factors should be considered: a) the extent of the harm involved; b) the character of the harm involved; c) the social value of the land use being interfered with; d) the suitability of that land use to the character of the locality; and e) the burden on the lower land owner or operator to avoid the harm.
Sec. 3 In determining the utility of the construction and resulting drainage, the following factors should be considered: a) the social value of the land use for which the ditch or drain was constructed; b) the suitability of that land use to the character of the locality; and c) the impracticality or preventing or avoiding the harm caused.

## STANDING COMMITTEE REPORTS
### Miscellaneous Subjects

**LEGISLATIVE BILL 72.** Placed on General File.

**LEGISLATIVE BILL 486.** Placed on General File as amended.
Standing Committee amendments to LB 486:
AM0139

1. On page 2, line 4, after the period insert "The cost of the special permit shall be ten dollars."; in line 5 after "from" insert "section 9-150 and"; in line 6 strike "and section 9-150"; and strike lines 18 through 22.

2. Insert the following new section:

"Sec. 5. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

**LEGISLATIVE BILL 304.** Indefinitely postponed.

(Signed) Elroy M. Hefner, Chairperson

## VISITORS

Visitors to the Chamber were Ted Reeves from Central City; Representatives of Home School Families from Eastern Nebraska; 27 second graders and teachers from Elliott School in Lincoln; Ray-Given Gaymore from Hastings; Roger Gamble, Paul Longmore, Mark Steele, Derald Boschult, and Al Rotter from Wayne State College, Wayne; and Chester and Helen Marshall fron Kearney.

## ADJOURNMENT

At 11:45 a.m., on a motion by Mr. Lynch, the Legislature adjourned until 9:00 a.m., Monday, February 11, 1985.

Patrick J. O'Donnell
Clerk of the Legislature

# TWENTY-FIRST DAY - FEBRUARY 11, 1985

## LEGISLATIVE JOURNAL

## EIGHTY-NINTH LEGISLATURE
## FIRST SESSION

## TWENTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Monday, February 11, 1985

Pursuant to adjournment, the Legislature met at 9:01 a.m., Speaker Nichol presiding.

## PRAYER

The prayer was offered by Rev. Mark Brunott, First Evangelical Free Church, Lincoln, Nebraska.

## ROLL CALL

The roll was called and all members were present except Mr. Baack who was excused; and Messrs. Chizek, Hoagland, R. Johnson, V. Johnson, Mesdames Higgins, Marsh, and Pirsch who were excused until they arrive.

## CORRECTIONS FOR THE JOURNAL

The Journal for the Twentieth Day was approved.

## MESSAGE FROM THE GOVERNOR

February 8, 1985

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, and 27 were received in my office on February 6, 1985.

These bills were signed by me on February 8, 1985 and delivered to the Secretary of State.

Sincerely,
(Signed) ROBERT KERREY
Governor

RK:jm

## ATTORNEY GENERAL'S OPINIONS

Opinion No. 16
February 5, 1985

Dear Senator DeCamp:

This is in response to your request for an opinion dated January 29, 1985, regarding a proposed legislative bill, LB 602.

The proposed bill is basically enabling legislation and provides a procedure for the legislature to follow relating to the appropriation of funds in certain circumstances specified therein. It is generally recognized that the legislature's power includes that of providing modes of procedure. As stated in State ex rel. Douglas v. Nebraska Mortgage Finance Fund, 204 Neb. 445, 460, 283 N.W.2d 12 (1979), "{t}he test is the end result, not the means".

This bill establishes a procedure only (the means) and sections 2 and 3 clearly require separate action in the form of a specific legislative appropriation (the end result). In any event, it is also true that constitutionality must be judged not merely on the basis of what is done by a particular bill, but on the basis of what is authorized to be done.

The question thus becomes whether any separate appropriation under sections 2 and 3 would be constitutionally valid.

In Weaver v. Koehn, 120 Neb. 115, 231 N.W. 703 (1930), the Supreme Court of Nebraska was confronted with a legislative appropriation of some $260,000.00 to be paid depositors in failed banks. The situation presented was almost identical to any appropriation which would be authorized by sections 2 and 3 of the bill now under consideration. The court held:

> The banking business, as it relates to state banks in Nebraska, is recognized as being quasi-public in its transactions with the people generally, and particularly in respect of its transactions with

depositors of money in such state banks. And this, of course, includes individuals and corporations and, in effect, all depositors of money therein. But the appropriation of money by the state, to reimburse depositors for losses sustained by them in failed banks, clearly appears to be the taking of money belonging to one class to pay the claims of those in another class. And this is in violation of the due process provision of the federal and state Constitutions. Clearly it has not yet come to pass that the state, in its supervision of the banking business, has become an eleemosynary institution. Id. at 120 Neb. 117.

In addition, Article XIII, section 3 of the Nebraska Constitution provides:

The credit of the State shall never be given or loaned in aid of any individual, association, or corporation . . . .

This constitutional provision also presents serious questions in light of the proposed bill. While at first blush, State ex rel. Douglas, supra, would appear to support the proposed bill's constitutionality, a careful reading indicates that the statutory scheme thereunder involved "{no} State appropriation, revenue or tax". Lenstrom v. Thone, 209 Neb. 783, 311 N.W.2d 884 (1981), also appears to be distinguishable in that the proposed bill involves a direct appropriation.

In light of Weaver v. Koehn, supra, and Article XIII, section 3 of the Nebraska Constitution, it appears that any separate appropriation as authorized by sections 2 and 3 of this bill would be constitutionally suspect. It is, therefore, our opinion that the bill itself is constitutionally suspect under Weaver v. Koehn and Article XIII, section 3 of the Nebraska Constitution.

Finally, it should be pointed out that the FDIC and the FSLIC do not appear to be "an agency of the federal government" and section 2 of the bill should be amended to clarify the circumstances in which the bill would apply.

Respectfully submitted,
(Signed) Edwin C. Perry,
Special Assistant Attorney General

ECP/ljg
cc: Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 17
February 7, 1985

Dear Senator Eret:

This is in response to your request for an opinion dated February 1, 1985. In that letter, you ask for an opinion "regarding the applicability of authority derived from Article III-Section 25 of the Nebraska Constitution to the passage of legislative bill LB 442."

Article III, section 25 of the Nebraska Constitution in pertinent part provides:

> No allowance shall be made for the incidental expenses of any state officer except the same be made by general appropriation and upon an account specifying each item.

The issue involved in your question then is whether the appropriation provided in LB 442, involves "the incidental expenses of any state officer".

The answer to this question would appear to have been resolved in State ex rel. Douglas v. Beerman, 216 Neb. 849, 347 N.W.2d 297 (1984). In that case the court defined the word "expenses" as used in our Constitution as follows:

> An "expense" is something expended in order to secure a profit or bring about a result. Expenses are the charges incurred by an employee in connection with the performance of his duties, and typically include transportation, meals, and lodging while traveling. Expenses are the money given to an employee as reimbursement for such charges. Webster's Third New International Dictionary, Unabridged (1968). Black's Law Dictionary 518 (5th ed. 1979) defines an expense as that which is "expended, laid out or consumed. An outlay; charge; cost; price." Id. at 216 Neb. 856.

The appropriation contemplated by LB 442, in our opinion, would not constitute "expenses" within the meaning of Article III, section 25 of the Nebraska Constitution as our court has defined that term. Therefore, Article III, section 25 provides no authority for and has no application to LB 442.

In addition, Article XIII, section 3 of the Nebraska Constitution and Weaver v. Koehn, 120 Neb. 115, 231 N.W. 703 (1930), appear to prohibit the exact type of appropriation provided by LB 442.

Respectfully submitted,
(Signed) Edwin C. Perry
Special Assistant Attorney General

ECP/ljg
cc: Patrick J. O'Donnell
Clerk of the Legislature

## SELECT COMMITTEE REPORTS
### Enrollment and Review

**Correctly Engrossed**

The following bills were correctly engrossed: 42 and 129.

(Signed) Timothy Hall, Chairperson

**Enrollment and Review Change to LB 129**

The following changes, required to be reported for publication in the Journal, have been made:
ER0013

1. Because of the Vickers amendment adopted February 7, 1985, on page 29, line 6, "(2)" has been struck and "(1)" inserted; in line 8, "(3)" has been struck and "(2)" inserted; and in line 12 "(4)" has been struck and "(3)" inserted.

(Signed) Mary Sommermeyer
E & R Attorney

## SELECT COMMITTEE REPORTS
**Enrollment and Review**

**LEGISLATIVE BILL 129A.** Placed on Select File.

**LEGISLATIVE BILL 48.** Placed on Select File as amended.
E & R amendments to LB 48:
AM5029

1. In the Standing Committee amendments,
AM0028, adopted February 7, 1985, because the first part of the divided question lost, strike amendment 1.
2. On page 1, line 1, after "44-3903" insert a comma; in line 2 strike "and" and after the comma insert "and 44-4034,"; and in line 5 strike "and" and insert "to change provisions on when a licensed agent or broker is required;", and after "sections" insert "; and to declare an emergency".

**LEGISLATIVE BILL 224.** Placed on Select File as amended.
E & R amendment to LB 224:
AM5030

1. On page 2, strike beginning with "Trapping" in line 18 through the period in line 21 and show as stricken; in line 23 strike the comma and show as stricken; and in line 24 strike the third comma and show as stricken.

**LEGISLATIVE BILL 86.** Placed on Select File as amended.
E & R amendment to LB 86:
AM5031

1. On page 1, line 5, strike "and"; and in line 6 after "sections" insert "; and to declare an emergency".

**LEGISLATIVE BILL 557.** Placed on Select File as amended.
E & R amendments to LB 557:
AM5033

1. On page 2, line 16, insert a semicolon after "otters"; in line 21 insert a semicolon after "waterfowl"; and in line 24 after "grouse" insert an underscored comma.

2. On page 9, move the matter beginning with "Except" in line 7 through the underscored comma in line 8 to follow "(1)" in line 7; and in line 8 strike "(6)" and insert "(7)".

3. On page 11, line 1, after the period paragraph and insert "(5)"; in line 6 strike "(5)" and insert "(6)"; in line 14 strike "(6)" and insert "(7)"; in line 15 strike "nonresidents" and insert "a nonresident"; and in line 20 after "his" insert "or her" and after "chest" insert an underscored comma.

4. On page 12, line 3, after "37-215.03" insert "in any management unit"; in lines 17 and 23 strike the underscored semicolon and insert an underscored comma; and in line 27 after "its" insert ", his, or her".

5. On page 13, line 14, reinstate the stricken comma; and in line 15 reinstate the second stricken comma.

(Signed) Timothy Hall, Chairperson

## RESOLUTION

**LEGISLATIVE RESOLUTION 50.** Read. Considered.

LR 50 was adopted with 29 ayes, 0 nays, and 20 not voting.

## MOTION - Approve Appointments

Mr. Harris moved the adoption of the report of the Nebraska

Retirement Systems Committee for the following Governor appointment found in the Journal on page 507: Anne B. Brookes - Public Employee Retirement Board.

Voting in the affirmative, 29:

| | | | | |
|---|---|---|---|---|
| Abboud | Haberman | Labedz | Nichol | Sieck |
| Beyer | Hannibal | Lamb | Remmers | Smith |
| Carsten | Harris | Landis | Rogers | Vickers |
| Conway | Hartnett | Lundy | Rupp | Warner |
| Eret | Hefner | Morehead | Schmit | Wesely |
| Goodrich | Johnson, L. | Nelson | Scofield | |

Voting in the negative, 0.

Present and not voting, 14:

| | | | | |
|---|---|---|---|---|
| Barrett | Chizek | Goll | Lynch | Peterson |
| Beutler | Chronister | Hall | Miller | Withem |
| Chambers | DeCamp | Higgins | Pappas | |

Excused and not voting, 6:

| | | | | |
|---|---|---|---|---|
| Baack | Johnson, R. | Johnson, V. | Marsh | Pirsch |
| Hoagland | | | | |

The appointment was confirmed with 29 ayes, 0 nays, 14 present and not voting, and 6 excused and not voting.

Mr. Harris moved the adoption of the report of the Nebraska Retirement Systems Committee for the following Governor appointment found in the Journal on page 525: Steve Williams - Public Employee Retirement Board.

Voting in the affirmative, 26:

| | | | | |
|---|---|---|---|---|
| Beutler | Goll | Johnson, L. | Nelson | Scofield |
| Carsten | Haberman | Labedz | Nichol | Sieck |
| Chizek | Harris | Landis | Pappas | Smith |
| Conway | Hefner | Lundy | Remmers | Vickers |
| DeCamp | Higgins | Morehead | Rupp | Wesely |
| Eret | | | | |

Voting in the negative, 0.

Present and not voting, 17:

| | | | | |
|---|---|---|---|---|
| Abboud | Chronister | Hartnett | Miller | Schmit |
| Barrett | Goodrich | Lamb | Peterson | Warner |
| Beyer | Hall | Lynch | Rogers | Withem |
| Chambers | Hannibal | | | |

Excused and not voting, 6:

| | | | | |
|---|---|---|---|---|
| Baack | Johnson, R. | Johnson, V. | Marsh | Pirsch |
| Hoagland | | | | |

The appointment was confirmed with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Mr. Harris moved the adoption of the report of the Nebraska Retirement Systems Committee for the following Governor appointment found in the Journal on page 525: Leslie McFerren - Public Employee Retirement Board.

Voting in the affirmative, 27:

| | | | | |
|---|---|---|---|---|
| Abboud | Chizek | Haberman | Lundy | Scofield |
| Barrett | Conway | Harris | Nelson | Smith |
| Beutler | DeCamp | Hefner | Nichol | Warner |
| Beyer | Eret | Higgins | Pappas | Wesely |
| Carsten | Goll | Johnson, L. | Remmers | |
| | Goodrich | Landis | Rupp | |

Voting in the negative, 0.

Present and not voting, 16:

| | | | | |
|---|---|---|---|---|
| Chambers | Hartnett | Lynch | Peterson | Sieck |
| Chronister | Labedz | Miller | Rogers | Vickers |
| Hall | Lamb | Morehead | Schmit | Withem |
| Hannibal | | | | |

Excused and not voting, 6:

| | | | | |
|---|---|---|---|---|
| Baack | Johnson, R. | Johnson, V. | Marsh | Pirsch |
| Hoagland | | | | |

The appointment was confirmed with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

## GENERAL FILE

**LEGISLATIVE BILL 179.** Title read. Considered.

Standing Committee amendment, AM0060, found in the Journal on page 445 for the Fifteenth Day was considered.

Mr. Beutler asked unanimous consent to withdraw his pending amendment found in the Journal on page 505. No objections. So ordered.

Mr. Beutler offered the following amendment to the Standing Committee amendment:

To amend the committee amendment to LB 179 by striking the words on line 8:

"based upon the nature of the business."

and by changing the words "reasonable accessibility" on line 6 to "ingress and egress, if reasonable,"

The Beutler amendment was adopted with 26 ayes, 1 nay, 17 present and not voting, and 5 excused and not voting.

Mr. Warner offered the following amendment to the Standing Committee amendment:

To amend Committee amendment to LB 179 in line 7 follow the word "period" insert the words "in excess of 7(seven) work days"

The Warner amendment was adopted with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

Mr. DeCamp requested a record vote on the Standing Committee amendment.

Voting in the affirmative, 30:

| | | | | |
|---|---|---|---|---|
| Abboud | DeCamp | Hefner | Lynch | Pirsch |
| Beutler | Eret | Higgins | Marsh | Rupp |
| Beyer | Goodrich | Johnson, V. | Miller | Schmit |
| Carsten | Haberman | Labedz | Morehead | Sieck |
| Chizek | Hall | Lamb | Nelson | Smith |
| Conway | Hannibal | Landis | Pappas | Vickers |

Voting in the negative, 9:

| | | | | |
|---|---|---|---|---|
| Goll | Johnson, L. | Nichol | Remmers | Warner |
| Hartnett | Lundy | Peterson | Scofield | |

Present and not voting, 8:

| | | | |
|---|---|---|---|
| Barrett | Chronister | Johnson, R. | Wesely |
| Chambers | Harris | Rogers | Withem |

Excused and not voting, 2:

| | |
|---|---|
| Baack | Hoagland |

The Standing Committee amendment, as amended, was adopted with 30 ayes, 9 nays, 8 present and not voting, and 2 excused and not voting.

Mr. Warner moved to indefinitely postpone LB 179.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Mr. Warner moved for a call of the house. The motion prevailed with 24 ayes, 0 nays, and 25 not voting.

Mr. Warner requested a roll call vote on his motion to indefinitely postpone LB 179.

Voting in the affirmative, 19:

| | | | | |
|---|---|---|---|---|
| Barrett | Goll | Miller | Remmers | Smith |
| Carsten | Johnson, L. | Morehead | Rogers | Warner |
| Chambers | Johnson, R. | Nichol | Scofield | Withem |
| Eret | Lundy | Peterson | Sieck | |

Voting in the negative, 27:

| | | | | |
|---|---|---|---|---|
| Abboud | DeCamp | Hefner | Landis | Rupp |
| Beutler | Haberman | Higgins | Lynch | Schmit |
| Beyer | Hall | Hoagland | Marsh | Vickers |
| Chizek | Hannibal | Johnson, V. | Nelson | |
| Chronister | Harris | Labedz | Pappas | |
| Conway | Hartnett | Lamb | Pirsch | |

Present and not voting, 2:

Goodrich Wesely

Excused and not voting, 1:

Baack

The Warner motion to indefinitely postpone lost with 19 ayes, 27 nays, 2 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Mr. DeCamp offered the following amendment:
To amend LB 179 to read as follows:
Strike the contents of the bill and all amendments thereto and insert the following:
The Department of Roads shall insure that the contractor shall at all times to the extent practicable provide facilities for egress and ingress to and from the nearest intersecting public roads for local traffic which has its origin and destination within the limits of the project. Temporary approaches and crossings shall be provided and maintained in a safe condition by the contractor.

Mr. DeCamp asked unanimous consent to withdraw his pending amendment. No objections. So ordered.

Advanced to E & R for Review with 26 ayes, 15 nays, 7 present and not voting, and 1 excused and not voting.

**UNANIMOUS CONSENT - Print in Journal**

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

February 11, 1985

The Honorable Gene Crump
Acting Attorney General
Lincoln, Ne 68509

Re: Whether wagering on sporting events as authorized by LB 72 violates Article III, section 24 of the Constitution of Nebraska?

Dear Mr. Crump,

It is a truism of constitutional construction that state constitutions are limitations on, rather than grants of legislative power; hence, whatever is not specifically prohibited is allowed.

Article III, section 24 prohibits certain types of gambling activities and provides exceptions:

> Games of chance and lotteries prohibited. The Legislature shall not authorize any game of chance, nor any lottery, or gift enterprise . . . Provided, that it may authorize and regulate other lotteries, raffles, and gift enterprises which are intended solely as business promotions or the proceeds of which are used solely for charitable or community betterment purposes without profit to the promoter.... Nothing in this section shall be construed to prohibit the enactment of laws providing for the licensing and regulation of wagering on the results of horse races by the parimutuel or certificate method.

Gambling is defined by Black's Law Dictionary, 5th Edition as

> Making a bet. To play, or game for money or other stake; hence to stake money or other thing of value on an uncertain event. Gambling consists of a consideration, an element of chance and a reward.

All gambling is speculative and involves chance; but not all gambling constitutes a "game of chance", which is a term of art having a legal definition. The stock market and commodities futures trading, for example, fit the definition of gambling, yet neither is deemed a "game of chance" prohibited by Article III, section 24.

Some propositions may be stated for your consideration.

(1) Article III, section 24 is not a blanket prohibition against all forms of gambling but excises out certain types.

(2) The heading and language throughout the provision clearly delineate the precise type of gambling activity targeted for proscription -- games of chance relying on the luck of the draw and selection by lot rather than skill: lotteries, raffles, bingo, parimutuel wagering on horse races. Parimutuel wagering will be considered later and distinguished from wagering on sporting events as authorized by LB 72.

(3) Wagering on sporting events was in high flower when Article III, section 24 and subsequent amendments were adopted. As defined by LB 72, a sporting event on which wagering is authorized is

> a contest in any sport, between individual contestants or teams of contestants, without regard to the amateur or professional status of the contestants, which is publicly announced before its occurrence.

The Constitution could easily have prohibited all wagering on any sports had such been the intent. Obviously, the concern is with "games of chance". Sporting events are not games of chance; and the

wagering authorized by LB 72 is not based on the luck of the "draw", selection by "lot" or parimutuel "pooling". Thus, the elements necessary to bring gambling activity within the prohibitory language of Article III, section 24 are absent. Not being specifically prohibited, such wagering may be authorized by the Legislature without violating the Constitution of Nebraska.

Defining the significant gambling terms in Article III, section 24 will facilitate establishing the intent of the provision and demonstrate that the wagering authorized by LB 72 is outside its reach. The terms to be defined are: GAME OF CHANCE, LOTTERY, GIFT ENTERPRISE, PARIMUTUEL, WAGER. All definitions are from Black's Law Dictionary, 5th Edition.

> Game of chance. One in which (the) result as to success or failure depends less on skill and experience of the player than on purely fortuitous ... circumstances ... not under control of (the) player.

Sporting events are not games of chance, and the success or failure of bettors is profoundly influenced by "skill and experience". Many factors which are not "purely fortuitous" enter into wagering on sporting events.

Since wagering on sporting events lacks the essence of a game of chance -- i.e., lack of player control and total inability to, in any manner by any means, predict the outcome of the event in question -- it is clear that LB 72 does not authorized a game of chance

> Lottery. A device whereby anything of value is, for a consideration, allotted by lot or chance. * * * Scheme by which result is reached by some action or means taken and in which result, man's choice or will has no part nor can human reason, foresight, sagacity or design enable him to ... determine such result until the same has been accomplished....

It has been repeatedly demonstrated that wagering on sporting events allows a bettor's "choice, will, human reason, foresight, sagacity and design" to determine the result of a sporting event "before the same has been accomplished". There being no drawing of lots, LB 72 does not authorize a lottery.

> Gift enterprise. A scheme for the division or distribution articles to be determined by chance amongst those who have taken shares in the scheme. A sporting artifice by which, for example, a merchant or tradesman sells his wares for their market value, but, by way of inducement, gives to such purchaser a ticket which entitles him to a chance to win certain prizes...after the manner of a lottery.

Quite obviously, LB 72 does not authorize a gift enterprise.

> Pari mutuel betting. A mutual stake or wager; a betting pool. A form of betting on horses and dogs in which those who bet on (the) winner share total stakes less a small percentage for the

management.

Because of the "pooling" and indeterminate nature of the amount to be won by individual bettors, parimutuel betting partakes of the nature of a game of chance or lottery. It should be noted that the exception made for parimutuel wagering does not go to simple wagering on horse races but rather to a specific kind: parimutuel. Being, itself, in the nature of a game of chance, specific exception was deemed necessary to lift paramutuel wagering from the prohibition against games of chance, with which Article III, section 24 deals.

Wager. The word 'wagering' is practically synonmous with the words betting and gambling, and the words are so used in common parlance and in statutory and constitutional enactments.

CONCLUSION

Wagering on sporting events as authorized by LB 72 involves betting a given amount which will yield a winning bettor a fixed, predetermined return. For example, if Team A is the bettor's choice, he or she will bet $11 to win $10. Unlike parimutuel wagering, there is no mutual stake or pool whose total amount and number of winners determine how much a winning bettor will receive. In other words, there is no diminution of the amount won even if every bettor on a given sporting event picks the winner. The bookie simply "takes a bath" and pays the losses from his pocket.

Unlike lotteries and other games of chance, whether a bettor wins or loses is not based on a "draw" or "lot" of any kind but rather on his or her individual selection. Each bettor can win on any given sporting event.

Clearly, the thrust of Article III, section 24 is against games of chance and does not prohibit every form of gambling. The type of wagering authorized by LB 72 does not fit within any of the prohibited varieties. Such being the case, LB 72 does not violate the Constitution of Nebraska.

Do you agree?

Sincerely,

Ernie Chambers
State Senator

Enclosure: Copy of LB 72

## SELECT COMMITTEE REPORTS

**Enrollment and Review**

**LEGISLATIVE BILL 387.** Placed on Select File as amended.
E & R amendments to LB 387:
AM5034

1. In lieu of the Beutler amendment adopted February 7, 1985, found on page 509 of the Journal, on page 14, line 13, after "subdivision" insert ", except obligations of sanitary and improvement districts organized under Chapter 31, article 7".

2. On page 4, line 17, strike the first comma and show as stricken.

3. On page 21, line 1, strike the comma and show as stricken.

**LEGISLATIVE BILL 264.** Placed on Select File.

(Signed) Timothy Hall, Chairperson

## STANDING COMMITTEE REPORTS
**Education**

**LEGISLATIVE BILL 592.** Placed on General File as amended.
Standing Committee amendments to LB 592:
AM0109

1. Insert the following new section:

"Sec. 2. That section 79-447, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-447. Any school district in this state~~,~~ ~~wherein~~ which admits one or more of the children of nonmilitary federal employees residing in national parks or national monuments within the state referred to in section 79-446 ~~attend~~ to school~~,~~ shall be entitled to charge as tuition for each of such pupils, for the time such pupil is enrolled, the sum of ~~three~~ fifty dollars per week, if such child is enrolled in the grade school of such district, and the sum of ~~six~~ seventy dollars per week, if such child is enrolled in any high school district, in, near, or adjacent to the place where such ~~officer or enlisted man is stationed~~ nonmilitary federal employees reside as provided in section 79-446. The tuition so charged may be paid by the State of Nebraska out of an appropriation therefor from the General Fund.".

2. On page 4, line 8, after "section" insert "79-447, Reissue Revised Statutes of Nebraska, 1943, and section"; and in line 9 strike "is" and insert "are".

3. Renumber the remaining sections accordingly.

(Signed) Tom Vickers, Chairperson

**Banking, Commerce and Insurance**

**LEGISLATIVE BILL 104.** Placed on General File.
**LEGISLATIVE BILL 143.** Placed on General File.
**LEGISLATIVE BILL 391.** Placed on General File.
**LEGISLATIVE BILL 508.** Placed on General File.

(Signed) John DeCamp, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 223.** Title read. Considered.

Standing Committee amendment, AM0095, found in the Journal on page 502 for the Nineteenth Day was adopted with 32 ayes, 0 nays, 16 present and not voting, and 1 excused and not voting.

Advanced to E & R for Review with 37 ayes, 0 nays, 11 present and not voting, and 1 excused and not voting.

**LEGISLATIVE RESOLUTION 23CA.** Title read. Considered.

Standing Committee amendments, AM0094, found in the Journal on page 502 for the Nineteenth Day were adopted with 26 ayes, 0 nays, 22 present and not voting, and 1 excused and not voting.

Mr. Lamb moved to indefinitely postpone LR 23CA.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

The Lamb motion to indefinitely postpone lost with 12 ayes, 24 nays, 12 present and not voting, and 1 excused and not voting.

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

Advanced to E & R for Review with 28 ayes, 5 nays, 14 present and not voting, and 2 excused and not voting.

## POINT OF PERSONAL PRIVILEGE

Mr. DeCamp spoke to a point of personal privilege.

## SELECT FILE

**LEGISLATIVE BILL 342.** E & R amendments, AM5022, found in the Journal on page 513 for the Twentieth Day were adopted.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 103.** E & R amendments, AM5023, found in the Journal on page 514 for the Twentieth Day were adopted.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 282.** E & R amendments, AM5024, found in the Journal on page 514 for the Twentieth Day were adopted.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 345.** E & R amendments, AM5027, found in the Journal on page 514 for the Twentieth Day were adopted.

Laid over.

**LEGISLATIVE BILL 152.** Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 323.** E & R amendments, AM5028, found in the Journal on page 518 for the Twentieth Day were adopted.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 53.** E & R amendment, AM5025, found in the Journal on page 519 for the Twentieth Day was adopted.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 422.** E & R amendment, AM5026, found in the Journal on page 519 for the Twentieth Day was adopted.

Advanced to E & R for Engrossment.

## UNANIMOUS CONSENT - Print in Journal

Messrs. Hoagland, Landis, and V. Johnson asked unanimous consent to print the following amendment to LB 662 in the Journal. No objections. So ordered.

AM0152

1. On page 2, line 22, strike "districts" and insert "district or become part of an existing Class VI school district"; and in line 27 strike "with" through "the" and insert "become part of an existing Class VI school district".

2. On page 3, strike beginning with "Class" in line 1 through "district" in line 2; in line 17 after "district" insert "or become or approved a plan to become part of an existing Class VI school district"; in line 20 after "district" insert "or make such district part of an existing Class VI school district"; and in line 27 after "district" insert "or become or approved a plan to become part of an existing Class VI school district".

3. On page 4, line 3, after "district" insert "or make such district part of an existing Class VI school district".

4. On page 5, line 2, after "attach" insert "or add".

5. On page 6, line 21, after "districts" insert "or make it part of an existing Class VI school district".

6. On page 7, line 24, after "proposed" insert "or of a Class VI district to which an addition is proposed".

7. On page 9, lines 13 and 17, strike "or" and show as stricken, and after "V" insert ", or VI".

8. On page 10, line 6, strike "or" and show as stricken and after "V" insert ", or VI".

9. On page 15, line 14, strike "districts" and insert "district or made a part of an existing Class VI school district".

## STANDING COMMITTEE REPORTS
### Constitutional Revision and Recreation

**LEGISLATIVE BILL 446.** Placed on General File as amended.

Standing Committee amendment to LB 446:
AM0134
1. Insert the following new section:
"Sec. 3. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

**LEGISLATIVE BILL 711.** Indefinitely postponed.

(Signed) Lee Rupp, Chairperson

**Nebraska Retirement Systems**

**LEGISLATIVE BILL 357.** Indefinitely postponed.

(Signed) Bill Harris, Chairperson

**Miscellaneous Subjects**

**LEGISLATIVE BILL 67.** Placed on General File.

(Signed) Elroy M. Hefner, Chairperson

## SELECT COMMITTEE REPORT
**Enrollment and Review**

**LEGISLATIVE BILL 295.** Placed on Select File as amended.
(E & R amendments printed separate from the Journal and on file in the Clerk's Office - Room 1102 - AM5032.)

(Signed) Timothy Hall, Chairperson

## BILL ON FIRST READING

The following bill was read for the first time by title:

**LEGISLATIVE BILL 272A.** By V. Johnson, 8th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 272, Eighty-ninth Legislature, First Session, 1985.

## UNANIMOUS CONSENT - Print in Journal

Mr. Hannibal asked unanimous consent to print the following

amendment to LB 101 in the Journal. No objections. So ordered.

On p. 4, line 22, strike "eighteen" and insert "twelve" after "completed."
On p. 4 line 27, strike "twelve" and insert "six" after "completed."
On p. 6, line 6, strike "eighteen" & show as stricken; on line 7 after "required", insert "by section 7 of this act;" and strike beginning with "sixty" in line 13, through the period in line 14 and insert "the number of hours of continuing education required by section 7 of this act for a two-year period other than the first two-year period."

## VISITORS

Visitors to the Chamber were Judge Robert Hippe and Herschel Baird from Scotts Bluff County; Freeman Decker from Wayne; Kathy Ellis, Casey Ellis, and Rylie Ellis from Norfolk.

## ADJOURNMENT

At 11:57 a.m., on a motion by Mr. Chizek, the Legislature adjourned until 9:00 a.m., Tuesday, February 12, 1985.

Patrick J. O'Donnell
Clerk of the Legislature

# TWENTY-SECOND DAY - FEBRUARY 12, 1985

## LEGISLATIVE JOURNAL

## EIGHTY-NINTH LEGISLATURE
## FIRST SESSION

## TWENTY-SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, February 12, 1985

Pursuant to adjournment, the Legislature met at 9:03 a.m., President McGinley presiding.

### PRAYER

The prayer was offered by Rev. Dr. Ed Kolbe, First Christian Church, Lincoln, Nebraska.

### ROLL CALL

The roll was called and all members were present except Messrs. Baack, Chronister, Goodrich, Hannibal, V. Johnson, Peterson, Rogers, Schmit, Withem, Mesdames Morehead, and Nelson who were excused until they arrive.

### CORRECTIONS FOR THE JOURNAL

The Journal for the Twenty-First Day was approved.

### PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolution: LR 50.

### GENERAL FILE

**LEGISLATIVE BILL 406.** Considered.

Mr. Chambers renewed his pending amendment found in the Journal on page 469.

Mr. Landis requested a division of the question on the Chambers amendment.

The Chair sustained the division of the question.

The first Chambers amendment is as follows:
1. P. 4, line 1 strike "or", insert "and"

Mrs. Labedz asked unanimous consent to be excused until she returns. No objections. So ordered.

Mrs. Pirsch moved the previous question. The question is, "Shall the debate now close?"

Mrs. Pirsch moved for a call of the house. The motion prevailed with 12 ayes, 0 nays, and 37 not voting.

The motion to cease debate prevailed with 26 ayes, 0 nays, and 23 not voting.

The Chair declared the call raised.

The first Chambers amendment was adopted with 27 ayes, 15 nays, 5 present and not voting, and 2 excused and not voting.

The second Chambers amendment is as follows:
3. P. 4, line 5 - strike "or", and insert "and"

Mr. Chambers requested a record vote on his second amendment.

Voting in the affirmative, 10:

| | | | | |
|---|---|---|---|---|
| Chambers | DeCamp | Haberman | Harris | Landis |
| Conway | Goll | Hall | Johnson, V. | Nichol |

Voting in the negative, 24:

| | | | | |
|---|---|---|---|---|
| Abboud | Chizek | Hoagland | Miller | Pirsch |
| Baack | Hannibal | Johnson, L. | Morehead | Rogers |
| Beutler | Hartnett | Lundy | Nelson | Rupp |
| Beyer | Hefner | Lynch | Pappas | Warner |
| Carsten | Higgins | Marsh | Peterson | |

Present and not voting, 13:

| | | | | |
|---|---|---|---|---|
| Barrett | Johnson, R. | Schmit | Smith | Withem |
| Chronister | Lamb | Scofield | Vickers | |
| Eret | Remmers | Sieck | Wesely | |

Excused and not voting, 2:

Goodrich Labedz

The second Chambers amendment lost with 10 ayes, 24 nays, 13 present and not voting, and 2 excused and not voting.

Mr. Chambers asked unanimous consent to withdraw his third pending amendment. No objections. So ordered.

Advanced to E & R for Review with 35 ayes, 2 nays, 11 present and not voting, and 1 excused and not voting.

## STANDING COMMITTEE REPORTS
### Public Works

**LEGISLATIVE BILL 94.** Placed on General File.

**LEGISLATIVE BILL 83.** Indefinitely postponed.
**LEGISLATIVE BILL 149.** Indefinitely postponed.
**LEGISLATIVE BILL 211.** Indefinitely postponed.
**LEGISLATIVE BILL 332.** Indefinitely postponed.

(Signed) Loran Schmit, Chairperson

## SELECT COMMITTEE REPORTS
### Enrollment and Review

### Correctly Engrossed

The following bills were correctly engrossed: 75, 81, 96, 191, 193, 240, 249, 272, 337, 338, and 339.

(Signed) Timothy Hall, Chairperson

### Enrollment and Review Change to LB 81

The following changes, required to be reported for publication in the Journal, have been made:
ER0015

1. On page 2, line 2, "Statutes" has been inserted after "Revised".

**Enrollment and Review Change to LB 249**

The following changes, required to be reported for publication in the Journal, have been made:
ER0014

1. In the Standing Committee amendments, AM0006, on page 6, line 8, "crippled" has been struck, shown as stricken, and "medically handicapped" has been inserted.

(Signed) Mary Sommermeyer
E & R Attorney

## STANDING COMMITTEE REPORTS
### Banking, Commerce and Insurance

**LEGISLATIVE BILL 158.** Placed on General File.
**LEGISLATIVE BILL 165.** Placed on General File.
**LEGISLATIVE BILL 299.** Placed on General File.

(Signed) John DeCamp, Chairperson

### Nebraska Retirement Systems

**LEGISLATIVE BILL 290.** Placed on General File as amended.
Standing Committee amendments to LB 290:
AM0140

1. On page 2, line 5, strike "cost of living", show as stricken, and insert "cost-of-living"; and in lines 20 through 27 strike the new matter and reinstate the stricken matter.
2. On page 3, in lines 1 through 4 strike the new matter and reinstate the stricken matter.

(Signed) Bill Harris, Chairperson

## SELECT COMMITTEE REPORTS
### Enrollment and Review

**LEGISLATIVE BILL 179.** Placed on Select File as amended.
E & R amendments to LB 179:
AM5035

1. On page 1, strike beginning with "payment" in line 2 through "to" in line 3 and insert "ingress and

egress to business properties during".

2. Strike the original section and all amendments thereto and insert the following new section:

"Section 1. The State of Nebraska or any political subdivision which has a duty to construct or maintain any street, road, or highway shall ensure that ingress and egress, if reasonable, exist to all business properties during any period, in excess of seven work days, of construction or maintenance.".

**LEGISLATIVE BILL 223.** Placed on Select File.

**LEGISLATIVE RESOLUTION 23CA.** Placed on Select File.

(Signed) Timothy Hall, Chairperson

## STANDING COMMITTEE REPORTS
### Miscellaneous Subjects

**LEGISLATIVE BILL 288.** Placed on General File as amended.
Standing Committee amendments to LB 288:
AM0163

1. On page 2, line 3, strike the underscored comma; in line 4 strike "either on or"; and strike beginning with "(b)" in line 4 through "(d)" in line 8 and insert "or (b)".

2. On page 4, strike beginning with "Any" in line 11 through "(5)" in line 15; in line 20 strike "(6)" and insert "(5)"; and in line 26 strike "(7)" and insert "(6)".

3. Strike original sections 6 and 7.

4. On page 8, line 25, strike "sections 24-523 and" and insert "section"; and strike beginning with "and" in line 26 through line 27 and insert "is".

5. Renumber remaining sections accordingly.

(Signed) Elroy M. Hefner, Chairperson

### Nebraska Retirement Systems

**LEGISLATIVE BILL 432.** Placed on General File.

(Signed) Bill Harris, Chairperson

**Banking, Commerce and Insurance**

**LEGISLATIVE BILL 618.** Indefinitely postponed.

(Signed) John DeCamp, Chairperson

**Judiciary**

**LEGISLATIVE BILL 89.** Placed on General File as amended.
Standing Committee amendment to LB 89:
AM0136

1. On page 2, line 3, strike "(a)"; in line 7 strike "knowingly intermarries or"; in line 8 after "a" insert "minor" and strike "in the first degree"; in line 13 reinstate "Incest is a Class III felony." and before the reinstated "Incest" insert "(2)"; strike lines 14 through 21; and strike beginning with "need" in line 24 through "testimony" in line 26.

(Signed) Peter Hoagland, Chairperson

**UNANIMOUS CONSENT - Add Co-Introducer**

Mr. Pappas asked unanimous consent to have his name added as co-introducer to LR 37CA. No objections. So ordered.

**GENERAL FILE**

**LEGISLATIVE BILL 587.** Title read. Considered.

Advanced to E & R for Review with 28 ayes, 0 nays, 20 present and not voting, and 1 excused and not voting.

**LEGISLATIVE BILL 405.** Title read. Considered.

Advanced to E & R for Review with 30 ayes, 0 nays, 18 present and not voting, and 1 excused and not voting.

**LEGISLATIVE BILL 49.** Title read. Considered.

Advanced to E & R for Review with 28 ayes, 0 nays, 20 present and not voting, and 1 excused and not voting.

**LEGISLATIVE BILL 263.** Title read. Considered.

Mr. Beutler offered the following amendment:
By deleting the words "each year" on page 2, line 19 and substituting therefore the words "biannually"

The Beutler amendment was adopted with 28 ayes, 0 nays, 20 present and not voting, and 1 excused and not voting.

Advanced to E & R for Review with 30 ayes, 0 nays, 18 present and not voting, and 1 excused and not voting.

**LEGISLATIVE BILL 134.** Title read. Considered.

Standing Committee amendment, AM0132, found in the Journal on page 520 for the Twentieth Day was adopted with 27 ayes, 0 nays, 21 present and not voting, and 1 excused and not voting.

Advanced to E & R for Review with 29 ayes, 0 nays, 19 present and not voting, and 1 excused and not voting.

**LEGISLATIVE BILL 327.** Title read. Considered.

Advanced to E & R for Review with 29 ayes, 0 nays, 19 present and not voting, and 1 excused and not voting.

## SELECT FILE

**LEGISLATIVE BILL 126.** Mr. Remmers renewed his pending motion found in the Journal on page 496 to indefinitely postpone.

Messrs. Schmit, Haberman, and Pappas asked unanimous consent to be excused until they return. No objections. So ordered.

Pending.

**LEGISLATIVE BILL 283.** Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 129A.** Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 48.** E & R amendments, AM5029, found in the Journal on page 541 for the Twenty-First Day were adopted.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 224.** E & R amendment, AM5030, found in the Journal on page 541 for the Twenty-First Day was adopted.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 86.** E & R amendment, AM5031, found in the Journal on page 542 for the Twenty-First Day was adopted.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 387.** E & R amendments, AM5034, found in the Journal on page 551 for the Twenty-First Day were adopted.

Laid over.

**LEGISLATIVE BILL 264.** Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 295.** E & R amendments, AM5032, printed separate from the Journal and referred to on page 555 for the Twenty-First Day were adopted.

Mr. Hefner requested a machine vote on the advancement of the bill.

Mr. DeCamp moved for a call of the house. The motion prevailed with 14 ayes, 1 nay, and 34 not voting.

Advanced to E & R for Engrossment with 26 ayes, 18 nays, 2 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

**LEGISLATIVE BILL 557.** E & R amendments, AM5033, found in the Journal on page 542 for the Twenty-First Day were adopted.

Advanced to E & R for Engrossment.

## UNANIMOUS CONSENT - Print in Journal

Mr. Wesely asked unanimous consent to print the following amendment to LB 126 in the Journal. No objections. So ordered.

AM0102

1. On page 2, line 25, strike "1983-84," and show as stricken; and in line 26 strike "and" and show as stricken and after the second comma insert "1986-87, 1987-88, and 1988-89.".

2. On page 3, line 8, after "66-1055" insert

"and Chapter 57, article 7".

## STANDING COMMITTEE REPORTS
### Revenue

**LEGISLATIVE BILL 712.** Placed on General File as amended.
Standing Committee amendments to LB 712:
AM0158

1. Insert the following new sections:

"Section 1. That section 77-2715.01, Revised Statutes Supplement, 1984, be amended to read as follows:

77-2715.01. (1)(a) Commencing in 1984 the Legislature shall set the rate of the income tax imposed by section 77-2715 and the rate of the sales tax imposed by subsection (1) of section 77-2703.

(b) The Legislature shall set the rates of the sales tax and income tax so that the estimated funds available plus estimated receipts from the sales, use, income, and franchise taxes will be not less than three per cent nor more than seven per cent in excess of the appropriations and express obligations for the next two succeeding calendar years. The purpose of this subdivision is to insure that there shall be maintained in the state treasury an adequate General Fund balance, considering cash flow, to meet the appropriations and express obligations of the state.

~~(c) The rates of the sales and income taxes shall be fixed so that the total sales and use taxes levied will as nearly as possible equal the total individual income tax levied for the calendar year for which the rates so fixed will be effective. The Legislature shall set the rates in such a manner that total sales and use tax revenue should not exceed total individual income tax revenue in any particular year.~~

~~(d) For purposes of this subsection, total sales and use taxes levied shall mean the total state sales and use tax liability of all taxpayers for the calendar year reduced by the additional one-half of one per cent sales and use tax imposed by section 77-2715.04. Total income and franchise taxes levied shall mean the total state income and franchise tax liability of all taxpayers for the calendar year.~~

~~(e) The sales tax rate so fixed by the Legislature shall be an increment of one-half of one per~~

~~cent, and the income tax rate so fixed shall be an increment of one per cent.~~

(c) ~~(f)~~ For purposes of this section, express obligation shall mean an obligation which has fiscal impact identifiable by a sum certain or by an established percentage or other determinative factor or factors.

(2) The Speaker of the Legislature and the chairpersons of the Legislature's Executive Board, Revenue Committee, and Appropriations Committee shall meet with the Tax Commissioner within ten days after ~~the fifteenth of~~ July 15 and ~~October~~ November 15 of each year and shall determine whether the rates for sales tax and income tax should be changed. In making such determination they shall recalculate the requirements pursuant to the formula set forth in subsection (1) of this section, taking into consideration the appropriations and express obligations for any session, all miscellaneous claims, deficiency bills, and all emergency appropriations.

In the event it is determined by a majority vote that the rates must be changed as a result of a regular or special session or as a result of a change in ~~the provisions of~~ the Internal Revenue Code of 1954 and amendments thereto, other provisions of the laws of the United States relating to federal income taxes, and the rules and regulations issued under such laws, they shall petition the Governor to call a special session of the Legislature to make whatever rate changes may be necessary.

Sec. 2. That section 77-27,132, Revised Statutes Supplement, 1984, be amended to read as follows:

77-27,132. (1) There is hereby created a fund to be designated Tax Refund Fund which shall be set apart and maintained by the State Treasurer for prompt payments of all tax refunds under ~~the provisions of~~ sections 66-461, 77-2106, and 77-2701 to 77-27,135 and transfers to the Nongame and Endangered Species Conservation Fund pursuant to sections 37-439 and 77-27,119.01. Such fund shall be in such amount as the State Treasurer, with the advice of the Tax Commissioner, shall determine is necessary to meet current refunding requirements under ~~the provisions of~~ sections 66-461, 77-2106, and 77-2701 to 77-27,135. Any

money in the Tax Refund Fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1269.

(2) The Tax Commissioner shall pay to a depository bank designated by the State Treasurer all amounts collected under sections 77-2701 to 77-27,135. The Tax Commissioner shall present to the State Treasurer bank receipts showing amounts so deposited in the aforementioned bank and of the amounts so deposited the State Treasurer shall (a) first credit to the Tax Refund Fund such amounts as are necessary to maintain such Tax Refund Fund at the level required by subsection (1) of this section, and (b) then credit to the Highway Allocation Fund all of the proceeds of the sales and use taxes derived from motor vehicles, trailers, and semitrailers, except for the proceeds from the sales and use tax imposed pursuant to section 5 of this act which the State Treasurer shall credit to the General Homestead Exemption Fund. The balance of the amounts so paid shall be credited to the General Fund.

Sec. 4. There is hereby created the General Homestead Exemption Fund to be administered by the Department of Revenue. Money in the fund shall be used only to reimburse taxing agencies for revenue which is lost as a result of the exemption granted by section 77-3506.01. Any money remaining in the fund after all such reimbursements are made for any tax year shall be retained in the fund. Any money in the General Homestead Exemption Fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1269 and interest earned shall accrue to the fund.

Sec. 5. In addition to the sales tax imposed pursuant to section 77-2701.02, there is hereby imposed an additional one per cent sales and use tax to commence October 1, 1985. All proceeds from this additional tax shall be paid to the General Homestead Exemption Fund.

Sec. 6. The sales and use tax imposed under section 5 of this act is in addition to the sales and use tax imposed under Chapter 77, article 27, and shall be interpreted, collected, enforced, and remitted by the Tax Commissioner under Chapter 77, article 27.".

2. On page 2, line 5, after "that" insert "for tax year 1985" and reinstate the stricken matter;

in line 6 strike the new matter; after line 7 insert the following:

"Beginning with tax year 1986 and for each tax year thereafter there shall be exempt from taxation a portion of the actual value of the homestead equal to the lesser of fifteen thousand dollars or the amount available in the General Homestead Exemption Fund created pursuant to section 4 of this act on December 31 of the tax year divided by the product of the number of homesteads which are approved for an exemption under this section only pursuant to section 77-3516 for that tax year and the average property tax rate per homestead, as determined by the Tax Commissioner."; in line 8 strike "section" and insert "sections 77-2715.01, 77-27,132, and"; and in line 9 strike "is" and insert "are".

3. Renumber remaining sections accordingly.

(Signed) Vard Johnson, Chairperson

**Judiciary**

**LEGISLATIVE BILL 36.** Placed on General File as amended.
Standing Committee amendments to LB 36:
AM0142

1. Strike original section 1.

2. On page 3, strike beginning with "Upon" in line 25 through "an" in line 27 and insert "When the money remaining on deposit after stipulated payment to the condemnee is five thousand dollars or more, the county court shall place such amount in a savings account of a bank or other financial institution or in interest-bearing obligations of the federal government. The amount so deposited shall be".

3. On page 4, strike beginning with "account" in line 1 through "is" in line 5; in line 21 after the comma insert "compounded annually"; and strike beginning with "and" in line 24 through "are" in line 25 and insert "is".

4. Renumber original sections 2 and 3 as sections 1 and 2 respectively.

**LEGISLATIVE BILL 233.** Placed on General File as amended.
Standing Committee amendment to LB 233:
AM0141

1. On page 2, line 19, after the underscored period insert "Payment for the actual and necessary expenses shall be made by the party who calls the employee as a witness.".

**LEGISLATIVE BILL 498.** Placed on General File as amended.
Standing Committee amendments to LB 498:
AM0137

1. On page 2, line 20, strike "one advance", show as stricken, and insert "as many advance copies as may be requested by the members of the Legislature"; and in line 21 strike "copy" and show as stricken.

2. On page 3, line 27 strike beginning with "not" through the second "to", show as stricken, and insert "as many copies to the Attorney General as he or she has attorneys on his or her staff;".

3. On page 4, line 1, strike "the Attorney General;" and show as stricken; in line 6 strike "two", show as stricken, and insert "three"; and in line 7 after "chamber" insert ", one copy on each side of the chamber and one copy at the desk of the Clerk of the Legislature,".

(Signed) Peter Hoagland, Chairperson

## NOTICE OF COMMITTEE HEARINGS
### Judiciary

| | | |
|---|---|---|
| LB 445 | Tuesday, February 19, 1985 | 1:30 p.m. |
| LB 525 | Tuesday, February 19, 1985 | 1:30 p.m. |
| LB 529 | Tuesday, February 19, 1985 | 1:30 p.m. |
| LB 125 | Tuesday, February 19, 1985 | 1:30 p.m. |
| LB 373 | Tuesday, February 19, 1985 | 1:30 p.m. |
| LB 600 | Tuesday, February 19, 1985 | 1:30 p.m. |
| LB 610 | Tuesday, February 19, 1985 | 1:30 p.m. |
| LB 521 | Wednesday, February 20, 1985 | 1:30 p.m. |

(Signed) Peter Hoagland, Chairperson

## ADJOURNMENT

At 12:12 p.m., on a motion by Mr. Hartnett, the Legislature adjourned until 9:00 a.m., Wednesday, February 13, 1985.

Patrick J. O'Donnell
Clerk of the Legislature

# TWENTY-THIRD DAY - FEBRUARY 13, 1985

# LEGISLATIVE JOURNAL

# TWENTY-THIRD DAY - FEBRUARY 13, 1985

## LEGISLATIVE JOURNAL

## EIGHTY-NINTH LEGISLATURE
## FIRST SESSION

## TWENTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, February 13, 1985

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

## PRAYER

The prayer was offered by Rev. Gil Visser, Hope Reform Church, Lincoln, Nebraska.

## ROLL CALL

The roll was called and all members were present except Messrs. Baack, Conway, and Hannibal who were excused until they arrive.

**PRESIDENT MCGINLEY PRESIDING**

## CORRECTIONS FOR THE JOURNAL

The Journal for the Twenty-Second Day was approved.

## STANDING COMMITTEE REPORTS

### Revenue

**LEGISLATIVE BILL 120.** Indefinitely postponed.

(Signed) Vard Johnson, Chairperson

### Appropriations

**LEGISLATIVE BILL 658.** Indefinitely postponed.

(Signed) Jerome Warner, Chairperson

## SELECT COMMITTEE REPORTS
### Enrollment and Review

### Correctly Engrossed

The following bills were correctly engrossed: 53, 103, 152, 282, 323, 342, and 422.

(Signed) Timothy Hall, Chairperson

### Enrollment and Review Change to LB 323

The following changes, required to be reported for publication in the Journal, have been made:
ER0016
1. On page 14, line 1, an underscored semicolon has been inserted after "cannabis".

(Signed) Mary Sommermeyer
E & R Attorney

## ATTORNEY GENERAL'S OPINION

Opinion No. 18
February 8, 1985

RE: Constitutionality of LB 298

Dear Senator DeCamp:

You have requested our opinion regarding the constitutionality of LB 298 in the form first read on January 17, 1985. You suggested that LB 298 may be unconstitutional in that it may be an improper delegation of legislative authority in violation of Article II, Section 1, and Article III, Section 1, of the Nebraska Constitution.

LB 298 alters §45-103 Neb.Rev.Stat. (Reissue 1984) to provide that interest on decrees and judgments shall be ". . . at a rate equal to the coupon yield equivalent, as determined by the Secretary of the Treasury, of the average accepted auction price for the last auction of 52 week United States treasury bills settled immediately prior to the date of judgment."

First, the Legislature has the power to determine the rate of interest on judgments. The question then appears to be whether the

Legislature can require the court to determine the rate of interest on judgments according to a formula established by the Legislature. It is our opinion that it may do so. While the Legislature cannot delegate its power to make a law, it can make a law to delegate a power to determine some fact upon which the law is dependent.

> The true distinction, therefore, is between the delegation of power to make the law, which necessarily involves a discretion as to what it shall be, and conferring an authority or discretion as to its execution, to be exercised under and in pursuance of the law. The first cannot be done. To the latter no valid objection can be made. Searle v. Yensen, 118 Neb. 835, 226 N.W.2d 464 (1929).

As written, LB 298 does not purport to authorize the judiciary to independently establish a rate of interest on judgments or decrees. Rather, it authorizes the judiciary to make a finding of fact, that is, the rate of interest, according to a formula established by the Legislature. Therefore, LB 298 would not violate the stricters of Article II, Section 1 or Article III, Section of the Nebraska Constitution.

We would point out however, that the statute does not attempt to define "coupon yield equivalent" which would be necessary to an understanding of the formula proposed by the legislation.

Sincerely,
A. EUGENE CRUMP
Deputy Attorney General
(Signed) Timothy E. Davis
Assistant Attorney General

TED:bmh
cc: Patrick J. O'Donnell
Clerk of the Legislature

**MOTION - Return LB 30 to Select File**

Mr. Beutler moved to return LB 30 to Select File for the following specific amendment:

On page 3, line 2, after the word "shall" add the following words "for tax year 1985 only"

Mr. Beutler asked unanimous consent to withdraw his pending motion to return to Select File. No objections. So ordered.

**BILLS ON FINAL READING**

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 30.** With Emergency.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-112, 77-201, 77-1301.01, and 77-1301.13, Reissue Revised Statutes of Nebraska, 1943; to provide for the valuation of agricultural and horticultural land for purposes of property taxation; 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, 47:

| | | | | |
|---|---|---|---|---|
| Abboud | Goll | Johnson, L. | Morehead | Scofield |
| Barrett | Goodrich | Johnson, R. | Nelson | Sieck |
| Beutler | Haberman | Johnson, V. | Nichol | Smith |
| Beyer | Hall | Labedz | Pappas | Vickers |
| Carsten | Hannibal | Lamb | Peterson | Warner |
| Chizek | Harris | Landis | Pirsch | Wesely |
| Chronister | Hartnett | Lundy | Remmers | Withem |
| Conway | Hefner | Lynch | Rogers | |
| DeCamp | Higgins | Marsh | Rupp | |
| Eret | Hoagland | Miller | Schmit | |

Voting in the negative, 0.

Present and not voting, 1:

Chambers

Excused and not voting, 1:

Baack

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**LEGISLATIVE BILL 41.** With Emergency.

A BILL FOR AN ACT relating to criminal procedure; to eliminate the requirement of a reward for the arrest of certain persons; to repeal sections 29-2529 to 29-2531, Reissue Revised Statutes of Nebraska,

1943; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 47:

| | | | | |
|---|---|---|---|---|
| Abboud | Goll | Johnson, L. | Morehead | Scofield |
| Barrett | Goodrich | Johnson, R. | Nelson | Sieck |
| Beutler | Haberman | Johnson, V. | Nichol | Smith |
| Beyer | Hall | Labedz | Pappas | Vickers |
| Carsten | Hannibal | Lamb | Peterson | Warner |
| Chizek | Harris | Landis | Pirsch | Wesely |
| Chronister | Hartnett | Lundy | Remmers | Withem |
| Conway | Hefner | Lynch | Rogers | |
| DeCamp | Higgins | Marsh | Rupp | |
| Eret | Hoagland | Miller | Schmit | |

Voting in the negative, 0.

Present and not voting, 1:

Chambers

Excused and not voting, 1:

Baack

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**LEGISLATIVE BILL 51.**

A BILL FOR AN ACT relating to change of boundaries; to amend section 17-419, Reissue Revised Statutes of Nebraska, 1943; to change a provision relating to vacation of a plat; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

| | | | | |
|---|---|---|---|---|
| Abboud | Goll | Johnson, L. | Morehead | Scofield |
| Barrett | Goodrich | Johnson, R. | Nelson | Sieck |
| Beutler | Haberman | Johnson, V. | Nichol | Smith |
| Beyer | Hall | Labedz | Pappas | Vickers |
| Carsten | Hannibal | Lamb | Peterson | Warner |
| Chizek | Harris | Landis | Pirsch | Wesely |
| Chronister | Hartnett | Lundy | Remmers | Withem |
| Conway | Hefner | Lynch | Rogers | |
| DeCamp | Higgins | Marsh | Rupp | |
| Eret | Hoagland | Miller | Schmit | |

Voting in the negative, 0.

Present and not voting, 1:

Chambers

Excused and not voting, 1:

Baack

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 52.**

A BILL FOR AN ACT relating to community development; to amend section 18-2107, Reissue Revised Statutes of Nebraska, 1943; to provide additional powers; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 39:

| | | | | |
|---|---|---|---|---|
| Abboud | Goodrich | Hoagland | Marsh | Rupp |
| Beyer | Haberman | Johnson, L. | Miller | Scofield |
| Chizek | Hall | Johnson, R. | Morehead | Sieck |
| Chronister | Hannibal | Johnson, V. | Nelson | Smith |
| Conway | Harris | Labedz | Nichol | Vickers |
| DeCamp | Hartnett | Landis | Pappas | Wesely |
| Eret | Hefner | Lundy | Remmers | Withem |
| Goll | Higgins | Lynch | Rogers | |

Voting in the negative, 7:

| | | | | |
|---|---|---|---|---|
| Barrett | Lamb | Pirsch | Schmit | Warner |
| Carsten | Peterson | | | |

Present and not voting, 2:

Beutler Chambers

Excused and not voting, 1:

Baack

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 109.**

A BILL FOR AN ACT relating to the State Real Estate Commission; to amend section 81-885.45, Reissue Revised Statutes of Nebraska, 1943, and section 81-885.24, Revised Statutes Supplement, 1984; to provide an additional unfair trade practice; to prohibit acting as a broker, salesperson, or subdivider under a suspended license; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

| | | | | |
|---|---|---|---|---|
| Abboud | Eret | Higgins | Marsh | Rupp |
| Barrett | Goll | Hoagland | Morehead | Scofield |
| Beutler | Goodrich | Johnson, L. | Nelson | Sieck |
| Beyer | Haberman | Johnson, R. | Nichol | Smith |
| Carsten | Hall | Labedz | Pappas | Vickers |
| Chizek | Hannibal | Lamb | Peterson | Warner |
| Chronister | Harris | Landis | Pirsch | Wesely |
| Conway | Hartnett | Lundy | Remmers | Withem |
| DeCamp | Hefner | Lynch | Rogers | |

Voting in the negative, 1:

Johnson, V.

Present and not voting, 3:

Chambers Miller Schmit

Excused and not voting, 1:

Baack

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 128.** With Emergency.

A BILL FOR AN ACT relating to building and loan associations; to amend section 8-355, Revised Statutes Supplement, 1984; to provide the same advantages as federal savings and loan associations; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 48:

| | | | | |
|---|---|---|---|---|
| Abboud | Eret | Hoagland | Miller | Schmit |
| Barrett | Goll | Johnson, L. | Morehead | Scofield |
| Beutler | Goodrich | Johnson, R. | Nelson | Sieck |
| Beyer | Haberman | Johnson, V. | Nichol | Smith |
| Carsten | Hall | Labedz | Pappas | Vickers |
| Chambers | Hannibal | Lamb | Peterson | Warner |
| Chizek | Harris | Landis | Pirsch | Wesely |
| Chronister | Hartnett | Lundy | Remmers | Withem |
| Conway | Hefner | Lynch | Rogers | |
| DeCamp | Higgins | Marsh | Rupp | |

Voting in the negative, 0.

Excused and not voting, 1:

Baack

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**LEGISLATIVE BILL 151.**

A BILL FOR AN ACT relating to the University of Nebraska; to amend sections 85-125 and 85-192, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the University Cash Fund and the University of Nebraska at Omaha Cash Fund; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

| | | | | |
|---|---|---|---|---|
| Abboud | Eret | Johnson, L. | Morehead | Scofield |
| Barrett | Goll | Johnson, R. | Nelson | Sieck |
| Beutler | Goodrich | Johnson, V. | Nichol | Smith |
| Beyer | Haberman | Labedz | Pappas | Vickers |
| Carsten | Hall | Lamb | Peterson | Warner |
| Chambers | Hannibal | Landis | Pirsch | Wesely |
| Chizek | Hartnett | Lundy | Remmers | Withem |
| Chronister | Hefner | Lynch | Rogers | |
| Conway | Higgins | Marsh | Rupp | |
| DeCamp | Hoagland | Miller | Schmit | |

Voting in the negative, 0.

Present and not voting, 1:

Harris

Excused and not voting, 1:

Baack

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 187.** With Emergency.

A BILL FOR AN ACT relating to criminal procedure; to define a term; to provide for dissemination of information relating to missing persons; to provide a procedure for reports involving certain missing persons; and to declare an emergency.

Whereupon the President stated: "All provisions of 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 | DeCamp | Higgins | Marsh | Rupp |
| Baack | Eret | Hoagland | Miller | Schmit |
| Barrett | Goll | Johnson, L. | Morehead | Scofield |
| Beutler | Goodrich | Johnson, R. | Nelson | Sieck |
| Beyer | Haberman | Johnson, V. | Nichol | Smith |
| Carsten | Hall | Labedz | Pappas | Vickers |
| Chambers | Hannibal | Lamb | Peterson | Warner |
| Chizek | Harris | Landis | Pirsch | Wesely |
| Chronister | Hartnett | Lundy | Remmers | Withem |
| Conway | Hefner | Lynch | Rogers | |

Voting in the negative, 0.

Not voting, 0.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**LEGISLATIVE BILL 417.**

A BILL FOR AN ACT relating to the State Board of Education; to amend section 79-329, Reissue Revised Statutes of Nebraska, 1943; to change the powers of such board relating to grants as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 49:

| | | | | |
|---|---|---|---|---|
| Abboud | Chambers | Goll | Hartnett | Johnson, V. |
| Baack | Chizek | Goodrich | Hefner | Labedz |
| Barrett | Chronister | Haberman | Higgins | Lamb |
| Beutler | Conway | Hall | Hoagland | Landis |
| Beyer | DeCamp | Hannibal | Johnson, L. | Lundy |
| Carsten | Eret | Harris | Johnson, R. | Lynch |

| | | | | |
|---|---|---|---|---|
| Marsh | Nichol | Remmers | Scofield | Warner |
| Miller | Pappas | Rogers | Sieck | Wesely |
| Morehead | Peterson | Rupp | Smith | Withem |
| Nelson | Pirsch | Schmit | Vickers | |

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.

## NOTICE OF COMMITTEE HEARINGS
### Constitutional Revision and Recreation

| | | |
|---|---|---|
| LR 37CA | Friday, March 1, 1985 | 1:30 p.m. |
| LB 517 | Friday, March 1, 1985 | 1:30 p.m. |
| LR 13CA | Friday, March 8, 1985 | 1:30 p.m. |
| LR 29CA | Friday, March 8, 1985 | 1:30 p.m. |
| LR 34CA | Friday, March 8, 1985 | 1:30 p.m. |
| LR 28CA | Thursday, March 7, 1985 | 1:30 p.m. |
| LR 30CA | Thursday, March 7, 1985 | 1:30 p.m. |
| LR 8CA | Thursday, March 7, 1985 | 1:30 p.m. |
| LR 16CA | Thursday, March 14, 1985 | 1:30 p.m. |

(Signed) Lee Rupp, Chairperson

## UNANIMOUS CONSENT - Announcements

Mr. Rupp asks unanimous consent to allow the Constitutional Revision and Recreation Committee to use the East Chamber for its public hearing on March 1. No objections. So ordered.

Mr. Rupp asks unanimous consent to allow the Constitutional Revision and Recreation Committee to use Room 1517 for its public hearing on March 7 and 14. No objections. So ordered.

## NOTICE OF COMMITTEE HEARING
### Agriculture and Environment

| | | |
|---|---|---|
| LB 537 | Friday, March 1, 1985 (Cancelled) | 1:30 p.m. |

LB 537 Thursday, March 7, 1985 (Reset) 1:30 p.m.

(Signed) Rod Johnson, Chairperson

## SELECT COMMITTEE REPORTS
### Enrollment and Review

**LEGISLATIVE BILL 406.** Placed on Select File.

**LEGISLATIVE BILL 587.** Placed on Select File as amended.
E & R amendments to LB 587:
AM5036

1. On page 1, line 4, strike "tax anticipation" and insert "promissory".
2. On page 2, line 10, delete the paragraphing; and in line 16 insert paragraphing after the period.

**LEGISLATIVE BILL 405.** Placed on Select File.
**LEGISLATIVE BILL 49.** Placed on Select File.

**LEGISLATIVE BILL 263.** Placed on Select File as amended.
E & R amendments to LB 263:
AM5037

1. In lieu of the Beutler amendment adopted February 12, 1985, on page 2, line 19, strike "each year" and insert "biennially"; in line 22 after "year" insert an underscored comma; and in line 24 after "and" insert ", every other year," and after "audit" insert an underscored comma.
2. On page 3, line 5, strike the comma and show as stricken.

**LEGISLATIVE BILL 134.** Placed on Select File.
**LEGISLATIVE BILL 327.** Placed on Select File.

(Signed) Timothy Hall, Chairperson

## STANDING COMMITTEE REPORTS
### Nebraska Retirement Systems

**LEGISLATIVE BILL 353.** Placed on General File as amended.
Standing Committee amendments to LB 353:
AM0190

1. Insert the following new section:

"Sec. 3. That section 14-1022, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

14-1022. (1) The board of directors of any metropolitan water or metropolitan utilities district may also provide benefits for, insurance of, and annuities for the present and future employees and appointees of the district covering accident, disease, death, total and permanent disability, and retirement, all or any of them, under such terms and conditions as the board may deem proper and expedient from time to time. Any retirement plan, ~~adopted by the board of directors,~~ shall be upon some contributory basis requiring contributions by both the district and the employee or appointee, except that the district may pay the entire cost of the fund necessary to cover service rendered prior to the adoption of any new retirement plan. Any retirement plan ~~, adopted by the board of directors after March 4, 1955,~~ shall take into consideration the benefits provided for employees and appointees of metropolitan utilities districts under the Social Security Act, and any benefits provided under a contributory retirement plan ~~adopted by the board of directors after March 4, 1955,~~ shall be supplemental to the benefits provided under the Social Security Act as defined in section 68-602~~,~~ if the employees entitled to vote in a referendum vote in favor of old age and survivors' insurance coverage. To effectuate any plan adopted pursuant to this authority~~,~~ the board of directors of the district is empowered to establish and maintain reserves and funds, provide for insurance premiums and costs, and make such delegation as may be necessary to carry into execution the general powers granted by this section. Payments made to employees and appointees, under the authority in this section, shall be exempt from attachment or other legal process and shall not be assignable.

(2) Any retirement plan adopted by the board of directors of any water or metropolitan utilities district may allow such districts to pick up the employee contribution required by this section for all compensation paid on or after January 1, 1986, and the contributions so picked up shall be treated as employer contributions in determining federal tax treatment under the United States Internal Revenue Code, except that the

employer shall continue to withhold federal income taxes based upon such contributions until the Internal Revenue Service, or the federal courts, rule that, pursuant to section 414(h) of the United States Internal Revenue Code, such 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 the employee contributions from the same source of funds which is used in paying earnings to the employees. The employer shall pick up the contributions by a salary deduction either through a reduction in the cash salary of the employee or a combination of a reduction in salary and offset against a future salary increase. Employee contributions picked up shall be treated in the same manner and to the same extent as employee contributions made prior to the date picked up.".

2. On page 5, line 15, after "original" insert "section 14-1022, Reissue Revised Statutes of Nebraska, 1943, and".

3. Renumber remaining section accordingly.

(Signed) Bill Harris, Chairperson

**Education**

**LEGISLATIVE BILL 244.** Placed on General File as amended.
Standing Committee amendments to LB 244:
AM0154

1. On page 2, line 26, strike "Voting", show as stricken, and insert "Except as otherwise provided in this section, voting".

2. On page 3, line 14, strike "The", show as stricken, and insert "After the next federal decennial census, the".

3. On page 4, strike beginning with "the" in line 9 through the period in line 16 and insert "A seventh member of the board shall be elected at large in 1987 for a two-year term. In 1989, a seventh member of the board shall be elected at large for a four-year term. Commencing in 1993, all seven members of the board shall be elected by district."; and in line 21 strike "Section", show as stricken, and insert "Except when specific procedures are otherwise provided, section".

(Signed) Tom Vickers, Chairperson

## GENERAL FILE

**LEGISLATIVE BILL 101A.** Title read. Considered.

Advanced to E & R for Review with 29 ayes, 1 nay, and 19 present and not voting.

**LEGISLATIVE BILL 272A.** Title read. Considered.

Advanced to E & R for Review with 29 ayes, 0 nays, and 20 present and not voting.

**LEGISLATIVE BILL 323A.** Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 22 present and not voting, and 1 excused and not voting.

**LEGISLATIVE BILL 113.** Title read. Considered.

Standing Committee amendments, AM0037, found in the Journal on page 520 for the Twentieth Day were adopted with 25 ayes, 0 nays, 23 present and not voting, and 1 excused and not voting.

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

Advanced to E & R for Review with 26 ayes, 10 nays, 11 present and not voting, and.2 excused and not voting.

## PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 30, 41, 51, 52, 109, 128, 151, 187, and 417.

## UNANIMOUS CONSENT - Member Excused

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

## GENERAL FILE

**LEGISLATIVE BILL 371.** Title read. Considered.

Standing Committee amendments, AM0104, found in the Journal on page 524 for the Twentieth Day were considered.

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

The Standing Committee amendments were adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 116.** Title read. Considered.

Standing Committee amendment, AM0138, found in the Journal on page 530 for the Twentieth Day was adopted with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

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

Mr. Pappas renewed his pending amendment found in the Journal on page 493.

The Pappas amendment lost with 12 ayes, 12 nays, 20 present and not voting, and 5 excused and not voting.

Mr. Haberman offered the following amendment:
that repair parts on farm equipment and machinery are exempt from the city sales tax

Mr. V. Johnson requested a ruling of the Chair on whether the Haberman amendment is germane to the bill.

The Chair ruled the Haberman amendment not germane to the bill.

Mr. Landis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 5 nays, and 18 not voting.

**SPEAKER NICHOL PRESIDING**

Mr. Landis requested a record vote on the advancement of the bill.

Voting in the affirmative, 28:

| | | | | |
|---|---|---|---|---|
| Baack | Eret | Hefner | Landis | Scofield |
| Beutler | Goodrich | Higgins | Lundy | Smith |
| Carsten | Hall | Hoagland | Lynch | Warner |
| Chizek | Hannibal | Johnson, L. | Marsh | Withem |
| Conway | Harris | Johnson, V. | Morehead | |
| DeCamp | Hartnett | Labedz | Nelson | |

Voting in the negative, 13:

| | | | | |
|---|---|---|---|---|
| Abboud | Goll | Lamb | Peterson | Vickers |
| Barrett | Haberman | Miller | Remmers | |
| Beyer | Johnson, R. | Nichol | Rupp | |

Present and not voting, 5:

| | | | | |
|---|---|---|---|---|
| Chambers | Chronister | Pappas | Pirsch | Sieck |

Excused and not voting, 3:

| | | |
|---|---|---|
| Rogers | Schmit | Wesely |

Advanced to E & R for Review with 28 ayes, 13 nays, 5 present and not voting, and 3 excused and not voting.

## UNANIMOUS CONSENT - Print in Journal

Mr. Lamb asked unanimous consent to print the following amendment to LR 23 in the Journal. No objections. So ordered.

Pg 1. Line 12 strike "ninety" and insert "eighty".
Line 13 strike "ninety-day" and insert "eighty-day".
Pg 2. Line 13 - strike "ninety-day" and insert "eighty-day".
Pg 3. Line 15 - strike "ninety-day" and insert "eighty-day".

## PRESENTED TO THE GOVERNOR

Presented to the Governor on February 13, 1985, at 11:25 a.m., were the following bills: 30, 41, 51, 52, 109, 128, 151, 187, and 417.

(Signed) Pam Moravec, Enrolling Clerk

## ATTORNEY GENERAL'S OPINION

Opinion No. 19
February 11, 1985

Re: Length of Appropriations By Legislature

Dear Senator Warner:

You have asked for the opinion of this office as to whether or not the legislature is empowered to make biennial appropriations under the provisions of Article III, Section 22 of the Nebraska Constitution.

Article III, Section 22 states in pertinent part: "Each Legislature shall make appropriations for the expenses of the government." It is our view that this provision allows the Legislature to make appropriations for annual or biennial periods; or the Legislature may appropriate for any other length of time. The only limitation is that no appropriation may extend past the end of the fiscal year ending during the next upcoming odd-numbered calendar year.

Our reasoning behind these conclusions is as follows:

Prior to its 1972 amendment, Article III, Section 22 provided:

> Each Legislature shall make appropriations for the expenses of the Government until the expiration of the first fiscal quarter after the adjournment of the next regular session, and all appropriations shall end with such fiscal quarter.

When the Legislature went to annual sessions in 1971 it was clear that this language would require annual appropriations because appropriations could not extend past "the expiration of the first fiscal quarter after the adjournment of the next regular session." Since regular sessions were coming up annually, this meant that appropriations would have to be made annually also. See, 1971-72 Attorney General Opinions, No. 29, March 30, 1971.

The 1972 amendment to Article III, Section 22 eliminated the language limiting appropriations "until the expiration of the first fiscal quarter after the adjournment of the next regular session." Thus, the Legislature is no longer limited to appropriating on an annual basis simply because it meets on an annual basis. However, nothing in Article III, Section 22 prohibits such annual appropriations either.

Nevertheless, we do not believe the 1972 amendment eliminated all limits on the length of appropriations. We say this because Article III, Section 22 continues to state: "Each Legislature shall make appropriations. . . ." (Emphasis supplied.) The use of the term "each Legislature" is unique in Article III, Section 22, being found no where else in Article III. Elsewhere the term "the Legislature" is used. This certainly suggests that the term in Article III, Section 22 means something different.

The term "the Legislature," as used in Article III, clearly refers generically to that body of government which has the authority to legislate, i.e., to make statutory laws for the state. See, Black's Law Dictionary (5th ed. 1979), p. 811; Webster's Third New International Dictionary (1967), p. 1291. On the other hand, the term "each Legislature" is commonly understood to refer to a particular embodiment of that legislative body during which the members remain basically the same throughout. For example, it is common to refer to "the Eighty-Eighth Legislature" meaning that particular embodiment of the Legislature that met for sessions in 1983 and 1984. This is distinguished from "the Eighty-Seventh Legislature," that particular legislative body which held sessions in 1981 and 1982. And so on.

Of course, under the scheme of Article III, section 7 each member of the Legislature is elected for a four year term, with approximately half of the members being elected every two years. Therefore, a particular embodiment of the Legislature in which all the members are the same (except for resignations, deaths, etc.) can last for only two years at the most.

It is a well-established principle in interpreting constitutional language that words used in the Constitution should be given their ordinary and common meaning. The language in the Nebraska Constitution should be given the meaning which obviously would be accepted by a layman. See, American Federation of State, County and Municipal Employees v. Department of Public Institutions, 195 Neb. 253, 257, 237 N.W.2d 841 (1976); School District of Seward Education Association v. School District of Seward, 188 Neb. 772, 778, 199 N.W.2d 752 (1972).

We believe that the ordinary and common meaning of the term "each Legislature" is different from the ordinary and common meaning of the term "the Legislature." As discussed above, in common usage, "the Legislature" refers generally to that body of government having legislative powers; while, in common usage, "each Legislature" refers to each particular embodiment of that body lasting for two years. Accordingly, under Article III, Section 22, each particular embodiment of the legislative body as it exists for two years has the power and the duty to "make appropriations for the expenses of the Government."

Since each Legislature has the power and duty to make appropriations, it is obvious that the preceding Legislature cannot make appropriations to last longer than the end of the fiscal year ending during the first calendar year in which the succeeding Legislature holds its session. Otherwise the earlier embodiment of the Legislature could end up binding the later embodiment of the Legislature with regard to appropriations in contravention of Article

III, Section 22. In other words, the particular embodiment of the Legislature meeting in 1985 and 1986 cannot make appropriations lasting longer than the end of the fiscal year in 1987, i.e., June 30, 1987. Neb.Rev.Stat. §84-701 (Reissue 1981).

While Article III, Section 22 does not make reference to appropriations not extending past the end of the fiscal year in which the next Legislature first meets, we have selected that date as a practical matter since it allows for continuing government operations while the new Legislature has time to organize, study and make appropriations for the next fiscal year. To state that appropriations could last only until the new Legislature commences its first session would be impractical and contrary to established practice. The Constitution, of course, must be construed as a whole and should be interpreted with reference to established laws, usages and customs at the time of its adoption. Dwyer v. Omaha-Douglas Public Building Commission, 188 Neb. 30, 36, 195 N.W.2d 236 (1972). A provision in the Constitution must be given an interpretation which appears best calculated to effectuate the design of the Constitution. State ex rel. School District of Scottsbluff v. Ellis, 168 Neb. 166, 171, 95 N.W.2d 538 (1959). The interpretation that, under Article III, Section 22, the new Legislature makes appropriations which start at the beginning of the first full fiscal year after that Legislature first meets comports with established usage and the overall design of Article III, which calls for each new embodiment of the Legislature to commence its work in January of odd-numbered years. Article III, Section 10; Article III, Section 7. In reading the Constitution as a whole, this interpretation seems most appropriate and in keeping with the intent of the voters in adopting the 1972 amendment to Article III, Section 22. See, State ex rel. Douglas v. Beermann, 216 Neb. 849, 860, 347 N.W. 2d 297 (1984).

In summary, it is our opinion that Article III, Section 22 of the Nebraska Constitution allows any particular Legislature to appropriate on an annual or biennial or any other basis. It does not, however, allow appropriations extending past the end of the fiscal year ending during the next upcoming odd-numbered calendar year. As currently defined by statute the fiscal year ends on June 30, so that appropriations by the Eighty-Ninth Legislature could not extend beyond June 30, 1987.

Sincerely,
A. EUGENE CRUMP
Deputy Attorney General
(Signed) Charles E. Lowe
Assistant Attorney General

CEL:bae

cc: Patrick J. O'Donnell
Clerk of the Legislature

## STANDING COMMITTEE REPORTS
### Public Health and Welfare

**LEGISLATIVE BILL 251.** Placed on General File.

**LEGISLATIVE BILL 82.** Placed on General File as amended.
Standing Committee amendments to LB 82:
AM0114

1. On page 3, strike beginning with the underscored comma in line 15 through "board" in line 27.
2. On page 4, line 1, strike "(d)" and insert "(b)".

**LEGISLATIVE BILL 315.** Placed on General File as amended.
Standing Committee amendment to LB 315:
AM0176

1. On page 2, line 18, after "the" insert "specific" and after "records" insert ", or portions thereof,"; in line 19, after "consent" insert an underscored period; and strike beginning with "in" in line 19 through the period in line 23.

(Signed) Don Wesely, Chairperson

## SELECT COMMITTEE REPORTS
### Enrollment and Review

### Correctly Engrossed

The following bills were correctly engrossed: 48, 86, 129A, 224, 264, and 283.

(Signed) Timothy Hall, Chairperson

## NOTICE OF COMMITTEE HEARINGS
### Miscellaneous Subjects

| | | |
|---|---|---|
| LB 598 | Thursday, March 7, 1985 | 1:30 p.m. |
| LB 684 | Thursday, March 7, 1985 | 1:30 p.m. |
| LB 548 | Friday, March 8, 1985 | 1:30 p.m. |
| LB 58 | Friday, March 8, 1985 | 1:30 p.m. |

| | | |
|---|---|---|
| LB 275 | Friday, March 8, 1985 | 1:30 p.m. |
| LB 95 | Thursday, March 14, 1985 | 1:30 p.m. |

(Signed) Elroy M. Hefner, Chairperson

## STANDING COMMITTEE REPORT
### Banking, Commerce and Insurance

**LEGISLATIVE BILL 614.** Placed on General File as amended.
Standing Committee amendment to LB 614:
AM0195

1. On page 3, after line 23 insert a new subsection as follows:

"(3) This section shall not apply to loans made when the aggregate principal amount of the indebtedness of the borrower is three hundred thousand dollars or more to any one financial institution, licensee, or permittee.".

(Signed) John DeCamp, Chairperson

## VISITORS

Visitors to the Chamber were Beulah Spunaugle from Curtis; and a group of civics class students from Macy.

## ADJOURNMENT

At 11:50 a.m., on a motion by Mrs. Nelson, the Legislature adjourned until 9:00 a.m., Thursday, February 14, 1985.

Patrick J. O'Donnell
Clerk of the Legislature

# TWENTY-FOURTH DAY - FEBRUARY 14, 1985

# LEGISLATIVE JOURNAL

# TWENTY-FOURTH DAY - FEBRUARY 14, 1985

## LEGISLATIVE JOURNAL

## EIGHTY-NINTH LEGISLATURE
## FIRST SESSION

## TWENTY-FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, February 14, 1985

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

## PRAYER

The prayer was offered by Rev. David Quam, Central Christian and Missionary Alliance Church, Lincoln, Nebraska.

## ROLL CALL

The roll was called and all members were present except Messrs. Beutler, Chambers, Conway, DeCamp, Haberman, Hannibal, V. Johnson, Landis, Lynch, Rupp, Schmit, Vickers, Mesdames Labedz, Morehead, Nelson, and Pirsch who were excused until they arrive.

## CORRECTIONS FOR THE JOURNAL

The Journal for the Twenty-Third Day was approved.

## SELECT COMMITTEE REPORTS
### Enrollment and Review

### Correctly Engrossed

The following bills were correctly engrossed: 295 and 557.

(Signed) Timothy Hall, Chairperson

## STANDING COMMITTEE REPORTS

**Banking, Commerce and Insurance**

**LEGISLATIVE BILL 47.** Placed on General File as amended.
Standing Committee amendments to LB 47:
AM0198

1. On page 3, line 21, after "official" insert ", except the county attorney or deputy county attorney,".

2. On page 6, line 9, strike "and"; in line 16 strike the period and insert "; and"; and after line 16 insert a new subdivision as follows:

"(8) Report of title shall mean any type of summary of facts of record affecting the title to a specific piece of land which does not purport to constitute an opinion as to the state of the title and which is prepared by a person other than an attorney licensed to practice law in the State of Nebraska.".

3. Insert new sections as follows:

"Sec. 28. That section 81-198, Revised Statutes Supplement, 1984, be amended to read as follows:

81-198. The following agencies, boards, or commissions shall terminate on July 1, 1983:

(1) State Board of Landscape Architects, created by section 81-8,186;

~~(2) Abstracters Board of Examiners, created by section 76-511;~~

(2) ~~(3)~~ State Real Estate Commission, created by section 81-885.07;

(3) ~~(4)~~ Nebraska State Board of Public Accountancy, created by section 1-107;

(4) ~~(5)~~ State Board of Examiners for Professional Engineers and Architects, created by section 81-841;

(5) ~~(6)~~ Nebraska Collection Agency Board, created by section 81-8,160; and

(6) ~~(7)~~ State Board of Examiners for Land Surveyors, created by section 81-8,110.

Sec. 29. That section 81-199, Revised Statutes Supplement, 1984, be amended to read as follows:

81-199. (1) Except for the Abstracters Board of Examiners in section 81-198 and the State Real Estate Commission in section 81-198, upon termination, each agency, board, or commission shall continue in existence

until July 1 of the next succeeding year for the purpose of concluding its affairs. During this period, such termination shall not reduce or otherwise limit the powers or authority of each respective agency. Upon the expiration of the one year after termination, each respective agency shall cease all activities.

~~(2) Upon termination of the Abstracters Board of Examiners in section 81-198, such board shall continue in existence until July 1 of the second succeeding year for the purpose of concluding its affairs. During this period, such termination shall not reduce or otherwise limit the powers or authority of the board. Upon expiration of the two years after termination, the board shall cease all activities.~~

~~(3)~~ (2) Upon termination of the State Real Estate Commission in section 81-198, such commission shall continue in existence until July 1 of the second succeeding year for the purpose of concluding its affairs. During this period, such termination shall not reduce or otherwise limit the powers or authority of the commission. Upon expiration of the two years after termination, the commission shall cease all activities.

Sec. 30. Notwithstanding the provisions of sections 81-196 to 81-1,108, the Abstracters Board of Examiners is hereby reestablished.

Sec. 32. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

4. On page 26, line 19, after "1943," insert "and sections 81-198 and 81-199, Revised Statutes Supplement, 1984,".

5. Renumber original section 28 as section 31.

**LEGISLATIVE BILL 76.** Placed on General File as amended.
Standing Committee amendment to LB 76:
AM0204

1. On page 9, line 21, after "cancellation" insert ", except that cancellation due to failure to pay the premium or in cases of fraud and misrepresentation shall not require that such notice be given at least thirty days prior to cancellation. Subject to any provisions in the policy or a grace period, cancellation for failure to pay a premium shall be effective as of midnight of the last day for which the premium has been

paid. In cases of fraud or misrepresentation, coverage shall be cancelled upon the date of the notice or any later date designated by the insurer".

**LEGISLATIVE BILL 307.** Placed on General File as amended.
Standing Committee amendments to LB 307:
AM0196

1. On page 5, strike beginning with the first "in" in line 18 through the period in line 20, show as stricken, and insert an underscored period.
2. On page 6, line 7, strike "shall", show as stricken, and insert "may".
3. On page 11, strike beginning with the first "in" in line 10 through the period in line 12, show as stricken, and insert an underscored period; and in line 26 strike "shall", show as stricken, and insert "may".
4. On page 17, strike beginning with the first "in" in line 6 through the period in line 8, show as stricken, and insert an underscored period; and in line 22 strike "shall", show as stricken, and insert "may".

**LEGISLATIVE BILL 487.** Placed on General File as amended.
Standing Committee amendment to LB 487:
AM0189

1. On page 2, line 4, after "disorders" insert "provided in a state institution as defined in section 83-363"; and strike beginning with "on" in line 6 through "pay" in line 10.

(Signed) John DeCamp, Chairperson

## REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the rereferral of legislative bill 493 from Miscellaneous Subjects to Judiciary.

| LB | Committee |
|---|---|
| 493 | Judiciary |

(Signed) Chris Beutler, Chairperson
Legislative Council
Executive Board

## UNANIMOUS CONSENT - Print in Journal

Mr. Haberman asked unanimous consent to print the following amendments to LB 190 in the Journal. No objections. So ordered.

AM0218

1. Strike original sections 1 to 8.
2. On page 7, strike beginning with "Nebraska" in line 3 through "act" in line 4 and insert "General Fund"; in line 21 strike beginning with "Sections" through "this" and insert "This"; and in line 27 strike "The remaining sections shall".
3. On page 8, strike line 1.
4. Renumber the remaining sections accordingly.

## MESSAGE FROM THE GOVERNOR

February 13, 1985

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointments to the Board of Trustees of the Nebraska State Colleges, requiring legislative confirmation:

Appointees:

Gretchen Reeder, 5505 South 124th St., Omaha, NE, 68137, 346-5000(o), 895-2535(h) Term: 2/13/85 to 1/1/91 Succeeds: George Rebensdorf, term expired.

Jean A. Lovell, 1325 16th St., Gering, NE, 69341 (308)436-6674(o) (308)436-3227(h) Term: 2/13/85 to 1/1/91 Succeeds: Keith Kemper, term expired.

These appointments are respectfully submitted for your consideration.

Sincerely,
(Signed) ROBERT KERREY

Governor
cc: Staff Assistant to the Governor
Accountability and Disclosure Commission
Department of Administrative Services
Board of Trustees of the Nebraska State Colleges

**NOTICE OF COMMITTEE HEARINGS**
**Government, Military and Veterans Affairs**

| | | |
|---|---|---|
| LB 392 | Thursday, February 21, 1985 (cancelled) | 1:30 p.m. |
| LB 392 | Friday, March 22, 1985 (reset) | 1:30 p.m. |
| LB 440 | Friday, February 22, 1985 (cancelled) | 1:30 p.m. |
| LB 440 | Friday, March 22, 1985 (reset) | 1:30 p.m. |
| LB 621 | Friday, February 22, 1985 | 1:30 p.m. |
| LB 620 | Friday, February 22, 1985 | 1:30 p.m. |

(Signed) David Landis, Chairperson

## GENERAL FILE

**LEGISLATIVE BILL 87.** Title read. Considered.

Standing Committee amendment, AM0119, found in the Journal on page 529 for the Twentieth Day was adopted with 25 ayes, 0 nays, 8 present and not voting, and 16 excused and not voting.

Mrs. Morehead asked unanimous consent to be excused until she returns. No objections. So ordered.

Advanced to E & R for Review with 27 ayes, 3 nays, 13 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 252.** Title read. Considered.

Standing Committee amendment, AM0120, found in the Journal on page 529 for the Twentieth Day was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

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

Mr. Wesely moved for a call of the house. The motion prevailed with 11 ayes, 0 nays, and 38 not voting.

Advanced to E & R for Review with 26 ayes, 11 nays, 9 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

## NOTICE OF COMMITTEE HEARING
**Agriculture and Environment**

LB 491 Friday, March 1, 1985 1:30 p.m.

(Signed) Rod Johnson, Chairperson

## GENERAL FILE

**LEGISLATIVE BILL 313.** Title read. Considered.

Standing Committee amendments, AM0118, printed separate from the Journal and referred to on page 530 for the Twentieth Day were adopted with 30 ayes, 0 nays, 16 present and not voting, and 3 excused and not voting.

Advanced to E & R for Review with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 486.** Title read. Considered.

Standing Committee amendments, AM0139, found in the Journal on page 535 for the Twentieth Day were adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 20 present and not voting, 3 excused and not voting.

**LEGISLATIVE BILL 592.** Title read. Considered.

Standing Committee amendments, AM0109, found in the Journal on page 551 for the Twenty-First Day were adopted with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

Advanced to E & R for Review with 31 ayes, 0 nays, 15 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 72A.** By Chambers, 11th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 72, Eighty-ninth Legislature, First Session, 1985.

## UNANIMOUS CONSENT - Print in Journal

Mr. Beutler asked unanimous consent to print the following amendment to LB 252 in the Journal. No objections. So ordered.

Delete all new language after the word "mean" on line 25, page 2 and on lines 26 & 27, page 2 and on line 1, page 3 and substitute therefore the language "a person addicted to the use of controlled substances"

## NOTICE OF COMMITTEE HEARINGS
### Banking, Commerce and Insurance

| | | |
|---|---|---|
| LB 453 | Monday, March 4, 1985 | 1:30 p.m. |
| LB 602 | Monday, March 4, 1985 | 1:30 p.m. |
| LB 622 | Monday, March 4, 1985 | 1:30 p.m. |
| LB 625 | Monday, March 4, 1985 | 1:30 p.m. |
| LB 635 | Monday, March 4, 1985 | 1:30 p.m. |
| LB 645 | Monday, March 4, 1985 | 1:30 p.m. |
| LB 708 | Monday, March 4, 1985 | 1:30 p.m. |
| LB 107 | Monday, March 4, 1985 | 1:30 p.m. |
| | | |
| LB 321 | Tuesday, March 5, 1985 | 1:30 p.m. |
| LB 523 | Tuesday, March 5, 1985 | 1:30 p.m. |
| LB 571 | Tuesday, March 5, 1985 | 1:30 p.m. |
| LB 305 | Tuesday, March 5, 1985 | 1:30 p.m. |
| LB 573 | Tuesday, March 5, 1985 | 1:30 p.m. |
| LB 669 | Tuesday, March 5, 1985 | 1:30 p.m. |
| LB 676 | Tuesday, March 5, 1985 | 1:30 p.m. |
| LB 686 | Tuesday, March 5, 1985 | 1:30 p.m. |
| | | |
| LB 581 | Monday, March 11, 1985 | 1:30 p.m. |
| LB 138 | Monday, March 11, 1985 | 1:30 p.m. |
| LB 574 | Monday, March 11, 1985 | 1:30 p.m. |
| LB 647 | Monday, March 11, 1985 | 1:30 p.m. |
| LB 651 | Monday, March 11, 1985 | 1:30 p.m. |
| LB 653 | Monday, March 11, 1985 | 1:30 p.m. |

| | | |
|---|---|---|
| LB 678 | Monday, March 11, 1985 | 1:30 p.m. |
| LB 693 | Monday, March 11, 1985 | 1:30 p.m. |
| LB 194 | Tuesday, March 12, 1985 | 1:30 p.m. |
| LB 296 | Tuesday, March 12, 1985 | 1:30 p.m. |
| LB 297 | Tuesday, March 12, 1985 | 1:30 p.m. |
| LB 431 | Tuesday, March 12, 1985 | 1:30 p.m. |
| LB 588 | Tuesday, March 12, 1985 | 1:30 p.m. |
| LB 667 | Tuesday, March 12, 1985 | 1:30 p.m. |
| LB 681 | Tuesday, March 12, 1985 | 1:30 p.m. |

(Signed) John DeCamp, Chairperson

## SELECT COMMITTEE REPORTS
### Enrollment and Review

**LEGISLATIVE BILL 101A.** Placed on Select File.
**LEGISLATIVE BILL 272A.** Placed on Select File.
**LEGISLATIVE BILL 323A.** Placed on Select File.

(Signed) Timothy Hall, Chairperson

## GENERAL FILE

**LEGISLATIVE BILL 104.** Title read. Considered.

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

Advanced to E & R for Review with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

## SELECT FILE

**LEGISLATIVE BILL 101.** Mrs. Higgins renewed her pending amendment, AM0126, found in the Journal on page 532.

Mrs. Higgins moved for a call of the house. The motion prevailed with 11 ayes, 0 nays, and 38 not voting.

Mrs. Higgins requested a roll call vote on her amendment.

Voting in the affirmative, 19:

| | | | | |
|---|---|---|---|---|
| Beutler | Beyer | Chambers | Chizek | Eret |

| | | | | |
|---|---|---|---|---|
| Haberman | Hoagland | Morehead | Rupp | Wesely |
| Hartnett | Labedz | Pappas | Schmit | Withem |
| Higgins | Landis | Pirsch | Scofield | |

Voting in the negative, 26:

| | | | | |
|---|---|---|---|---|
| Abboud | Goll | Hefner | Marsh | Rogers |
| Baack | Goodrich | Johnson, L. | Miller | Sieck |
| Barrett | Hall | Johnson, R. | Nelson | Smith |
| Carsten | Hannibal | Lamb | Nichol | Vickers |
| Chronister | Harris | Lundy | Remmers | Warner |
| Conway | | | | |

Excused and not voting, 4:

| | | | |
|---|---|---|---|
| DeCamp | Johnson, V. | Lynch | Peterson |

The Higgins amendment lost with 19 ayes, 26 nays, and 4 excused and not voting.

The Chair declared the call raised.

Mr. Hannibal renewed his pending amendment found in the Journal on page 555.

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

The Hannibal 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 with 33 ayes, 1 nay, 10 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 387.** Mr. Beutler offered the following amendment:

1. On page 8, line 24, strike "may" and insert "shall" and in line 26 strike "or more" and after "directors" insert ", one of whom shall be a director from a natural resource district in which is located a city of the primary class or of a city of the metropolitan class,".

The Beutler amendment was adopted with 29 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

Mr. Barrett asked unanimous consent to be excused until he returns.

No objections. So ordered.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 179.** E & R amendments, AM5035, found in the Journal on page 560 for the Twenty-Second Day were adopted.

Mrs. Nelson offered the following amendment:
to amend the committee amendment to read as follows:
On line 6, after the word "all" insert the word "adjoining"

The Nelson amendment was adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Laid over.

Mrs. Morehead, Messrs. Peterson, and Schmit asked unanimous consent to be excused. No objections. So ordered.

**LEGISLATIVE BILL 345.** Mr. Hefner offered the following V. Johnson amendment:
AM0164:
1. On page 10, line 25, after "place" insert "in the Department of Revenue".

The V. Johnson 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.

## UNANIMOUS CONSENT - Member Excused

Mrs. Pirsch asked unanimous consent to be excused on February 21 and 22. No objections. So ordered.

## VISITORS

Visitors to the Chamber were 54 eighth grade students and teachers from the Cathedral of Risen Christ, Lincoln; Dick James from Bellevue; and 22 eighth grade students and teacher from St. Joseph's School in York.

## ADJOURNMENT

At 11:49 a.m., on a motion by Mr. Miller, the Legislature adjourned until 9:00 a.m., Friday, February 15, 1985.

Patrick J. O'Donnell
Clerk of the Legislature

# TWENTY-FIFTH DAY - FEBRUARY 15, 1985

# LEGISLATIVE JOURNAL

# TWENTY-FIFTH DAY - FEBRUARY 15, 1985

## LEGISLATIVE JOURNAL

## EIGHTY-NINTH LEGISLATURE
## FIRST SESSION

## TWENTY-FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, February 15, 1985

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

## PRAYER

The prayer was offered by Jeffry Duncombe, First Assembly of God Church, Lincoln, Nebraska.

## ROLL CALL

The roll was called and all members were present except Messrs. Baack, DeCamp, Hall, Hoagland, and Rupp who were excused; and Messrs. Hannibal, Harris, R. Johnson, V. Johnson, Nichol, Peterson, Schmit, Warner, and Mrs. Higgins who were excused until they arrive.

## CORRECTIONS FOR THE JOURNAL

Page 572, line 26, strike "Davis" and insert "Divis".
The Journal for the Twenty-Third Day was approved as corrected.
The Journal for the Twenty- Fourth Day was approved.

## UNANIMOUS CONSENT - Print in Journal

Mr. Haberman asked unanimous consent to print the following amendment to LB 117 in the Journal. No objections. So ordered.

AM0238
1. Strike original sections 1 and 2 and insert the following new sections:

"Section 1. That section 84-1412, Revised Statutes Supplement, 1984, be amended to read as follows:

84-1412. (1) Subject to ~~the provisions of~~ sections 79-327, 84-1408 to 84-1414, and 85-104, the public shall have the right to attend and the right to speak at meetings of public bodies and all or any part of a meeting of a public body, except for closed sessions called pursuant to section 84-1410, may be videotaped, televised, photographed, broadcast, or recorded by any person in attendance by means of a tape recorder, camera, video equipment, or any other means of pictorial or sonic reproduction or in writing.

(2) It shall not be a violation of subsection (1) of this section for any public body to make and enforce reasonable rules and regulations regarding the conduct of persons attending, speaking at, videotaping, televising, photographing, broadcasting, or recording its meetings. A body ~~is~~ may not be required to allow citizens to speak at each meeting, ~~nor~~ but it may not ~~it~~ forbid public participation at all meetings.

(3) No public body shall require members of the public to identify themselves as a condition for admission to the meeting. The body may~~, however,~~ require any member of the public desiring to address the body to identify himself or herself.

(4) No public body shall for the purpose of circumventing ~~the provisions of~~ sections 84-1408 to 84-1414 hold a meeting in a place known by the body to be too small to accommodate the anticipated audience. No public body shall be deemed in violation of this section if it holds its meeting in its traditional meeting place which shall be located in this state.

(5) The public body shall, upon request, make a reasonable effort to accommodate the public's right to hear the discussion and testimony presented at the meeting.

(6) Public bodies shall make available at the meeting, for examination and copying by members of the public, at least one copy of all reproducible written material to be discussed at an open meeting.

Sec. 2. That original section ~~84-1410 and~~ 84-1412, Revised Statutes Supplement, 1984, is repealed.".

Mr. Haberman asked unanimous consent to print the following amendment to LB 116 in the Journal. No objections. So ordered.

AM0237

1. On page 3, after line 24, insert the following new subsection:

"(4) If the voters of a city of the primary class approve the sales and use tax increase pursuant to subsection (3) of this section, the revenue generated by such increase shall be placed in a special fund created and administered by the city treasurer. The fund shall be used to reimburse depositors in any insolvent industrial loan and investment company located in a city of the primary class. The money in the fund shall be distributed to such depositors on a pro rata basis for a two-year period and the fund shall terminate two years from the date the city sales and use tax increase approved pursuant to subsection (3) of this section becomes effective.".

## SELECT COMMITTEE REPORTS
### Enrollment and Review

**LEGISLATIVE BILL 113.** Placed on Select File as amended.
E & R amendments to LB 113:

AM5038

1. In the Standing Committee amendments, AM0037:

a. On page 3, line 20, insert paragraphing before "Upon"; in line 21 after "lists" insert an underscored comma; and in line 22 strike "attempting" and insert "and attempt";

b. On page 5, line 7, strike the comma and show as stricken; and in line 15 after "selected" insert an underscored comma; and

c. On page 6, strike beginning with "strike" in line 11 through the first "and" in line 12 and insert "after the first comma"; and in line 12 strike the second "and" and after "25-1629" insert a comma.

2. On page 1, line 2, strike "25-1627.01," and after "25-1628," insert "25-1629,"; in line 3 after "1943" insert ", and section 25-1601, Revised Statutes Supplement, 1984"; and in line 4 after "to" insert "juror qualifications and".

**LEGISLATIVE BILL 371.** Placed on Select File as amended.
E & R amendments to LB 371:
AM5040

1. In the Standing Committee amendments, AM0104:

a. On page 2, line 22, after "section" insert an underscored comma; and

b. On page 3, line 5, after the first semicolon insert "and"; and strike beginning with the second semicolon in line 5 through the last quotation mark in line 6.

2. On page 1, strike beginning with "and" in line 4 through "systems" in line 5.

3. On page 2, line 6, after "of" insert "sections 2 to 7 of"; and in line 10 strike ", computer system,".

4. On page 4, line 12, after "section" insert an underscored comma; in line 14 strike "This" and insert "Sections 2 to 7 of this"; in line 16 after "in" insert "such"; and in line 17 strike "2 to 6 of this act".

**LEGISLATIVE BILL 116.** Placed on Select File as amended.
E & R amendments to LB 116:
AM5039

1. In the Standing Committee amendments, AM0138, on page 1, line 7, strike the underscored comma.

2. On page 1, strike beginning with "to" in line 5 through the first semicolon in line 6.

3. On page 3, line 16, strike the underscored comma; and lines 22 and 23 strike "tax commissioner" and insert "Tax Commissioner".

4. On page 4, line 17, strike the second comma and show as stricken.

(Signed) Timothy Hall, Chairperson

## STANDING COMMITTEE REPORTS
### Banking, Commerce and Insurance

**LEGISLATIVE BILL 157.** Placed on General File as amended.
Standing Committee amendment to LB 157:
AM0225

1. On page 2, lines 7 and 8, strike the new matter and insert "the time the suit is placed on the

trial docket"; and insert underscoring beginning with "of" in line 12 through "paid" in line 16.

(Signed) John DeCamp, Chairperson

**Business and Labor**

**LEGISLATIVE BILL 213.** Placed on General File as amended.
Standing Committee amendment to LB 213:
AM0070

1. On page 4, strike beginning with "having" in line 22 through "require" in line 26 and insert "responsibility to direct them or to adjust their grievances, or effectively to recommend such action, if in connection with the foregoing the exercise of such authority is not a merely routine or clerical nature, but requires".

**LEGISLATIVE BILL 385.** Indefinitely postponed.

(Signed) Bill Barrett, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 143.** Title read. Considered.

Mr. Vickers offered the following amendment:
To reinstate the stricken language on page 4 lines 11 & 12

The Vickers amendment was adopted with 25 ayes, 1 nay, 12 present and not voting, and 11 excused and not voting.

Advanced to E & R for Review with 25 ayes, 1 nay, 14 present and not voting, and 9 excused and not voting.

**LEGISLATIVE BILL 508.** Title read. Considered.

Advanced to E & R for Review with 26 ayes, 1 nay, 15 present and not voting, and 7 excused and not voting.

**LEGISLATIVE BILL 446.** Title read. Considered.

Standing Committee amendment, AM0134, found in the Journal on page 554 for the Twenty-First Day was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Advanced to E & R for Review with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 391.** Title read. Considered.

Mrs. Morehead asked unanimous consent to be excused until she returns. No objections. So ordered.

Advanced to E & R for Review with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

## NOTICE OF COMMITTEE HEARINGS
### Appropriations

Monday, February 25, 1985 - 1:30 p.m.

Agency 30 - State Electrical Board
Agency 45 - Board of Barber Examiners
Agency 43 - Athletic Commissioner
Agency 63 - State Board of Public Accountancy
Agency 66 - Abstractors Board of Examiners
Agency 73 - Board of Examiners for Landscape Architects
Agency 62 - Board of Examiners for Land Surveyors

Tuesday, February 26, 1985 - 1:30 p.m.

Agency 52 - State Board of Agriculture
Agency 74 - Power Review Board
Agency 60 - Gasohol Committee
Agency 57 - Oil and Gas Conservation Commission
Agency 36 - Racing Commission
Agency 81 - Nebraska Energy Office

Wednesday, February 27, 1985 - 1:30 p.m.

Agency 12 - State Treasurer
Agency 10 - State Auditor
Agency 19 - Department of Banking
Agency 22 - Department of Insurance
Agency 41 - Real Estate Commission

Thursday, February 28, 1985 - 1:30 p.m.

Agency 75 - Nebraska Investment Council

Agency 09 - Secretary of State
Agency 61 - Uniform Commercial Code Filing Council
Agency 65 - Dept. of Administrative Services

Friday, March 1, 1985 - 1:30 p.m.

Agency 71 - Dept. on Aging
Agency 20 - Dept. of Health
Agency 21 - Fire Marshall
Agency 34 - Nebraska Library Commission

Public Hearing:
Health Prevention and Services Block Grant
Maternal and Child Health Block Grant
Primary Care Block Grant

Monday, March 4, 1985 - 1:30 p.m.

Agency 82 - Commission for the Hearing Impaired
Agency 13 - Dept. of Education

Public Hearing:
Education Block Grant

Tuesday, March 5, 1985 - 1:30 p.m.

Agency 83 - Technical Community Colleges
Agency 49 - Board of Trustees - State Colleges
Agency 50 - State Colleges

Wednesday, March 6, 1985 - 1:30 p.m.

Agency 48 - Nebr. Coordinating Commission on Postsecondary Education
Agency 51 - University of Nebraska

Thursday, March 7, 1985 - 1:30 p.m.

Agency 68 - Mexican-American Commission
Agency 72 - Nebraska Indian Commission
Agency 67 - Equal Opportunity Commission
Agency 69 - Nebraska Arts Council
Agency 38 - Nebr. Commission on the Status of Women
Agency 58 - Board of Examiners for Engineers and Architects
Agency 87 - Political Accountability and Disclosure Commission

Friday, March 8, 1985 - 1:30 p.m.

Agency 31 - Military Department
Agency 23 - Dept. of Labor
Agency 16 - Dept. of Revenue
Agency 35 - Liquor Control Commission
Agency 47 - Educational Telecommunications Commission

Monday, March 11, 1985 - 1:30 p.m.

Agency 28 - Dept. of Veterans Affairs
Agency 25 - Dept. of Public Institutions

Public Hearing:
Alcohol, Drug Abuse and Mental Services Block Grant

Tuesday, March 12, 1985 - 1:30 p.m.

Agency 70 - Foster Care Review Board
Agency 26 - Dept. of Social Services

Public Hearing:
Social Services Block Grant
Low Income Energy Assistance Block Grant
Community Services Block Grant

Wednesday, March 13, 1985 - 1:30 p.m.

Agency 33 - Game and Parks Commission
Agency 54 - State Historical Society
Agency 72 - Dept. of Economic Development

Public Hearing:
Community Development Block Grant

Thursday, March 14, 1985 - 1:30 p.m.

Agency 17 - Dept. of Aeronautics
Agency 40 - Motor Vehicle Industry Licensing Board
Agency 24 - Dept. of Motor Vehicles
Agency 90 - Branch Rail Revitalization Council
Agency 27 - Dept. of Roads
Agency 14 - Public Service Commission

Friday, March 15, 1985

9:00 a.m.
Agency 29 - Dept. of Water Resources
Agency 84 - Dept. of Environmental Control
Agency 55 - Natural Resources Commission

1:30 p.m.
Agency 18 - Dept. of Agriculture
Agency 56 - Nebraska Wheat Board
Agency 42 - Nebraska Beef Board
Agency 39 - Nebraska Brand Committee
Agency 32 - Board of Educational Lands and Funds
Agency 53 - Agricultural Activities

Monday, March 18, 1985 - 1:30 p.m.

Agency 15 - Board of Pardons and Paroles
Agency 78 - Commission on Law Enforcement and Criminal Justice
Agency 64 - State Patrol
Agency 46 - Dept. of Correctional Services

Tuesday, March 19, 1985 - 1:30 p.m.

Agency 05 - Supreme Court
Agency 06 - District Courts
Agency 37 - Workman's Compensation Court
Agency 11 - Attorney General

Wednesday, March 20, 1985 - 1:30 p.m.

Agency 07 - Governor
Agency 08 - Lieutenant Governor
Agency 04 - Policy Research Office
Agency 03 - Legislative Council

Thursday, March 21, 1985

1:30 p.m.
Agency 77 - Commission on Industrial Relations
Agency 85 - Retirement Board
Agency 89 - State Claims Board
Agency 80 - Dept. of Personnel

7:00 p.m.

Public Testimony on Suggestions for the 1985-86 State Salary Policy and Health Insurance Plan

(Signed) Jerome Warner, Chairperson

## STANDING COMMITTEE REPORTS

### Judiciary

**LEGISLATIVE BILL 171.** Placed on General File.
**LEGISLATIVE BILL 292.** Placed on General File.
**LEGISLATIVE BILL 293.** Placed on General File.

(Signed) Peter Hoagland, Chairperson

### Public Works

**LEGISLATIVE BILL 123.** Placed on General File as amended.
Standing Committee amendments to LB 123:
AM0183

1. On page 2, line 19, strike "or".
2. On page 3, line 5, strike the new matter and reinstate the stricken matter; in line 6 reinstate "loaded at a weight" and after the reinstated "weight" insert "fifteen"; reinstate the stricken matter beginning with "per cent" in line 6 through "year" in line 9; and in line 9 after the reinstated "year" insert ", except that no".

(Signed) Loran Schmit, Chairperson

### Government, Military and Veterans Affairs

**LEGISLATIVE BILL 40.** Placed on General File.

**LEGISLATIVE BILL 114.** Placed on General File as amended.
Standing Committee amendment to LB 114:
AM0250

1. On page 2, strike beginning with the first "any" in line 17 through "thereof" in line 18 and insert "twenty feet of the entrance to any polling place room or within one hundred feet of any voting booth inside the polling place building".

**LEGISLATIVE BILL 155.** Indefinitely postponed.
**LEGISLATIVE BILL 166.** Indefinitely postponed.

(Signed) David Landis, Chairperson

## GENERAL FILE

**LEGISLATIVE BILL 67.** Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 94.** Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 165.** Title read. Considered.

Mrs. Marsh asked unanimous consent to be excused. No objections. So ordered.

Advanced to E & R for Review with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

**LEGISLATIVE BILL 299.** Title read. Considered.

Mr. Haberman moved for a call of the house. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

Mrs. Higgins requested a record vote on the advancement of the bill.

Voting in the affirmative, 28:

| | | | | |
|---|---|---|---|---|
| Abboud | Conway | Johnson, V. | Nichol | Sieck |
| Barrett | Haberman | Labedz | Pappas | Vickers |
| Beyer | Hannibal | Landis | Peterson | Warner |
| Carsten | Harris | Lundy | Remmers | Withem |
| Chizek | Hefner | Lynch | Rogers | |
| Chronister | Johnson, L. | Miller | Schmit | |

Voting in the negative, 9:

| | | | | |
|---|---|---|---|---|
| Eret | Hartnett | Morehead | Scofield | Wesely |
| Goll | Higgins | Nelson | Smith | |

Present and not voting, 6:

| | | | | |
|---|---|---|---|---|
| Beutler | Goodrich | Johnson, R. | Lamb | Pirsch |
| Chambers | | | | |

Excused and not voting, 6:

| | | | | |
|---|---|---|---|---|
| Baack | Hall | Hoagland | Marsh | Rupp |
| DeCamp | | | | |

Advanced to E & R for Review with 28 ayes, 9 nays, 6 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

**LEGISLATIVE BILL 290.** Title read. Considered.

Standing Committee amendments, AM0140, found in the Journal on page 560 for the Twenty-Second Day were adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Mr. Vickers requested a record vote on the advancement of the bill.

Voting in the affirmative, 13:

| | | | | |
|---|---|---|---|---|
| Beutler | Harris | Labedz | Morehead | Wesely |
| Chambers | Hartnett | Landis | Schmit | |
| Goodrich | Higgins | Lynch | Vickers | |

Voting in the negative, 27:

| | | | | |
|---|---|---|---|---|
| Abboud | Goll | Lamb | Peterson | Smith |
| Beyer | Haberman | Lundy | Pirsch | Warner |
| Carsten | Hannibal | Miller | Remmers | Withem |
| Chizek | Hefner | Nelson | Rogers | |
| Chronister | Johnson, L. | Nichol | Scofield | |
| Conway | Johnson, V. | Pappas | Sieck | |

Present and not voting, 3:

| | | |
|---|---|---|
| Barrett | Eret | Johnson, R. |

Excused and not voting, 6:

| | | | | |
|---|---|---|---|---|
| Baack | Hall | Hoagland | Marsh | Rupp |
| DeCamp | | | | |

Failed to advance to E & R for Review with 13 ayes, 27 nays, 3 present and not voting, and 6 excused and not voting.

## REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of February 14, 1985. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Apking, Sharon A. - Alexandria, Nebraska Rural Community School Association
Binder, Edward C. - Lincoln, Nebraska Safety Belt Committee
Bocskor, Nancy Leah - Lincoln, Nebraska Republican Party
Braun, Elizabeth H. - Omaha, Mental Health Association of Nebraska
Buckley, Mary G. - Denver, CO., MCI Telecommunications Corporation
Dempsey, Mary Louise - Lincoln, Nebraska Republican Party
Denney, Max A. - Lincoln, Christian Science Committee on Publication for Nebraska
Fogarty, John C. - Omaha, Ralph Ham Enterprises
Gillan, Gerald P. - Lincoln, Southeast Community College Faculty Association
Johnson, Joseph E. - Anselmo, Common Cause/Nebraska
Meyer, Daniel W. - Lincoln, Nebraska Collectors Association
Monaco, Steve - Omaha, Nebraska State Athletic Trainers Association
Morrow, John H. - Lincoln, The Freedom Council
Radcliffe, Walter/Tews & Radcliffe
Radcliffe, Walter H. - Lincoln, Citicorp Credit Services, Inc.; Omni Dental Associates, Inc.
Scarpello, Sam M. - Omaha, Omaha Building Trades Council
Solem, Calvin C. - Omaha, Associated General Contractors
Tiehen, Amy J. - Lincoln, Nebraska Coalition for Life, Inc.
Wiseman, Brenda L. - Lincoln, Alcoholism Council of Nebraska

## MOTION - Withdraw LB 281

Mr. Landis moved to withdraw LB 281.

Laid over.

## STANDING COMMITTEE REPORTS
### Appropriations

**LEGISLATIVE BILL 195.** Indefinitely postponed.

(Signed) Jerome Warner, Chairperson

### Government, Military and Veterans Affairs

**LEGISLATIVE BILL 43.** Placed on General File as amended.
Standing Committee amendments to LB 43:
AM0251

1. On page 3, line 4, strike "eighty" and insert "sixty"; in line 5 after the period insert "Commencing the first Thursday after the first Tuesday in January 1988, the Governor shall receive an annual salary of sixty-seven thousand dollars. Commencing the first Thursday after the first Tuesday in January 1989, the Governor shall receive an annual salary of seventy-four thousand dollars. Commencing the first Thursday after the first Tuesday in January 1990, the Governor shall receive an annual salary of eighty thousand dollars."; in line 12 strike "forty" and insert "thirty-five"; and in line 13 strike the comma, show as stricken, and insert ". As soon after July 1, 1987, as the same may be payable under the Constitution of Nebraska, each of the commissioners shall receive an annual salary of thirty-seven thousand five hundred dollars. As soon after July 1, 1988, as the same may be payable under the Constitution of Nebraska, each of the commissioners shall receive an annual salary of forty thousand dollars. Such salary shall be".

2. On page 4, line 6, strike "sixty-five" and insert "fifty-two"; in line 7 after the period insert "Commencing the first Thursday after the first Tuesday in January 1988, there shall be paid as salary to the Attorney General, the sum of fifty-six thousand eight hundred thirty-three dollars. Commencing the first Thursday after the first Tuesday in January 1989, there shall be paid as salary to the Attorney General, the sum of sixty-one thousand one hundred sixty-six dollars.

Commencing the first Thursday after the first Tuesday in January 1990, there shall be paid as salary to the Attorney General, the sum of sixty-five thousand five hundred dollars."; and in lines 23 and 24, 25, and 26 and 27 strike "fifty-five thousand", show the old matter as stricken, and insert "forty-three thousand five hundred".

3. On page 5, line 1, strike "fifty-five thousand", show the old matter as stricken, and insert "forty-three thousand five hundred"; and in line 2 after the period insert "From and after the first Thursday after the first Tuesday in January 1988, there shall be paid as salaries to certain constitutional officers, as follows: Secretary of State, the sum of forty-seven thousand three hundred thirty-three dollars per annum; Auditor of Public Accounts, the sum of forty-seven thousand three hundred thirty-three dollars per annum; State Treasurer, the sum of forty-seven thousand three hundred thirty-three dollars per annum; and the Lieutenant Governor, the sum of forty seven thousand three hundred thirty-three dollars per annum. From and after the first Thursday after the first Tuesday in January 1989, there shall be paid as salaries to certain constitutional officers, as follows: Secretary of State, the sum of fifty-one thousand one hundred sixty-six dollars per annum; Auditor of Public Accounts, the sum of fifty-one thousand one hundred sixty-six dollars per annum; State Treasurer, the sum of fifty-one thousand one hundred sixty-six dollars per annum; and the Lieutenant Governor, the sum of fifty-one thousand one hundred sixty-six dollars per annum. From and after the first Thursday after the first Tuesday in January 1990, there shall be paid as salaries to certain constitutional officers, as follows: Secretary of State, the sum of fifty-five thousand dollars per annum; Auditor of Public Accounts, the sum of fifty-five thousand dollars per annum; State Treasurer, the sum of fifty-five thousand dollars per annum; and the Lieutenant Governor, the sum of fifty-five thousand dollars per annum.".

(Signed) David Landis, Chairperson

**UNANIMOUS CONSENT - Member Excused**

Mr. Rogers asked unanimous consent to be excused until he returns.

No objections. So ordered.

## GENERAL FILE

**LEGISLATIVE BILL 288.** Title read. Considered.

Standing Committee amendments, AM0163, found in the Journal on page 561 for the Twenty-Second Day were adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Mr. Chambers moved to indefinitely postpone LB 288.

Laid over.

**LEGISLATIVE BILL 432.** Title read. Considered.

Mr. Wesely moved for a call of the house. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

Mr. Wesely requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 20:

| | | | | |
|---|---|---|---|---|
| Beutler | Chizek | Higgins | Lynch | Vickers |
| Beyer | Hannibal | Johnson, V. | Morehead | Warner |
| Carsten | Harris | Labedz | Schmit | Wesely |
| Chambers | Hartnett | Landis | Sieck | Withem |

Voting in the negative, 21:

| | | | | |
|---|---|---|---|---|
| Abboud | Goll | Johnson, R. | Nelson | Pirsch |
| Barrett | Haberman | Lamb | Nichol | Remmers |
| Chronister | Hefner | Lundy | Pappas | Scofield |
| Conway | Johnson, L. | Miller | Peterson | Smith |
| Eret | | | | |

Present and not voting, 1:

Goodrich

Excused and not voting, 7:

| | | | | |
|---|---|---|---|---|
| Baack | Hall | Marsh | Rogers | Rupp |
| DeCamp | Hoagland | | | |

Failed to advance to E & R for Review with 20 ayes, 21 nays, 1 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

## STANDING COMMITTEE REPORTS
### Revenue

**LEGISLATIVE BILL 38.** Placed on General File as amended.
Standing Committee amendment to LB 38:
AM0199

1. Strike original sections 1 to 5 and insert new sections as follows:

"Section 1. As used in sections 1 to 8 of this act, unless the context otherwise requires:

(1) Owner shall mean the owner of record or vendee in possession under a land contract or surviving spouse; and

(2) Property taxes paid shall mean all real property taxes and all taxes paid on dwelling units taxed as personal property exclusive of special assessments, delinquent taxes and interest, and charges for service levied on an owner of such property in this state in 1985 or any calendar year thereafter and actually paid by the owner. When an owner owns two or more different pieces of such property in the state, property taxes paid shall mean the total property taxes paid for all such pieces of such property.

Sec. 2. There is hereby created a Property Tax Rebate Fund to be administered by the Department of Revenue. Any money in the Property Tax Rebate Fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1269 and interest earned shall accrue to the Property Tax Rebate Fund. Money in the fund shall only be used to provide rebates pursuant to section 3 of this act.

Sec. 3. Commencing in 1986, each owner shall be entitled to a ten per cent rebate for all property taxes paid during such year. A claim for a rebate under sections 1 to 8 of this act shall be made within six months after the property taxes become delinquent to entitle the owner to the rebate.

Sec. 4. Any person who knowingly files a false or fraudulent claim under section 3 of this act

shall be guilty of a Class IIIA misdemeanor.

Sec. 5. Each county shall prepare a receipt for property taxes paid in a manner prescribed by the Tax Commissioner and using forms supplied by the Department of Revenue. The receipt may be forwarded by the owner to the Department of Revenue which shall calculate the rebate due the owner pursuant to section 3 of this act. The Department of Revenue shall mail such rebate within ninety days after submission of the receipt.

Sec. 6. In addition to the sales and use tax imposed pursuant to section 77-2701.02, there is hereby imposed an additional one per cent sales and use tax to commence on October 1, 1985. All proceeds from such additional tax shall be paid to the Property Tax Rebate Fund.

Sec. 7. The sales and use tax imposed under section 6 of this act is in addition to the sales and use tax imposed under Chapter 77, article 27, and shall be interpreted, collected, enforced, and remitted by the Tax Commissioner in the same manner as taxes under Chapter 77, article 27.

Sec. 8. The Department of Revenue shall adopt and promulgate rules and regulations to carry out sections 1 to 8 of this act.

Sec. 9. That section 77-27,132, Revised Statutes Supplement, 1984, be amended to read as follows:

77-27,132. (1) There is hereby created a fund to be designated Tax Refund Fund which shall be set apart and maintained by the State Treasurer for prompt payments of all tax refunds under the provisions of sections 66-461, 77-2106, and 77-2701 to 77-27,135 and transfers to the Nongame and Endangered Species Conservation Fund pursuant to sections 37-439 and 77-27,119.01. Such fund shall be in such amount as the State Treasurer, with the advice of the Tax Commissioner, shall determine is necessary to meet current refunding requirements under the provisions of sections 66-461, 77-2106, and 77-2701 to 77-27,135. Any money in the Tax Refund Fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1269.

(2) The Tax Commissioner shall pay to a depository bank designated by the State Treasurer all

amounts collected under sections 77-2701 to 77-27,135. The Tax Commissioner shall present to the State Treasurer bank receipts showing amounts so deposited in the aforementioned bank and of the amounts so deposited the State Treasurer shall (a) first credit to the Tax Refund Fund such amounts as are necessary to maintain such Tax Refund Fund at the level required by subsection (1) of this section, and (b) then credit to the Highway Allocation Fund all of the proceeds of the sales and use taxes derived from motor vehicles, trailers, and semitrailers except for such proceeds derived from the additional sales and use tax imposed by section 6 of this act which shall be paid to the Property Tax Rebate Fund. The balance of the amounts so paid shall be credited to the General Fund.

Sec. 10. That original section 77-27,132, Revised Statutes Supplement, 1984, is repealed.".

**LEGISLATIVE BILL 269.** Placed on General File as amended.
Standing Committee amendment to LB 269:
AM0247

1. On page 2, strike beginning with "community" in line 6 throgh the comma in line 7.

**LEGISLATIVE BILL 552.** Placed on General File as amended.
Standing Committee amendment to LB 552:
AM0200

1. Strike original sections 1 and 2 and insert new sections as follows:

"Section 1. (1) Any person located outside the state, who is not engaged in business in this state, who sells tangible personal property to residents of this state, when the tangible personal property is delivered within this state or the beneficial use of the services occurs within this state, may file with the Tax Commissioner an application for a retailer's use tax permit to be designated by the Tax Commissioner as a use tax collector. Such person shall comply with the pertinent provisions regarding the collection of use tax in section 77-2703.

(2) As an alternative to subsection (1) of this section, any person located outside the state, who is not engaged in business in this state, who sells tangible personal property to residents of this state, when the tangible personal property is delivered within

the state, may provide a list of such sales for the preceding twelve months, to the Tax Commissioner on or before June 1 of each year. The list shall include names and addresses of the purchasers in the state and the amount of each sale. The Tax Commissioner shall pay to any person furnishing a list under this section an amount equal to the reasonable cost of reproducing the list.

Sec. 2. Any person located outside the state, who is not engaged in business in this state, who sells tangible personal property to residents of this state, when the tangible personal property is delivered within this state shall be considered to have consented to the jurisdiction of the courts of this state for the exclusive purpose of enforcing section 1 of this act. Service of process to persons subject to this section may be made by service outside this state in the same manner provided for service in this state with the same force and effect as though service had been made within this state.

Sec. 3. Any person located outside the state, who is not engaged in business in this state, who sells tangible personal property to residents of this state, when the tangible personal property is delivered within the state who does not hold a retailer's use tax permit, as provided in subsection (1) of section 1 of this act, or in the alternative, who fails to provide a list of purchasers located in this state, as provided in subsection (2) of section 1 of this act, shall be precluded from bringing any action in any court in this state to collect any debt directly related to the sale of such tangible personal property to a resident of this state. In addition, the operator of a credit card system who holds a debt directly related to the sale of tangible personal property to a resident of this state by a seller who has failed to obtain a retailer's use tax permit or who has failed to submit a list of purchasers, as provided in section 1 of this act, shall also be precluded from bringing any action in any court in this state for collection of such debt.

Sec. 4. This act shall not apply to any person located inside or outside the state who holds a permit to collect and remit sales tax on tangible personal property sold in this state.

Sec. 5. This act shall become operative on

October 1, 1985.".

**LEGISLATIVE BILL 37.** Indefinitely postponed.
**LEGISLATIVE BILL 181.** Indefinitely postponed.
**LEGISLATIVE BILL 597.** Indefinitely postponed.

(Signed) Vard Johnson, Chairperson

**Public Health and Welfare**

**LEGISLATIVE BILL 253.** Placed on General File.

**LEGISLATIVE BILL 62.** Indefinitely postponed.
**LEGISLATIVE BILL 398.** Indefinitely postponed.

(Signed) Don Wesely, Chairperson

**UNANIMOUS CONSENT - Print in Journal**

Mrs. Higgins asked unanimous consent to print the following amendment to LB 101 in the Journal. No objections. So ordered.

AM0249

1. Insert the following new section:

"Sec. 4. That section 81-885.07, Revised Statutes Supplement, 1984, be amended to read as follows:

81-885.07. (1) There is hereby created the State Real Estate Commission which shall consist of the Secretary of State, who shall be chairperson of the commission, and ~~six~~ seven members appointed by the Governor. Four of the members of such commission, appointed by the Governor, shall be active and licensed real estate brokers who have engaged in the real estate business as brokers or associate brokers for not less than five years, which members shall be appointed by the Governor, one from each of the four congressional districts as the districts were constituted on January 1, 1961. The remaining members shall be appointed at large, ~~one~~ two of whom ~~shall be representative~~ are representatives of the public and are not and have never been licensed brokers or real estate salespersons and one of whom ~~shall be~~ is a licensed real estate salesperson who has engaged in the real estate business as a salesperson for not less than three years.

(2) The present members of the commission shall continue to serve for the terms for which they were respectively appointed, except that within ~~,~~ ~~Within~~ thirty days after ~~September 2, 1973,~~ the effective date of this act the Governor shall appoint the ~~at-large member~~ two members who are representatives of the public for a term of six years from ~~September 2, 1973~~ the effective date of this act. Within thirty days after July 22, 1978, the Governor shall appoint the salesperson member for a term of six years from July 22, 1978. At the expiration of the term of any member of the commission, the Governor shall appoint a successor for a term of six years. Any appointed member shall be limited to one six-year term, in addition to any partial term served. In the event of a vacancy on the commission, the Governor shall fill such vacancy by appointing a member to serve during the unexpired term of the member whose office has become vacant. In the absence of the chairperson, the senior member of the commission in point of service present shall serve as presiding officer. Not less than four members of the commission must be present at any official meeting of the commission. The action of the majority of the members of the commission shall be deemed the action of the commission. No appointed person may act as a member of the commission while holding any other elective or appointive state or federal office.

(3) Each member of the commission shall receive as compensation for each day actually spent on official duties at scheduled meetings the sum of fifty dollars and actual and necessary expenses incurred in the performance of his or her official duties.

(4) The commission shall employ a director who shall keep a record of all the proceedings, transactions, communications, and official acts of the commission, be custodian of all the records of the commission, and perform such other duties as the commission may require. The director shall call a meeting of the commission at his or her discretion or upon the direction of the chairperson or upon a written request of two or more members of the commission. The commission may employ such other employees as may be necessary to properly carry out ~~the provisions of~~ sections 81-885.01 to 81-885.48, fix the salaries of such employees, and make such other expenditures as are

necessary to properly carry out ~~the provisions of~~ sections 81-885.01 to 81-885.48. The office of the commission shall be maintained in Lincoln and all files, records, and property of the commission shall remain therein. Neither the director nor any employee of the commission may be an officer or paid employee of any real estate association or group of real estate dealers or brokers.

(5) The commission may adopt rules and regulations relating to the administration of, but not inconsistent with, ~~the provisions of~~ sections 81-885.01 to 81-885.48.

(6) The commission may conduct or assist in conducting real estate institutes and seminars, ~~,~~ and incur and pay the necessary expenses in connection therewith. Such ~~, which~~ institutes or seminars shall be open to all licensees.".

2. On page 4, lines 1, 3, and 8, strike "5 to 10" and insert "6 to 11".

3. On page 5, lines 13 and 14, strike "5 to 10" and insert "6 to 11".

4. On page 6, lines 4 and 17, strike "5 to 10" and insert "6 to 11"; and in line 22, after the second comma insert "81-885.07,".

5. Renumber sections 4 to 12 as sections 5 to 13.

## STANDING COMMITTEE REPORT
### Public Health and Welfare

The Public Health and Welfare Committee met in executive session on February 15, 1985 to take action on the following confirmations:

Margaret Connealy - State Foster Care Review Board
Shirley Vickers - State Foster Care Review Board

Senators Chronister, Lynch, Smith, Wesely, and Withem voted aye for these confirmations. Senators Hall and R. Peterson were absent.

(Signed) Don Wesely, Chairperson

**SPEAKER NICHOL PRESIDING**

## GENERAL FILE

**LEGISLATIVE BILL 498.** Title read. Considered.

Standing Committee amendments, AM0137, found in the Journal on page 569 for the Twenty-Second Day were adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

Advanced to E & R for Review with 29 ayes, 0 nays, 13 present and not voting, and 7 excused and not voting.

## SELECT FILE

**LEGISLATIVE BILL 223.** Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 587.** E & R amendments, AM5036, found in the Journal on page 581 for the Twenty-Third Day were adopted.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 405.** Advanced to E & R for Engrossment.
**LEGISLATIVE BILL 49.** Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 263.** E & R amendments, AM5037, found in the Journal on page 581 for the Twenty-Third Day were adopted.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 134.** Advanced to E & R for Engrossment.
**LEGISLATIVE BILL 327.** Advanced to E & R for Engrossment.

## UNANIMOUS CONSENT - Members Excused

Messrs. Peterson and Chronister asked unanimous consent to be excused. No objections. So ordered.

## GENERAL FILE

**LEGISLATIVE BILL 244.** Title read. Considered.

Standing Committee amendment, AM0154, found in the Journal on page 583 for the Twenty-Third Day was adopted with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

Mr. Beyer asked unanimous consent to be excused. 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.

## STANDING COMMITTEE REPORTS
### Business and Labor

**LEGISLATIVE BILL 324.** Placed on General File as amended.
Standing Committee amendments to LB 324:
AM0244

1. Insert the following new section:

"Section 1. That section 48-1102, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

48-1102. As used in sections 48-1101 to 48-1125, unless the context otherwise requires:

(1) Person includes one or more individuals, labor unions, partnerships, associations, corporations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, or receivers;

(2) Employer shall mean a person engaged in an industry who has fifteen or more employees for each working day in each of twenty or more calendar weeks in the current or preceding calendar year, any agent of such a person, and any party whose business is financed in whole or in part under the Nebraska Investment Finance Authority Act and shall include the State of Nebraska, governmental agencies, and political subdivisions, regardless of the number of employees, but such term shall not include (a) the United States, a corporation wholly owned by the government of the United States, or an Indian tribe or (b) a bona fide private membership club, other than a labor organization, which is exempt from taxation under section 501 (c) of the Internal Revenue Code of 1954;

(3) Labor organization shall mean any organization which exists wholly or in part for one or more of the following purposes: Collective bargaining; dealing with employers concerning grievances, terms, or conditions of employment; or of mutual aid or protection in relation to employment;

(4) Employment agency shall mean any person regularly undertaking with or without compensation to procure employees for an employer or to procure for employees opportunities to work for an employer and

includes an agent of such a person, but shall not include an agency of the United States, except that such term shall include the United States Employment Service and the system of state and local employment services receiving federal assistance;

(5) Privileges of employment shall mean terms and conditions of any employer-employee relationship, opportunities for advancement of employees, and plant conveniences;

(6) Employee shall mean an individual employed by an employer;

(7) Commission shall mean the Equal Opportunity Commission;

(8) Disability shall mean any physical or mental condition, infirmity, malformation, or disfigurement which is caused by bodily injury, birth defect, or illness, including epilepsy or seizure disorders, and which shall include, but not be limited to, any degree of paralysis, amputation, lack of physical coordination, blindness or visual impediment, deafness or hearing impediment, muteness or speech impediment, or physical reliance on a dog guide, wheelchair, or other remedial appliance or device and shall also mean the physical or mental condition of a person which constitutes a substantial handicap, as determined by a physician, but is unrelated to such person's ability to engage in a particular occupation;

(9) Marital status shall mean the status of a person whether married or single; ~~and~~

(10) Because of sex or on the basis of sex shall include, but not be limited to, because of or on the basis of pregnancy, childbirth, or related medical conditions; and

(11) Unlawful under the laws of the United States or this state shall mean (a) acting contrary to or in defiance of the law or (b) disobeying or disregarding the law as determined by a court of competent jurisdiction.".

2. On page 4, line 24, after "sections" insert "48-1102 and".

3. Renumber remaining sections accordingly.

(Signed) Bill Barrett, Chairperson

**Nebraska Retirement Systems**

**LEGISLATIVE BILL 350.** Placed on General File as amended.
Standing Committee amendments to LB 350:
AM0202

1. On page 2, lines 4 and 13, page 4, lines 16 and 22, page 6, line 15, and page 8, lines 3 and 5, strike "section 2" and insert "sections 2 and 3".

2. On page 7, line 4, strike "If" and insert "Until July 1, 1985, if".

3. Insert new sections as follows:

"Sec. 3. Commencing July 1, 1985, a beneficiary retired under sections 79-1501 to 79-1557 who returns to employment as a school employee, except for members retired under sections 79-1523 to 79-1526, may waive the payments and return to regular employment in a public school of this state if the beneficiary notifies the retirement board in advance of the time and place of such employment and that he or she will become a member of the retirement system. The notice shall be in writing upon forms prescribed by the retirement board. Any person collecting retirement payments without filing such notice shall be subject to a withholding of future retirement benefits equal to twice the amount collected after being regularly employed.

Upon termination of such employment, if the beneficiary notifies the retirement board in writing upon forms prescribed by such board, his or her school retirement allowance under the option previously elected, specified under group annuity contract, if one exists, or under the option permitted by the retirement board, if no group annuity contract exists, shall be reinstated.

For any service credit earned after returning to employment, upon reretirement such member shall become eligible for the retirement allowance provided in sections 79-1522 and 79-1522.01. At the option of the terminating member, such annuity may commence at any time after such member attains the age of sixty and before his or her sixty-fifth birthday on an actuarially reduced basis. Such election by the terminating member may be made at any time prior to the commencement of the annuity payments.

At any time before the new retirement date, a member may elect to receive his or her new school retirement allowance under any optional form specified

in the group annuity contract, if one exists, or under any optional form permitted by the retirement board if no group annuity contract exists. Such optional annuity shall be the actuarial equivalent of the normal form of the annuity.

Sec. 6. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

4. Renumber original sections 3 and 4 as sections 4 and 5 respectively.

(Signed) Bill Harris, Chairperson

**Public Works**

**LEGISLATIVE BILL 496.** Placed on General File as amended.
Standing Committee amendment to LB 496:
AM0185

1. Strike original sections 1 to 6 of this act and all amendments thereto and insert the following new section:

"Section 1. Evidence that a person was not wearing a safety belt at the time he or she was injured shall not be admissible as evidence in any civil action in regard to the issue of liability but may be introduced into evidence for mitigation of damages.".

(Signed) Loran Schmit, Chairperson

## NOTICE OF COMMITTEE HEARINGS
**Public Works**

| | | |
|---|---|---|
| LB 468 | Friday, March 1, 1985 (Cancel) | 1:30 p.m. |
| LB 468 | Wednesday, March 6, 1985 (Reset) | 1:30 p.m. |
| LB 704 | Friday, March 1, 1985 (Cancel) | 1:30 p.m. |
| LB 704 | Wednesday, March 6, 1985 (Reset) | 1:30 p.m. |
| LB 672 | Friday, March 1, 1985 (Cancel) | 1:30 p.m. |
| LB 672 | Wednesday, March 6, 1985 (Reset) | 1:30 p.m. |

(Signed) Loran Schmit, Chairperson

## UNANIMOUS CONSENT - Print in Journal

Mr. Schmit asked unanimous consent to print the following amendment to LB 496 in the Journal. No objections. So ordered.

AM0258

1. Insert the following new sections:

"Sec. 2. That section 39-6,171, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-6,171. Every new motor vehicle designated by the manufacturer as 1964 year model or later, except ~~motor trucks~~ motorcycles, buses, and taxicabs, sold in this state and operated on any highway, road, or street in this state shall be equipped with two front seat safety belts of a type which has been approved by the Department of Motor Vehicles. The purchaser of any such vehicle may designate the make or brand of or furnish such belts to be installed. Any person selling a motor vehicle not in compliance with this section shall be guilty of a Class V misdemeanor.

Sec. 8. That original section 39-6,171, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

2. On page 2, line 3, after "belt" insert ",except that the number of front seat passengers required to wear a safety belt shall not exceed the number of safety belts which were installed in the front seat of such motor vehicle by the manufacturer"; and in line 23 strike "which" through "costs" and insert "but no court costs shall be assessed against him or her".

3. Underscore original sections 1 to 6.

## BILL ON FIRST READING

The following bill was read for the first time by title:

**LEGISLATIVE BILL 82A.** By Lynch, 13th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 82, Eighty-ninth Legislature, First Session, 1985.

## VISITORS

Visitors to the Chamber were 12 Kiwanians from Omaha; 125 third and fourth graders and teachers from Fredstrom Elementary School;

Dick Brown and Neil McCluhan; and 16 seniors from Coleridge High School and sponsor.

## ADJOURNMENT

At 11:51 a.m., on a motion by Mrs. Smith, the Legislature adjourned until 9:00 a.m., Tuesday, February 19, 1985.

Patrick J. O'Donnell
Clerk of the Legislature

# TWENTY-SIXTH DAY - FEBRUARY 19, 1985

# LEGISLATIVE JOURNAL

# TWENTY-SIXTH DAY - FEBRUARY 19, 1985

## LEGISLATIVE JOURNAL

## EIGHTY-NINTH LEGISLATURE
## FIRST SESSION

## TWENTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, February 19, 1985

Pursuant to adjournment, the Legislature met at 9:01 a.m., President McGinley presiding.

## PRAYER

The prayer was offered by Dr. Robert Palmer, Westminster Presbyterian Church, Lincoln, Nebraska.

## ROLL CALL

The roll was called and all members were present except Mrs. Higgins and Mr. Lamb who were excused; and Messrs. Goodrich, Hartnett, Hoagland, V. Johnson, Pappas, Peterson, Rupp, Schmit, and Mrs. Marsh who were excused until they arrive.

## CORRECTIONS FOR THE JOURNAL

The Journal for the Twenty-Fifth Day was approved.

## REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of Governor appointments.

**Constitutional Revision and Recreation**

LaVern Schneider - Game and Parks Commission

**Public Health and Welfare**

Dr. Richard Powell - State Board of Health
Dr. Norman R. Schneider - State Board of Health
Bruce Gilmore - State Board of Health
Dr. Robert J. Hilkeman (R) - State Board of Health
Janet Coleman - State Board of Health

(R) Reappointment

**Education**

Gretchen Reeder - Board of Trustees of the Nebraska State Colleges
Jean A. Lovell - Board of Trustees of the Nebraska State Colleges

(Signed) Chris Beutler, Chairperson
Legislative Council
Executive Board

## MESSAGE FROM THE GOVERNOR

February 15, 1985

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 30, 41, 51, 52, 109, 128, 151, 187 and 417 were received in my office on February 13, 1985.

These bills were signed by me on February 15, 1985 and delivered to the Secretary of State.

Sincerely,
(Signed) ROBERT KERREY
Governor

RK/jm

## SELECT COMMITTEE REPORTS
### Enrollment and Review

**LEGISLATIVE BILL 87.** Placed on Select File as amended.
E & R amendments to LB 87:
AM5041

1. On page 1, line 3, strike "delete an" and insert "change"; in line 4 strike "requirement" and insert "requirements"; and strike beginning with the semicolon in line 4 through line 5 and insert "and their families; to change the allowable support as prescribed; to provide duties for the Revisor of Statutes; to eliminate a termination date;".

2. On page 2, lines 6, 15, and 23, strike "68-1520", show as stricken, and insert "68-1519".

3. Insert the following new section:

"Sec. 3. The Revisor of Statutes shall, whenever the number 68-1520 appears in sections 68-1501, 68-1503, 68-1505, 68-1508, 68-1510, 68-1511, and 68-1513 to 68-1519, substitute the number 68-1519.".

4. Renumber original section 3 as section 4.

**LEGISLATIVE BILL 252.** Placed on Select File as amended.
E & R amendments to LB 252:
AM5042

1. On page 1, strike line 5 and insert "change provisions relating to voluntary admission for treatment;".

2. On page 3, line 20, strike "board ordered", show as stricken, and insert "board-ordered".

**LEGISLATIVE BILL 313.** Placed on Select File as amended.
E & R amendments to LB 313:
AM5043

1. In the Standing Committee amendments, AM0118:

a. On page 1, line 5, after "purposes" insert an underscored comma;

b. On page 2, line 14, strike the comma and show as stricken; and in line 16 after "alteration" insert an underscored comma;

c. On page 3, lines 6 and 9, strike the comma and show as stricken; in line 23 after "repair" insert an underscored comma; and in line 24 after "structures" insert an underscored comma;

d. On page 4, line 10, strike the last comma and show as stricken;

e. On page 6, line 7, after "unit" insert an underscored comma; and in line 20 after "tents" insert an underscored comma;

f. On page 7, line 3, after "agency" insert an

underscored comma; in line 4 after "assignee" insert an underscored comma; and in line 15 after "unit" insert an underscored comma;

g. On page 8, lines 12 and 21, strike the comma and show as stricken; and

h. On page 9, line 17, strike the comma and show as stricken.

2. On page 1, line 2, after "sections" insert "14-402, 15-902, 19-902,"; in line 4 strike "71-4620" and insert "71-4621, 81-5,138, 81-5,140, and 81-5,142"; in line 5 strike "section 71-4604.01" and insert "sections 71-1557, 71-4604.01, 76-1463, 76-14,109, and 81-1615"; in line 7 after "act" insert "and a fund"; in line 10 strike "to harmonize provisions;"; and in line 11 after the semicolon insert "to change a provision relating to removal of a mobile home; to harmonize provisions; to eliminate a provision authorizing requirements more stringent than state standards;".

3. On page 2, line 14, strike the second comma and show as stricken.

4. On page 17, line 7, strike the underscored comma.

5. On page 30, line 2; and page 31, line 17, strike the comma and show as stricken.

**LEGISLATIVE BILL 486.** Placed on Select File as amended.
E & R amendment to LB 486:
AM5044

1. On page 1, line 5, strike "and" and after "sections" insert "; and to declare an emergency".

**LEGISLATIVE BILL 592.** Placed on Select File as amended.
E & R amendment to LB 592:
AM5045

1. On page 1, line 1, after "section" insert "79-447, Reissue Revised Statutes of Nebraska, 1943, and section"; in line 4 after the semicolon insert "to change tuition rates for certain students as prescribed;"; and in line 5 strike "section" and insert "sections".

**LEGISLATIVE BILL 104.** Placed on Select File as amended.
E & R amendments to LB 104:
AM5046

1. On page 1, line 3, strike the semicolon

and insert "in order".

2. On page 4, lines 2 and 3, strike the first comma and show as stricken; and in line 21 after "event" insert "single insurance risk".

(Signed) Timothy Hall, Chairperson

## ATTORNEY GENERAL'S OPINION

Opinion No. 21
February 12, 1985

Dear Senator Wesely:

This is in response to your request concerning LB 61. You asked for an evaluation of the constitutionality of LB 61 and the attached amendments, and in particular Section 6 of the bill.

The purpose of the bill is to help public hospitals continue to exist and deliver health care services. The promotion of public health has traditionally been recognized as one of the leading objectives in the cases defining a "public purpose." Lennox v. Housing Authority of the City of Omaha, 137 Neb. 582, 290 N.W.2d 451.

One thing that might raise the suspicion of some about the present bill is the authority granted to public hospitals to enter into limited partnerships and other agreements with private corporations or other public hospitals to deliver health care services.

In State ex rel. Douglas v. Nebraska Mortgage Finance Fund, 204 Neb. 445, 283 N.W.2d 12, the Supreme Court of Nebraska was called upon to determine the constitutionality of a legislative bill, the purpose of which was to assist private mortgage lenders in providing financing for single family residences at reduced interest rates for low and moderate income families.

In an action to test the bill, the Nebraska Attorney General claimed a number of constitutional encroachments.

The Supreme Court prefaced its inquiry by stating that: "We must keep in mind the oft-declared rule to the effect that in construing an act of the Legislature all reasonable doubts must be resolved in favor of its constitutionality. Dwyer v. Omaha-Douglas Public Building Commission, 188 Neb. 30, 195 N.W.2d 236."

In finding the housing act constitutional, the Supreme Court made the following observation pertinent to the present inquiry.

> The fact that certain of the funds once obtained through bonds may go to private lending institutions who in turn will make the funds available for low and moderate income citizens does not change the public purpose for which the funds are intended. The

vital point in all such disbursements is whether the purpose is public. If it is, it does not matter whether the agency through which it is dispensed is public or not. How the funds are disbursed is not the critical issue, but rather whether the object for which it serves is a public purpose. The test is in the end result, not in the means. See United Community Services v. The Omaha Nat. Bank, supra. A law may serve the public interest although it benefits certain individuals or classes more than others. John R. Grubb, Inc. v. Iowa Housing Finance, 255 N.W.2d 89 (Iowa, 1977). (Emphasis added).

We perceive that the provisions of LB 61 are more obviously for the public purpose intended than the legislation in Douglas v. Nebraska Mortgage Finance Fund, and in light of the position of the Nebraska Supreme Court in that case, we are of the opinion that LB 61 would pass a constitutional attack.

Section 6 of LB 61, about which you specifically asked, provides in effect that all financial obligations of a hospital owned or operated by a governmental entity are exclusively obligations of the hospital and not a debt of the state or other governmental entity.

This is in keeping with Article XIII of the Nebraska Constitution which provides that the state, except for purposes not applicable here, may not contract debts to exceed the aggregate of $100,000.

People dealing with governmental agencies are legally on notice of the necessity to determine these and other limitations concerning the authority of governmental bodies to incur obligations and have a sufficient appropriation to fund the same.

Article III, Section 22 and Section 25 are examples. Section 22 provides in part that: "Each Legislature shall make appropriations for the expenses of the Government." Section 25 provides in part: "No money shall be drawn from the treasury except in pursuance of a specific appropriation made by law, and on the presentation of a warrant issued as the Legislature may direct, and no money shall be diverted from any appropriation made for any purpose or taken from any fund whatever by resolution."

In speaking of the above provisions, the Supreme Court of Nebraska stated:

> The object and purpose of such a constitutional provision was to render all departments of the state government dependent upon the will of the people as expressed by their duly elected representatives, and to require such departments of government, except as otherwise provided in the Constitution, to return to that source at regular stated intervals for the necessary means of existence, because the people have learned and will continue to learn that the very preservation of their liberty depends largely upon control of the purse by their periodically elected

representatives. State ex rel. Norfolk Beet-Sugar Co. v. Moore, supra." Rein v. Johnson, 149 Neb. 67, 30 N.W.2d 548.

What has been said is consistent also as to governmental subdivisions whose powers and duties are created by the Legislature which, may not accomplish indirectly, what it may not do directly. This was confirmed in State ex rel. Beck v. City of York, 164 Neb. 223, 82 N.W.2d 269, where the Supreme Court of Nebraska, in construing Article XIII, Section 3, of the Nebraska Constitution against lending the credit of the state in aid of private persons, corporations, etc. concluded that said provision applied equally to political subdivisions. We believe the same to be true generally of constitutional limitations upon the state.

We can find no constitutional provision of which a violation by Section 6 of this bill is suspected. It merely places limitations, consistent with other provisions of the constitution, on persons dealing with the public hospitals as there provided.

Very truly yours,
A. EUGENE CRUMP
Deputy Attorney General
(Signed) Mel Kammerlohr
Assistant Attorney General

MK:bmh
cc: Patrick J. O'Donnell
Clerk of the Legislature

**MOTION - Withdraw LB 281**

Mr. Landis renewed his pending motion found in the Journal on page 616 to withdraw LB 281.

The motion prevailed with 27 ayes, 0 nays, 11 present and not voting, and 11 excused and not voting.

**MOTION - Approve Appointments**

Mr. Wesely moved the adoption of the report of the Public Health and Welfare Committee for the following Governor appointments found in the Journal on page 626: Margaret Connealy and Shirley Vickers - State Foster Care Review Board.

Voting in the affirmative, 30:

| | | | | |
|---|---|---|---|---|
| Abboud | Barrett | Carsten | DeCamp | Goll |
| Baack | Beyer | Conway | Eret | Haberman |

| | | | | |
|---|---|---|---|---|
| Hall | Labedz | Morehead | Remmers | Vickers |
| Hefner | Landis | Nelson | Rogers | Warner |
| Johnson, L. | Lundy | Nichol | Scofield | Wesely |
| Johnson, R. | Miller | Pirsch | Smith | Withem |

Voting in the negative, 0.

Present and not voting, 9:

| | | | | |
|---|---|---|---|---|
| Beutler | Chizek | Hannibal | Lynch | Sieck |
| Chambers | Chronister | Harris | Peterson | |

Excused and not voting, 10:

| | | | | |
|---|---|---|---|---|
| Goodrich | Higgins | Johnson, V. | Marsh | Rupp |
| Hartnett | Hoagland | Lamb | Pappas | Schmit |

These appointments were confirmed with 30 ayes, 0 nays, 9 present and not voting, and 10 excused and not voting.

## GENERAL FILE

**LEGISLATIVE BILL 233.** Title read. Considered.

Standing Committee amendment, AM0141, found in the Journal on page 568 for the Twenty-Second Day was adopted with 29 ayes, 0 nays, 12 present and not voting, and 8 excused and not voting.

Advanced to E & R for Review with 29 ayes, 0 nays, 12 present and not voting, and 8 excused and not voting.

**LEGISLATIVE BILL 36.** Title read. Considered.

Standing Committee amendments, AM0142, found in the Journal on page 568 for the Twenty-Second Day were considered.

Mr. Warner offered the following amendment to the Standing Committee amendments:

1. On page 1, line 8, after the period insert "Any such deposit shall be made in the manner and in the depository designated by the condemner so long as the amount so deposited is"; strike 9.

The Warner amendment was adopted with 27 ayes, 0 nays, 14 present and not voting, and 8 excused and not voting.

The Standing Committee amendments, as amended, were 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, 0 nays, 14 present and not voting, and 8 excused and not voting.

**LEGISLATIVE BILL 353.** Title read. Considered.

Standing Committee amendments, AM0190, found in the Journal on page 581 for the Twenty-Third Day were adopted with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

Advanced to E & R for Review with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 82.** Title read. Considered.

Standing Committee amendments, AM0114, found in the Journal on page 590 for the Twenty-Third Day were adopted with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

Mr. Lynch moved for a call of the house. The motion prevailed with 12 ayes, 0 nays, and 37 not voting.

Mr. Lynch requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 20:

| | | | | |
|---|---|---|---|---|
| Beutler | Haberman | Hartnett | Lynch | Schmit |
| Chambers | Hall | Hoagland | Miller | Sieck |
| Chizek | Hannibal | Johnson, V. | Pappas | Wesely |
| Chronister | Harris | Labedz | Pirsch | Withem |

Voting in the negative, 21:

| | | | | |
|---|---|---|---|---|
| Baack | Hefner | Lundy | Nichol | Rupp |
| Barrett | Johnson, L. | Marsh | Peterson | Scofield |
| Carsten | Johnson, R. | Morehead | Remmers | Smith |
| Conway | Landis | Nelson | Rogers | Warner |
| Goll | | | | |

Present and not voting, 5:

| | | | | |
|---|---|---|---|---|
| Abboud | Beyer | DeCamp | Eret | Vickers |

Excused and not voting, 3:

Goodrich Higgins Lamb

Failed to advance to E & R for Review with 20 ayes, 21 nays, 5 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

**LEGISLATIVE BILL 89.** Title read. Considered.

Standing Committee amendment, AM0136, found in the Journal on page 562 for the Twenty-Second Day was adopted with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

Advanced to E & R for Review with 29 ayes, 0 nays, 17 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 315.** Title read. Considered.

Speaker Nichol asked unanimous consent to be excused until he returns. No objections. So ordered.

Standing Committee amendment, AM0176, found in the Journal on page 590 for the Twenty-Third Day was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Advanced to E & R for Review with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 614.** Title read. Considered.

Standing Committee amendment, AM0195, found in the Journal on page 591 for the Twenty-Third Day was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Mr. DeCamp moved to indefinitely postpone LB 614.

Laid over.

**LEGISLATIVE BILL 47.** Title read. Considered.

Standing Committee amendments, AM0198, found in the Journal on page 593 for the Twenty-Fourth Day were considered.

Mr. Beutler offered the following amendment to the Standing Committee amendments:

After the word "Nebraska" in the first line 12 add the following language:

"report of title does not include a title insurance commitment or policy"

The Beutler amendment was adopted with 9 ayes, 0 nays, 37 present and not voting, and 3 excused and not voting.

The Standing Committee amendments, as amended, were adopted with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

Mr. Beutler offered the following amendment:

delete the words "an active, registered abstractor who is also" in line 15 page 7

The Beutler amendment lost with 15 ayes, 12 nays, 19 present and not voting, and 3 excused and not voting.

Advanced to E & R for Review with 28 ayes, 0 nays, 19 present and not voting, and 2 excused and not voting.

## STANDING COMMITTEE REPORTS

### Agriculture and Environment

**LEGISLATIVE BILL 29.** Indefinitely postponed.
**LEGISLATIVE BILL 375.** Indefinitely postponed.

(Signed) Rod Johnson, Chairperson

### Judiciary

**LEGISLATIVE BILL 326.** Placed on General File as amended.
Standing Committee amendments to LB 326:
AM0240

1. On page 2, line 18, after the period insert "The rules shall provide that all amounts invested shall be in accounts insured up to the amount guaranteed by the Federal Deposit Insurance Corporation or other federally insured form of deposit insurance.".

2. On page 3, line 21, strike beginning with "choosing" through "trial".

(Signed) Peter Hoagland, Chairperson

## SELECT COMMITTEE REPORTS
### Enrollment and Review

### Correctly Engrossed

The following bills were correctly engrossed: 101, 345, and 387.

(Signed) Timothy Hall, Chairperson

### Enrollment and Review Change to LB 387

The following changes, required to be reported for publication in the Journal, have been made:
ER0017
1. In the Beutler amendment found on page 601 of the Journal, on page 1, line 3, "resource" has been struck and "resources" inserted; and in line 4, the second "of" has been struck.

(Signed) Mary Sommermeyer
E & R Attorney

## SELECT FILE

**LEGISLATIVE BILL 179.** Mr. Sieck moved to indefinitely postpone.

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

The Sieck motion to indefinitely postpone lost with 20 ayes, 17 nays, 9 present and not voting, and 3 excused and not voting.

Mr. Sieck requested a machine vote on the advancement of the bill.

Mr. DeCamp moved for a call of the house. The motion prevailed with 16 ayes, 0 nays, and 33 not voting.

Mr. Sieck requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 23:

Abboud Beutler Beyer Chambers Chizek

| | | | | |
|---|---|---|---|---|
| Chronister | Hall | Hefner | Landis | Schmit |
| Conway | Hannibal | Hoagland | Lynch | Vickers |
| DeCamp | Harris | Johnson, V. | Pappas | |
| Haberman | Hartnett | Labedz | Pirsch | |

Voting in the negative, 21:

| | | | | |
|---|---|---|---|---|
| Baack | Lundy | Nichol | Scofield | Withem |
| Carsten | Marsh | Peterson | Sieck | |
| Eret | Miller | Remmers | Smith | |
| Goll | Morehead | Rogers | Warner | |
| Johnson, L. | Nelson | Rupp | Wesely | |

Present and not voting, 2:

Barrett Goodrich

Absent and not voting, 1:

Johnson, R.

Excused and not voting, 2:

Higgins Lamb

Failed to advance to E & R for Engrossment with 23 ayes, 21 nays, 2 present and not voting, 1 absent and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Messrs. Chronister and Pappas asked unanimous consent to be excused. No objections. So ordered.

**LEGISLATIVE BILL 101A.** Advanced to E & R for Engrossment.
**LEGISLATIVE BILL 272A.** Advanced to E & R for Engrossment.
**LEGISLATIVE BILL 323A.** Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 113.** E & R amendments, AM5038, found in the Journal on page 606 for the Twenty-Fifth Day were adopted.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 371.** E & R amendments, AM5040, found in the Journal on page 607 for the Twenty-Fifth Day were adopted.

Advanced to E & R for Engrossment.

## STANDING COMMITTEE REPORTS
### Revenue

**LEGISLATIVE BILL 344.** Placed on General File.

**LEGISLATIVE BILL 268.** Placed on General File as amended.
Standing Committee amendments to LB 268:
AM0261

1. On page 10, line 16, strike "it", show as stricken, and insert "he or she"; and strike beginning with "The" in line 21 through "commissioner" in line 22, show the old matter as stricken, and insert "The unit valuation of the railroad companies allocated to the state shall be distributed as follows: (1) Five per cent shall be distributed to all taxing subdivisions where the railroad company has investment in general office buildings or machine and repair facilities proportionate to the company's investment in general office buildings and machine and repair facilities in the state; and (2) the balance shall be distributed".

2. On page 23, lines 1 and 2, strike "on January 1, 1986" and insert "for all taxable years beginning on and after January 1, 1985".

3. Insert new sections as follows:

"Section 13. That section 77-612, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-612. The Tax Commissioner shall, on or before July 15, notify in writing each railroad company of the value, determined by the Tax Commissioner, of the railroad company's taxable operating property within the state. In the event any railroad company ~~or the Attorney General of the State of Nebraska, acting for and on behalf of the state and the subdivisions in the state interested in said taxation,~~ shall feel aggrieved, then ~~either said~~ such railroad company ~~or the Attorney General, as aforesaid,~~ may, prior to August 1, file with the Tax Commissioner an administrative appeal ~~State Board of Equalization and Assessment a complaint~~ in writing, stating wherein ~~they claim said assessment~~ it claims the valuation is unjust or inequitable and also stating the amount which it is claimed the valuation

~~said assessment~~ should be, and the excess ~~or deficiency~~ therein, and ask for an ~~equalization and~~ adjustment of ~~said assessment~~ the valuation by the ~~board~~ commissioner. ~~At the next regular meeting of the board, the complaints~~ The appeal shall be considered and either party shall be permitted to introduce any evidence in reference thereto and fully and fairly present its case. The commissioner ~~cause of complaint and the board~~ shall act upon the appeal ~~said complaint~~ and shall make ~~such~~ an order in the premises. The ~~as to the board shall seem just and reasonable, and said~~ order shall be considered as the final order in the case from which an appeal may be taken to the ~~Supreme Court~~ district court as provided in section ~~77-613~~ 84-917. In lieu of filing an administrative appeal with the Tax Commissioner pursuant to this section, a railroad may, prior to August 1, appeal to the district court, which appeal shall be heard by the district court de novo.

Sec. 14. That section 77-615, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-615. It shall be the duty of the Tax Commissioner ~~State Board of Equalization and Assessment,~~ upon demand of ~~either party~~ a railroad company desiring to appeal, to furnish to the party a full and complete transcript of all the records and proceedings of the ~~board~~ commissioner in making the ~~assessment~~ valuation, and also a full and complete record and bill of exceptions of the evidence considered and taken by the ~~board~~ commissioner in making ~~said assessment~~ the valuation, and a full statement by the ~~board~~ commissioner of the evidence upon which ~~it~~ he or she acted in making ~~said~~ the assessment. The fees for the transcript shall be the same as are now allowed to clerks of the district court for making transcripts of records for appeal to the Supreme Court.

Sec. 16. That section 77-619, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-619. In the event a notice of appeal is filed and the appeal is perfected by the railroad company as provided in section ~~77-613~~ 77-612, then the Tax Commissioner ~~State Board of Equalization and~~

~~Assessment~~ shall forthwith make ~~its~~ his or her return to the respective county clerks of the several counties in which any portion of the railroad operating property may be located, stating the amount of the ~~assessment~~ valuation as determined by the ~~board~~ commissioner and the amount which the railroad company claims such ~~assessment~~ valuation to be in excess of the ~~assessed~~ actual value. ~~, in the event of an appeal by the railroad company. In the event of an appeal by the Attorney General, the return shall set forth the assessment made by the board and the amount which the notice claims such assessment to be less than the assessed value of the property.~~ The taxing boards of the respective counties shall have authority to levy and collect taxes under the ~~assessment so~~ valuation made against railroad property upon the uncontested value of the ~~assessment~~ valuation.

Sec. 17. That section 77-620, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-620. Immediately after a final determination of the valuation, the Tax Commissioner ~~assessment by the Supreme Court of the state, the State Board of Equalization and Assessment~~ shall forthwith certify to the county clerks of the respective counties the final ~~judgment of the court determining the assessed~~ actual value of the property. The taxing boards of the respective counties shall have authority to correct the ~~assessment~~ valuation to comply with the ~~judgment of the court~~ final determination, and to levy and collect taxes against the railroad operating property upon the value determined, ~~by the Supreme Court~~, if any, in excess of the uncontested value upon which levy was made under section 77-619.

Sec. 32. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

4. On page 23, line 4, after "77-611," insert "77-612, 77-615," and after "77-616," insert "77-619, 77-620,"; in line 8 strike "77-612 to"; and in line 9 strike "77-615" and insert "77-613, 77-614" and strike "to 77-620" and insert ", 77-618".

5. Renumber remaining sections accordingly.

**LEGISLATIVE BILL 39.** Indefinitely postponed.
**LEGISLATIVE BILL 98.** Indefinitely postponed.
**LEGISLATIVE BILL 118.** Indefinitely postponed.
**LEGISLATIVE BILL 119.** Indefinitely postponed.
**LEGISLATIVE BILL 200.** Indefinitely postponed.
**LEGISLATIVE BILL 210.** Indefinitely postponed.
**LEGISLATIVE BILL 475.** Indefinitely postponed.
**LEGISLATIVE BILL 560.** Indefinitely postponed.
**LEGISLATIVE BILL 577.** Indefinitely postponed.

(Signed) Vard Johnson, Chairperson

**Education and Executive Board**

**LEGISLATIVE BILL 662.** Placed on General File as amended.
Standing Committee amendments to LB 662:
AM0253

1. Strike original sections 1 and 19 and insert the following new section:

"Sec. 15. Notwithstanding any other provision of sections 1 to 6 of this act or Chapter 79, after the effective date of this section, whenever the question of closing an elementary school attendance site is raised following a reorganization governed by section 79-402, the Reorganization of School Districts Act, or sections 79-426.23 to 426.26 in which a school district has attached itself as a whole to a Class II, III, IV, or V school district or has become part of a Class VI school district, such elementary school attendance site shall not be closed unless a majority of the qualified electors of such school district, as it existed prior to reorganization, vote pursuant to subsections (2) to (4) of section 79-426.15 to close such site. Approval of a proposition to close an elementary school attendance site shall require a majority of all qualified electors voting at a special election called for such purpose.".

2. On page 2, line 22, strike "districts" and insert "district or become part of an existing Class VI school district"; and in line 27 strike "with" through "the" and insert "become part of an existing Class VI school district".

3. On page 3, strike beginning with "Class" in line 1 through "district" in line 2; in line 13 strike "6" and insert "5"; in line 15 strike "2" and insert "1"; in line 17 after "district" insert "or

become or approved a plan to become part of an existing Class VI school district"; in line 20 after "district" insert "or make such district part of an existing Class VI school district"; and in line 27 after "district" insert "or become or approved a plan to become part of an existing Class VI school district".

4. On page 4, line 3, after "district" insert "or make such district part of an existing Class VI school district"; and in line 8 strike "4" and insert "3".

5. On page 5, line 2, after "attach" insert "or add"; in line 3 strike "3" and insert "2"; and in line 5 strike "2 to 4" and insert "1 to 3".

6. On page 6, line 5, strike "2 to 6" and insert "1 to 5"; and in line 21 after "districts" insert "or make it part of an existing Class VI school district".

7. On page 7, line 24, after "proposed" insert "or of a Class VI district to which an addition is proposed".

8. On page 9, lines 13 and 17, strike "or" and show as stricken, and after "V" insert ", or VI".

9. On page 10, line 6, strike "or" and show as stricken and after "V" insert ", or VI".

10. On page 15, line 10, after "years" insert "and which is within fifteen miles, on a reasonably improved highway, of another high school"; and in line 14 strike "districts" and insert "district or made a part of an existing Class VI school district".

11. On page 16, line 7, strike "7" and insert "6".

12. On page 17 strike beginning with "Sections" in line 2 through the period in line 3; and in line 3 strike "7, 9 to 14," and insert "6, 8 to 18,".

13. Renumber original sections 2 to 15 as sections 1 to 14 respectively.

(Signed) Chris Beutler, Co-Chairperson
Tom Vickers, Co-Chairperson

**Miscellaneous Subjects**

The Committee on Miscellaneous Subjects desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record

vote.

David Catalan - Nebraska Arts Council
Beth Planer McKibbin - Nebraska Arts Council
Michael Shonsey - Nebraska Arts Council

Voting yes: Senators Conway, Hartnett, Hefner, Higgins, & V. Johnson. Voting no: None. Abstain: None. Absent: Senators Haberman, Morehead, & Pappas.

(Signed) Elroy M. Hefner, Chairperson

## SPECIAL COMMITTEE REPORT
## Executive Board

The Executive Board of the Nebraska State Legislature held a public hearing on February 13, 1985 to consider the Wayne State College request to issue revenue bonds for the Rice-Carlson expansion project. The Executive Board met in executive session this morning and approved the Wayne State request.

Voting to approve the resolution were Senators: Barrett, Beutler, DeCamp, Morehead, Nichol and Schmit. Senator Pirsch abstained. Absent were Senators Chambers and Marsh.

Please find attached the Wayne State resolution, fact sheet and financial plan.

(Signed) Chris Beutler, Chairperson

## UNANIMOUS CONSENT - Print in Journal

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

WAYNE STATE COLLEGE
Wayne, Nebraska

Resolution to Issue Bonds to Expand Rice-Carlson Facility

WHEREAS, Section 85-403 of Article 4, Chapter 85, Reissue Revised Statutes of Nebraska, 1943, as amended, provides for the construction of "buildings and structures for athletic purposes" with the cost thereof being financed by the issuance of "revenue bonds, payable solely out of their revenue other than funds derived from

taxation," and,

WHEREAS, Section 85-404 of the same Statutes empowers the Board of Trustees of the Nebraska State Colleges to proceed with such bond sale and the pledging of revenues and fees derived from the operation to meet the debt obligations incurred thereof, contingent upon "the plans for such building or facility to be constructed, including financing plans, first being submitted for approval to the Legislature," and

WHEREAS, Wayne State College and the Board of Trustees have determined that certain expansion is required in the Rice-Carlson facility in order to provide for the needs of the student body for athletics, physical education, intramurals and for unstructured use by both the college community and by the Wayne community, and

WHEREAS, the architectural firm of Bahr, Vermeer and Haecker of Omaha, Nebraska has developed a Program Statement for the Project and the firms of Chiles, Heider & Company, Inc., and Cline, Williams, Wright, Johnson & Oldfather, revenue bond financial and legal consultants, respectively, to the Board of Trustees, have developed a viable financing plan, excerpts of which are set forth as Exhibits A and B, respectively, attached hereto and made a part hereof by reference, therefore

BE IT RESOLVED, that the First Session of the 89th Legislature does hereby approve the Project, including the financing plan, as set forth in this Resolution and in Exhibits A and B, said attachments being incorporated into said Resolution.

(Signed) Ed M. Elliott, President
Wayne State College
(Signed) Carroll Thompson, Chairman
Board of Trustees
Nebraska State Colleges
(Signed) Richard Bringelson,
Executive Officer
Board of Trustees
Nebraska State Colleges

## NOTICE OF COMMITTEE HEARINGS
### Appropriations

| | | |
|---|---|---|
| LB 196 | Tuesday, February 26, 1985 | 10:00 a.m. |
| LB 197 | Tuesday, February 26, 1985 | 10:00 a.m. |
| LB 198 | Tuesday, February 26, 1985 | 10:00 a.m. |
| LB 199 | Tuesday, February 26, 1985 | 10:00 a.m. |

Note

The hearings on these bills (as introduced on behalf of the Governor) are being held to meet the requirements of legislative rules. Affected state agencies and interested parties are encouraged to address their concerns at the respective agency budget hearings (See Agency budget hearing schedule published in the Legislative Journal, 25th Day, February 15, 1985, pages 611 and 612)

(Signed) Jerome Warner, Chairperson

**UNANIMOUS CONSENT - Add Co-Introducer**

Mr. Lynch asked unanimous consent to have his name added as co-introducer to LB 662. No objections. So ordered.

**VISITORS**

Visitors to the Chamber were Bill Norvell from Laurel; Clair Hansen from Coleridge; and Miss Jody Kessler from Fremont.

**ADJOURNMENT**

At 11:58 a.m., on a motion by Mr. V. Johnson, the Legislature adjourned until 8:30 a.m., Wednesday, February 20, 1985.

Patrick J. O'Donnell
Clerk of the Legislature

# TWENTY-SEVENTH DAY - FEBRUARY 20, 1985

## LEGISLATIVE JOURNAL

## EIGHTY-NINTH LEGISLATURE
## FIRST SESSION

## TWENTY-SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, February 20, 1985

Pursuant to adjournment, the Legislature met at 8:30 a.m., President McGinley presiding.

## PRAYER

The prayer was offered by Senator Carsten.

## ROLL CALL

The roll was called and all members were present except Mr. Chizek and Mrs. Higgins who were excused; and Messrs. Barrett, Beutler, Beyer, Chambers, Goodrich, Haberman, Hall, Hoagland, V. Johnson, Landis, Schmit, Warner, Mesdames Morehead, and Pirsch who were excused until they arrive.

## CORRECTIONS FOR THE JOURNAL

The Journal for the Twenty-Sixth Day was approved.

## ATTORNEY GENERAL'S OPINION

Opinion No. 22
February 19, 1985

Dear Senator Hoagland:

You have referred to us a copy of LB 226 which amends Neb.Rev.Stat. §28-611 (Reissue 1979). You have also provided a transcript of the committee hearing in regard to LB 226. The question you ask is whether or not the proposed bill is required in

order for prosecutions to be commenced against persons who issue insufficient or no account checks for payments on credit accounts.

As the testimony before the committee indicated, §28-611 at the current time has two major sections regarding acts made criminal. Section one makes it a crime for one to issue a check or a signed order for the payment of money knowing that there is no account or that there is insufficient funds or credit for the payment of such check or order when one receives present value. Section three makes it unlawful for anyone to otherwise issue or pass a check or similar signed order for the payment of money knowing that they have no account with the drawee or knowing that they have insufficient funds or credit for the payment of such check or order. The distinction between the two provisions is that section one requires the receipt of some property or service having a present value at the time the check is issued while section three does not.

The typical circumstance that will arise in check prosecutions under §28-611(1), is that an individual issues a check and immediately receives merchandise or services which are delivered to the individual in reliance upon the check. Uniformly statutes making such an act criminal have been upheld. See, State v. Kock, 207 Neb. 731, 300 N.W.2d 824 (1981), a case which interpreted subdivision one of §28-611 and sustained its constitutionality.

Section three does not require present value. It makes criminal the act of passing a check or similar signed order for the payment of money when the issuer knows that they do not have an account or that they have insufficient funds in their account to pay the check. Section three includes passing a no account or insufficient fund check as a payment on account. Thus, the examples referred to during the hearing would fall within the prohibitions of section three.

Similar statutes are in force in several states. The provision in the Nebraska statute was derived from the model penal code. There is a split of authority as to the validity of such statutes within the United States. Some cases have held that such statutes are unconstitutional because they authorize imprisonment for a debt in violation of the Constitution. See, People v. Vinnola, 177 Colo. 405, 494 P.2d 826 (1972). Other courts have held such statutes constitutional even where intent was not a requirement of those statutes. See, Ennis v. State, 95 So.2d 20, cert. denied, 355 U.S. 868 (1957).

The issue has not been squarely faced in Nebraska. However, we believe that the indications from previous decisions of our court would lead to the conclusion that it is likely §28-611(3) would be held constitutional. We have previously cited for you State v. Kock, in addition, White v. State, 135 Neb. 154, 280 N.W.2d 433 (1938), and State v. Hocutt, 207 Neb. 689, 300 N.W.2d 198 (1981) involve these issues. The latter case involved §69-109 which provides a criminal

penalty for the disposition of property subject to a security interest. In that case the attack was upon the grounds that the statute violated the provision against the imprisonment for debt. Our Supreme Court however held

> . . . this court stated that § 69-109 was enacted to prevent the fraudulent transfer of mortgaged chattel property. With such a provision engrafted by judicial construction, § 69-109 is distinguished from the statute held unconstitutional in State ex rel. Norton v. Janing, supra, and does not constitute imprisonment for debt.

We believe that the same reasoning would apply to the provisions of §28-611(3) on the issuance of checks where there is insufficient funds or no account since the statute requires proof of knowledge thus intent to commit the prohibited act. The act actually punished by this section is the act of placing into the stream of commerce bad commercial paper knowingly. It is not for purposes of imprisoning debtors. It is our belief that the present statutes serve as a sufficient basis for bringing these cases and we believe that the Nebraska Supreme Court would sustain the constitutionality of this statute.

For the reasons expressed in this opinion, we believe that LB 226 as proposed will not add significantly to the current authority of county attorneys to prosecute these cases and indeed may cause some confusion between subparagraph one and subparagraph three which would be undesirable.

Sincerely,
A. EUGENE CRUMP
Deputy Attorney General
(Signed) Patrick T. O'Brien
Counsel to the Attorney General

PTO:bae
cc: Patrick J. O'Donnell
Clerk of the Legislature

## BILLS ON FINAL READING

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 339.**

A BILL FOR AN ACT relating to employment security; to amend sections 48-601 to 48-609, 48-612, 48-613, 48-616 to 48-619, 48-621 to 48-623, 48-626 to 48-628, 48-628.02, 48-629, 48-632, 48-635, 48-636, 48-640, 48-643, 48-645 to 48-652, 48-654, 48-657, 48-659 to 48-662, 48-664, 48-665, 48-666 to 48-668, 48-668.02, 48-668.03,

48-670, and 48-671, Reissue Revised Statutes of Nebraska, 1943; to change internal references; to redefine a law; to change provisions relating to rules and regulations; 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 | Eret | Johnson, L. | Nelson | Scofield |
| Baack | Goll | Johnson, R. | Nichol | Sieck |
| Barrett | Goodrich | Johnson, V. | Pappas | Smith |
| Beyer | Haberman | Lamb | Peterson | Vickers |
| Carsten | Hall | Landis | Pirsch | Wesely |
| Chambers | Hannibal | Lundy | Remmers | Withem |
| Chronister | Harris | Lynch | Rogers | |
| Conway | Hartnett | Marsh | Rupp | |
| DeCamp | Hefner | Miller | Schmit | |

Voting in the negative, 0.

Present and not voting, 1:

Labedz

Excused and not voting, 6:

| | | | | |
|---|---|---|---|---|
| Beutler | Higgins | Hoagland | Morehead | Warner |
| Chizek | | | | |

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 42.**

A BILL FOR AN ACT relating to vital statistics; to amend sections 23-394, 71-604, 71-605, 71-606, 71-611, 71-636, and 71-644, Reissue Revised Statutes of Nebraska, 1943, and section 71-612, Revised Statutes Supplement, 1984; to change provisions relating to birth certificates, death certificates, transit permits, and disinterment permits; to harmonize provisions; to provide for cremation permits; to modify powers and duties of the Department of Health; to provide

an exemption from filing requirements; to authorize a petty cash fund; to adopt the Delayed Birth Registration Act; to eliminate provisions relating to local registrars; to repeal the Delayed Birth Registration Law; to provide operative dates; and to repeal the original sections, and also sections 71-602, 71-603, 71-605.03, 71-608, 71-617 to 71-622, 71-624, and 71-625, Reissue Revised Statutes of Nebraska, 1943, and section 71-623, Revised Statutes Supplement, 1984.

Whereupon the 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 | Eret | Johnson, L. | Miller | Rupp |
| Baack | Goll | Johnson, R. | Morehead | Schmit |
| Barrett | Goodrich | Johnson, V. | Nelson | Scofield |
| Beyer | Haberman | Labedz | Nichol | Sieck |
| Carsten | Hall | Lamb | Pappas | Smith |
| Chambers | Hannibal | Landis | Peterson | Vickers |
| Chronister | Harris | Lundy | Pirsch | Wesely |
| Conway | Hartnett | Lynch | Remmers | Withem |
| DeCamp | Hefner | Marsh | Rogers | |

Voting in the negative, 0.

Excused and not voting, 5:

| | | | | |
|---|---|---|---|---|
| Beutler | Chizek | Higgins | Hoagland | Warner |

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 75.**

A BILL FOR AN ACT relating to public power districts; to amend section 70-624.02, Revised Statutes Supplement, 1984; to change provisions relating to the compensation of directors; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

| | | | | |
|---|---|---|---|---|
| Baack | Goll | Johnson, V. | Nelson | Sieck |
| Barrett | Goodrich | Labedz | Nichol | Smith |
| Beyer | Hall | Lamb | Pappas | Vickers |
| Carsten | Hannibal | Landis | Peterson | Wesely |
| Chambers | Harris | Lundy | Remmers | Withem |
| Chronister | Hartnett | Lynch | Rogers | |
| Conway | Hefner | Marsh | Rupp | |
| DeCamp | Johnson, L. | Miller | Schmit | |
| Eret | Johnson, R. | Morehead | Scofield | |

Voting in the negative, 3:

| | | |
|---|---|---|
| Abboud | Haberman | Pirsch |

Excused and not voting, 5:

| | | | | |
|---|---|---|---|---|
| Beutler | Chizek | Higgins | Hoagland | Warner |

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 81.**

A BILL FOR AN ACT relating to railroads; to amend sections 74-1307 and 74-1309, Reissue Revised Statutes of Nebraska, 1943; to change a provision relating to the issuance of bonds by Railroad Transportation Safety Districts; to change a provision relating to the termination of such districts; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

| | | | | |
|---|---|---|---|---|
| Abboud | DeCamp | Hartnett | Lundy | Pirsch |
| Baack | Eret | Hefner | Lynch | Remmers |
| Barrett | Goll | Johnson, L. | Marsh | Rogers |
| Beyer | Goodrich | Johnson, R. | Morehead | Rupp |
| Carsten | Haberman | Johnson, V. | Nelson | Schmit |
| Chambers | Hall | Labedz | Nichol | Scofield |
| Chronister | Hannibal | Lamb | Pappas | Sieck |
| Conway | Harris | Landis | Peterson | Smith |

Vickers Wesely Withem

Voting in the negative, 0.

Present and not voting, 1:

Miller

Excused and not voting, 5:

Beutler Chizek Higgins Hoagland Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 96.**

A BILL FOR AN ACT relating to public power and irrigation districts; to amend section 70-604.03, Revised Statutes Supplement, 1984; to change a voting rights request procedure as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

| | | | | |
|---|---|---|---|---|
| Abboud | Eret | Johnson, L. | Morehead | Schmit |
| Baack | Goll | Johnson, R. | Nelson | Scofield |
| Barrett | Goodrich | Johnson, V. | Nichol | Sieck |
| Beyer | Haberman | Labedz | Pappas | Smith |
| Carsten | Hall | Lamb | Peterson | Vickers |
| Chambers | Hannibal | Landis | Pirsch | Wesely |
| Chronister | Harris | Lundy | Remmers | Withem |
| Conway | Hartnett | Lynch | Rogers | |
| DeCamp | Hefner | Marsh | Rupp | |

Voting in the negative, 0.

Present and not voting, 1:

Miller

Excused and not voting, 5:

| | | | | |
|---|---|---|---|---|
| Beutler | Chizek | Higgins | Hoagland | Warner |

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 193.**

A BILL FOR AN ACT relating to monopolies and unlawful combinations; to amend section 59-1617, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to exempted transactions; 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 | Eret | Johnson, L. | Morehead | Schmit |
| Baack | Goll | Johnson, R. | Nelson | Scofield |
| Barrett | Goodrich | Johnson, V. | Nichol | Sieck |
| Beyer | Haberman | Labedz | Pappas | Smith |
| Carsten | Hall | Lamb | Peterson | Vickers |
| Chambers | Hannibal | Landis | Pirsch | Wesely |
| Chronister | Harris | Lundy | Remmers | Withem |
| Conway | Hartnett | Lynch | Rogers | |
| DeCamp | Hefner | Marsh | Rupp | |

Voting in the negative, 0.

Present and not voting, 1:

Miller

Excused and not voting, 5:

| | | | | |
|---|---|---|---|---|
| Beutler | Chizek | Higgins | Hoagland | Warner |

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 240.**

A BILL FOR AN ACT relating to motor vehicles; to amend section

60-411, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to motor vehicle operator's license renewal; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

| | | | | |
|---|---|---|---|---|
| Abboud | Eret | Johnson, L. | Miller | Rupp |
| Baack | Goll | Johnson, R. | Morehead | Schmit |
| Barrett | Goodrich | Johnson, V. | Nelson | Scofield |
| Beyer | Haberman | Labedz | Nichol | Sieck |
| Carsten | Hall | Lamb | Pappas | Smith |
| Chambers | Hannibal | Landis | Peterson | Vickers |
| Chronister | Harris | Lundy | Pirsch | Wesely |
| Conway | Hartnett | Lynch | Remmers | Withem |
| DeCamp | Hefner | Marsh | Rogers | |

Voting in the negative, 0.

Excused and not voting, 5:

| | | | | |
|---|---|---|---|---|
| Beutler | Chizek | Higgins | Hoagland | Warner |

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 337.**

A BILL FOR AN ACT relating to employment security; to amend section 48-655, Reissue Revised Statutes of Nebraska, 1943; to change the interest rate on certain contributions and payments; to provide an operative date; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

| | | | | |
|---|---|---|---|---|
| Abboud | Beyer | Chronister | Eret | Haberman |
| Baack | Carsten | Conway | Goll | Hall |
| Barrett | Chambers | DeCamp | Goodrich | Hannibal |

| | | | | |
|---|---|---|---|---|
| Harris | Labedz | Morehead | Remmers | Smith |
| Hartnett | Lamb | Nelson | Rogers | Vickers |
| Hefner | Landis | Nichol | Rupp | Wesely |
| Johnson, L. | Lundy | Pappas | Schmit | Withem |
| Johnson, R. | Lynch | Peterson | Scofield | |
| Johnson, V. | Marsh | Pirsch | Sieck | |

Voting in the negative, 0.

Present and not voting, 1:

Miller

Excused and not voting, 5:

| | | | | |
|---|---|---|---|---|
| Beutler | Chizek | Higgins | Hoagland | Warner |

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 338.**

A BILL FOR AN ACT relating to employment security; to amend sections 48-630, 48-639, and 48-640, Reissue Revised Statutes of Nebraska, 1943; to change certain appeal procedures for claims; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

| | | | | |
|---|---|---|---|---|
| Abboud | Eret | Johnson, L. | Miller | Rupp |
| Baack | Goll | Johnson, R. | Morehead | Schmit |
| Barrett | Goodrich | Johnson, V. | Nelson | Scofield |
| Beyer | Haberman | Labedz | Nichol | Sieck |
| Carsten | Hall | Lamb | Pappas | Smith |
| Chambers | Hannibal | Landis | Peterson | Vickers |
| Chronister | Harris | Lundy | Pirsch | Wesely |
| Conway | Hartnett | Lynch | Remmers | Withem |
| DeCamp | Hefner | Marsh | Rogers | |

Voting in the negative, 0.

Excused and not voting, 5:

Beutler Chizek Higgins Hoagland Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

## NOTICE OF COMMITTEE HEARINGS
### Executive Board

| | | |
|---|---|---|
| LB 369 | Monday, March 11, 1985 | 7:00 p.m. |
| LB 694 | Monday, March 11, 1985 | 7:00 p.m. |

(Signed) Chris Beutler, Chairperson

## STANDING COMMITTEE REPORTS
### Banking, Commerce and Insurance

**LEGISLATIVE BILL 452.** Placed on General File.

**LEGISLATIVE BILL 63.** Placed on General File as amended.
Standing Committee amendment to LB 63:
AM0264

1. On page 3, line 16, strike "a bank is" and insert "to take possession of a bank pursuant to section 8-187"; and in line 17 strike "insolvent".

**LEGISLATIVE BILL 613.** Placed on General File as amended.
Standing Committee amendment to LB 613:
AM0226

1. Strike the original sections and insert the following new sections:

"Section 1. That section 72-1263, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

72-1263. The state investment officer shall, out of funds available for investment, cause to be offered to all banks and building and loan associations in this state ~~a time deposit open account~~ deposits in the amount of one hundred fifty thousand dollars at a minimum, except that any bank or building and loan association may accept such offer in amounts of one hundred thousand dollars or fifty thousand dollars. The state investment officer shall place the funds in time deposit open accounts, and no more than one hundred

thousand dollars shall be placed in any one account. Such deposit shall be available at any investment date to such banks or building and loan associations as are willing to meet the rate and other requirements set forth in sections 72-1261 to 72-1269 and make application therefor. The balance of the funds available for investment shall then be offered at the same rate to the banks and building and loan associations making application for and otherwise qualifying for such deposit. Such deposit shall be offered in increments of fifty thousand dollars. No deposit shall be made when doing so would violate a fiduciary obligation of the state. All funds not investable under this section shall be invested as provided by section 72-1246. No one bank or building and loan association may receive for deposit a sum of more than five hundred thousand dollars or an amount not to exceed the amount covered by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation, plus twice the institution's equity capital or net worth or as otherwise provided for by law, whichever is less.

Sec. 2. That original section 72-1263, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

**LEGISLATIVE BILL 691.** Placed on General File as amended.
Standing Committee amendments to LB 691:
AM0265

1. Insert a new section as follows:

"Sec. 2. That section 8-416, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

8-416. Whenever it shall appear to the department from any examination or report provided for by the laws of this state that the capital stock of any industrial loan and investment company is impaired, or that such industrial loan and investment company is conducting its business in an unsafe or unauthorized manner, or is endangering the interests of the holders of its certificates of indebtedness, or if such industrial loan and investment company shall fail to make any of the reports required by the laws of this state, or if the officers or employees of any industrial loan and investment company shall refuse to submit its

books, papers, and affairs to the inspection of any examiner, or if any officer thereof shall refuse to be examined under oath touching the affairs of any such industrial loan and investment company, or if from any examination or report provided for by law the department shall have reason to conclude that such industrial loan and investment company shall neglect or refuse to observe any lawful order of the department, the department may forthwith take possession of the property and business of such industrial loan and investment company and shall thereafter conduct the affairs of such industrial loan and investment company and shall retain possession of all money, rights, credits, assets, and property of every description belonging to such industrial loan and investment company, and may retain such possession for a sufficient time to make an examination of its affairs and disposition thereof as provided by law. The department shall retain possession of the property and business of such industrial loan and investment company until it is found entitled to resume business or until such time as the officers, directors, stockholders, or owners elect to voluntarily liquidate such industrial loan and investment company in accordance with ~~the provisions of~~ section 8-193. In the event the department shall order its dissolution, such industrial loan and investment company shall be liquidated in receivership proceedings in the same manner and, as nearly as may be, in conformity with the laws governing the liquidation of state banks. In the event a receiver is appointed, all matters pertaining to the receivership shall be subject to and governed by sections 8-187 to 8-1,129.

The claims of holders of certificates of indebtedness issued pursuant to and within the maximum rate of interest provided in section 8-410, not otherwise secured, shall have priority over all other claims, except federal, state, county, and municipal taxes, and subject to such taxes, shall, at the time of the declaration or adjudication of insolvency of an industrial loan and investment company, be a first lien on all the assets of the industrial loan and investment company from which they are due and thus in liquidation, except that ~~; PROVIDED,~~ no claim to priority shall be allowed which is based upon any evidence of indebtedness in the hands of or originally issued to any stockholder,

officer, or employee of such industrial loan and investment company, which represents money obtained by such stockholder, officer, or employee from himself, herself, or some other person, firm, corporation, or industrial loan and investment company in lieu of or for the purpose of effecting a loan of funds to such failed industrial loan and investment company.".

2. On page 3, line 14 strike "section 8-1,102" and insert "sections 8-1,102 and 8-416"; and in line 15 strike "is" and insert "are".

3. Renumber original sections 2 and 3 as sections 3 and 4 respectively.

(Signed) John DeCamp, Chairperson

## PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 339, 42, 75, 81, 96, 193, 240, 337, and 338.

## MOTION - Rule Change

Mr. Warner renewed his proposed rule change found in the Journal on page 26.

Mr. DeCamp offered the following amendment to the Warner rule change:

Striking in Rule 8, Section 5:

"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 appropriation bills are passed by the Legislature."

Mr. DeCamp asked unanimous consent to withdraw his pending amendment. No objections. So ordered.

The Warner proposed rule change was adopted with 31 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

## UNANIMOUS CONSENT - Print in Journal

Mr. Landis asked unanimous consent to print the following amendment to LB 508 in the Journal. No objections. So ordered.

AM0278

1. On page 29, line 11, strike "noncancellable" and insert "noncancelable".

2. On page 35, line 6, strike "director" and insert "Director".

3. Insert new sections as follows:

"Sec. 40. That section 77-908, Revised Statutes Supplement, 1984, be amended to read as follows:

77-908. Every foreign or alien insurance company which is transacting business in this state, ~~except~~ including fraternal beneficiary associations, shall on or before March 1 of each year, in lieu of any other intangible property tax, pay a tax to the director of two per cent of the gross amount of direct writing premiums received by it during the preceding calendar year for business done in this state. The taxable life insurance premiums shall include premiums paid on the lives of persons residing in this state whether the insurance was written in this state or not. Companies whose scheme of operation contemplates the return of a portion of premiums to policyholders, without such policyholders being claimants under the terms of their policies, may deduct such return premiums or dividends from their gross premiums for the purpose of tax calculations. Any such insurance company shall receive a credit on the tax imposed as provided in the Community Development Assistance Act.

Sec. 41. That section 77-909, Revised Statutes Supplement, 1984, be amended to read as follows:

77-909. Every domestic insurance company, including all companies organized under stock, mutual, or assessment plans as well as companies organized as employers' liability insurance associations, ~~or~~ nonprofit hospital service corporations, ~~but excluding~~ or fraternal beneficiary associations, shall, on or before March 1 of each year, in lieu of any other intangible property tax, pay to the director a tax of six-tenths of one per cent of the gross amount of direct writing premiums received by it during the preceding calendar year for business done in this state. The taxable life insurance premiums shall include premiums paid on the lives of persons residing in this state

whether the insurance was written in this state or not. The tax shall also apply to premiums for insurance written on individuals residing outside this state or property located outside this state if no comparable tax is paid by the direct writing company to any other appropriate taxing authority. Companies whose scheme of operation contemplates the return of a portion of premiums to policyholders, without such policyholders being claimants under the terms of their policies, may deduct such return premiums or dividends from their gross premiums for the purpose of tax calculations. Any such insurance company shall receive a credit on the tax imposed as provided in the Community Development Assistance Act.".

4. On page 43, line 4, after the second comma insert "and sections 77-908 and 77-909, Revised Statutes Supplement, 1984,".

5. Renumber original sections 40 and 41 as sections 42 and 43 respectively.

## PRESENTED TO THE GOVERNOR

Presented to the Governor on February 20, 1985, at 10:25 a.m., were the following bills: 339, 42, 75, 81, 96, 193, 240, 337 and 338.

(Signed) Jan Loder, Enrolling Clerk

## STANDING COMMITTEE REPORTS
### Agriculture and Environment

**LEGISLATIVE BILL 56.** Indefinitely postponed.
**LEGISLATIVE BILL 232.** Indefinitely postponed.
**LEGISLATIVE BILL 696.** Indefinitely postponed.

(Signed) Rod Johnson, Chairperson

## UNANIMOUS CONSENT - Withdraw Co-Introducers

Messrs. Abboud and Remmers asked unanimous consent to have their names withdrawn as co-introducers to LB 631. No objections. So ordered.

## PROPOSED RULE CHANGE

Mr. DeCamp offered the following proposed rule change:

I move that Rule 8, Section 5 be amended to read as follows:
"Sec. 4. 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. ~~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 appropriation bills are passed by the Legislature.~~ Provided the Appropriations Committee shall place appropriation 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 appropriation bills as introduced by the Governor. The appropriation 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 appropriation providing for in an "A" bill shall be for not less than two fiscal years.

Referred to the Rules Committee.

## GENERAL FILE

**LEGISLATIVE BILL 614.** Mr. DeCamp renewed his pending motion found in the Journal on page 643 to indefinitely postpone.

Mr. DeCamp asked unanimous consent to withdraw his pending motion to indefinitely postpone. No objections. So ordered.

Mr. Harris offered the following amendment:
Page 3, line 8, strike ~~nine~~ and insert ~~seven~~

Mr. Harris asked unanimous consent to withdraw his pending amendment. No objections. So ordered.

Mr. Hannibal offered the following amendment:
1. Add the following new section:
This act shall become effective on January 1, 1987, provided that the usury rate is 9% in all states contiguous to Nebraska on that date.
2. Renumber the remaining sections accordingly.

**SPEAKER NICHOL PRESIDING**

Messrs. Carsten, Barrett, and Withem asked unanimous consent to be excused until they return. No objections. So ordered.

The Hannibal amendment was adopted with 27 ayes, 11 nays, 5 present and not voting, 6 excused and not voting.

Mr. Schmit moved for a call of the house. The motion prevailed with 20 ayes, 0 nays, and 29 not voting.

Advanced to E & R for Review with 26 ayes, 14 nays, 3 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

## SELECT COMMITTEE REPORTS
### Enrollment and Review

### Correctly Engrossed

The following bills were correctly engrossed: 223, 405, and 587.

(Signed) Timothy Hall, Chairperson

### MOTION - Introduce New Bill

Mr. Vickers moved to (1) request introduction of a bill Req. #1018, pursuant to Rule 5, section 4(c)(2) and (2) to suspend Rule 5, section (4)(d) to allow the Education Committee to introduce more than eight bills.

Laid over.

## NOTICE OF COMMITTEE HEARINGS
### Constitutional Revision and Recreation

| | | |
|---|---|---|
| LR 16CA | Thursday, March 14 (Cancelled) | 1:30 p.m. |
| LR 16CA | Thursday, March 21 (Reset) | 1:30 p.m. |

(Signed) Lee Rupp, Chairperson

### Appropriations

Agency 12-State Treasurer Wed., February 27 (Cancel) 1:30 p.m.

Agency 12-State Treasurer Wed., February 27 (Reset) 10:00 a.m.

Agency 75-Neb. Investment Council Thur., February 28 (Cancel) 1:30 p.m.
Agency 75-Neb. Investment Council Wed., February 27 (Reset) 10:00 a.m.

Agency 21-State Fire Marshal Fri., March 1 (Cancel) 1:30 p.m.
Agency 21-State Fire Marshal Wed., February 27 (Reset) 10:00 a.m.

(Signed) Jerome Warner, Chairperson

## UNANIMOUS CONSENT - Print in Journal

Mr. Vickers asked unanimous consent to print the following amendment to LB 191 in the Journal. No objections. So ordered.

On page 5, line 14, after "75-334." insert:
"If a city, village or county chooses to enact an occupation tax,"

Messrs. V. Johnson and Hefner asked unanimous consent to print the following amendment to LB 552 in the Journal. No objections. So ordered.

(Amendments to AM0200)

AM0292
1. On page 1, strike beginning with the "or" in line 7 through the comma in line 8.

## BILL ON FIRST READING

The following bill was read for the first time by title:

**LEGISLATIVE BILL 171A.** By Labedz, 5th District; Beutler, 28th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 171, Eighty-ninth Legislature, First Session, 1985; and to declare an emergency.

## MOTION - Place LB 232 on General File

Mr. DeCamp moved to place LB 232 on General File notwithstanding the action of the committee.

Laid over.

## MOTION - Place LB 375 on General File

Mr. DeCamp moved to place LB 375 on General File notwithstanding the action of the committee.

Laid over.

## SELECT COMMITTEE REPORTS
### Enrollment and Review

**LEGISLATIVE BILL 143.** Placed on Select File as amended.
E & R amendments to LB 143:
AM5047

1. On page 1, strike beginning with "the" in line 3 through the second "of" in line 5 and insert "provisions relating to".
2. On page 2, line 2, after "Revised" insert "Statutes"; and in line 9 strike "8-825", show as stricken, and insert "8-826".
3. In lieu of the Vickers amendment adopted February 15, 1984, on page 4, line 2, strike "It" and insert "Subject to section 45-338, it"; in line 11 strike ". A" and insert an underscored comma, reinstate the stricken language, and after the reinstated "not" insert "to"; and in line 12 reinstate "eighteen per cent per annum", after the reinstated "annum" insert ", except that", and reinstate the stricken "a".

**LEGISLATIVE BILL 508.** Placed on Select File as amended.
E & R amendments to LB 508:
AM5052

1. On page 7, line 20, strike "are" and insert "shall be"; and in line 21 strike "are not" and insert "shall not be".
2. On page 20, line 9, strike the underscored comma.
3. On page 22, lines 9, 10, and 19, strike the first underscored comma.
4. On page 26, line 18, after "Standard" insert "Ordinary".
5. On page 27, line 6, strike the underscored comma.
6. On page 28, line 12, strike "be" and insert "are" and strike the underscored comma.

7. On page 29, line 11, strike "noncancellable" and insert "noncancelable".
8. On page 30, line 21, strike the underscored period and insert an underscored semicolon.
9. On page 31, line 6, strike the underscored period and insert "; and".
10. On page 31, line 25, strike the underscored semicolon and insert an underscored comma.
11. On page 35, line 6, strike "director" and insert "Director".
12. On page 39, line 6, strike both underscored commas; and in line 25 strike the underscored comma.
13. On page 41, line 1, strike the first underscored comma; and in line 27 strike the second underscored comma.
14. On page 42, line 5, strike the underscored comma.
15. Renumber original sections 40 and 41 as 41 and 40, respectively.

**LEGISLATIVE BILL 446.** Placed on Select File as amended.
E & R amendments to LB 446:
AM5048
1. On page 1, line 5, strike "and" and after "section" insert "; and to declare an emergency".
2. On page 2, line 9, strike "Mallard", show as stricken, and insert "mallard".

**LEGISLATIVE BILL 391.** Placed on Select File as amended.
E & R amendments to LB 391:
AM5049
1. On page 6, line 9, strike the comma.
2. On page 8, line 15, strike "are" and insert "shall be".
3. On page 9, line 18, after "coverage" insert a comma; and in line 26 strike "would" and insert "shall".

**LEGISLATIVE BILL 67.** Placed on Select File as amended.
E & R amendment to LB 67:
AM5050
1. On page 1, line 5, after "Nebraska" insert a comma.

**LEGISLATIVE BILL 94.** Placed on Select File as amended.
E & R amendments to LB 94:
AM5051

1. On page 2, line 18, strike the comma.
2. On page 3, line 1, strike "subsection (1) of" and show as stricken.
3. On page 4, line 4, strike "be", show as stricken, and insert "is".

(Signed) Timothy Hall, Chairperson

**UNANIMOUS CONSENT - Print in Journal**

Mrs. Labedz asked unanimous consent to print the following amendment to LB 486 in the Journal. No objections. So ordered.

AM0305

1. On page 2, strike beginning with "or" in line 15 through "lottery" in line 17 and insert "persons selling tickets for the raffle or lottery, except that nothing in this subsection shall prohibit the awarding of prizes to such persons based on ticket sales".

## STANDING COMMITTEE REPORTS
### Public Health and Welfare

**LEGISLATIVE BILL 117.** Placed on General File as amended.
Standing Committee amendment to LB 117:
AM0269

1. On page 2, strike beginning with "If" in line 10 through "attending" in line 12 and insert "No board of examiners"; in line 13 strike "not" and after "84-1409" insert "outside the State of Nebraska".

**LEGISLATIVE BILL 130.** Placed on General File as amended.
Standing Committee amendments to LB 130:
AM0268

1. On page 2, strike beginning with the comma in line 12 through the comma in line 13 and show the old matter as stricken; in line 14 after "any" insert "nonprofit"; in line 17 after the third "bank" insert ",or a nationally recognized nonprofit hormone and pituitary program"; and in line 21 strike "mutilated", show as stricken, and insert "significantly altered in external appearance".

2. On page 3, line 7, strike the second "hypopituitary" and insert "growth disorders"; in line 8 strike "syndromes" and strike "and" and insert "or"; and in lines 15 and 19 strike "and" and insert "or".

**LEGISLATIVE BILL 209.** Placed on General File as amended.
Standing Committee amendments to LB 209:
AM0266

1. On page 8, line 26, before "hospitals" insert "short-term" and strike "or clinics for rural"; and in line 27, strike "health".

2. On page 9, strike beginning with the underscored period in line 10 through "premises" in line 12; strike beginning with "Hospital" in line 21 through "Act" in line 27 and insert "Short-term hospital shall mean a hospital that is (a) primarily devoted to the diagnosis and treatment of individuals requiring short-term treatment or treatment of diagnosis consistent with the medical support available and (b) has written coordination agreements with a general acute hospital for transfers and quality assurance programs. Short-term hospital shall not mean a facility for the treatment of mental diseases, shall not mean a rehabilitation hospital, shall not mean an alcoholic treatment center, and shall not mean a drug treatment center".

3. On page 10, line 1, strike "facility" and insert "hospital".

4. On page 16, after line 8, insert the following new section:

"Sec. 5. The changes to definitions in section 71-2017.01 made by Laws 1985, LB 209, shall not apply to or affect definitions contained in contracts or policies providing hospital, medical, surgical, major medical or dental benefits or contracts or policies providing benefits for the treatment of alcoholism, drug addiction, or chemical dependency issued for delivery or providing benefits for persons living in the State of Nebraska until January 1, 1987."; strike beginning with "The" in line 9 through the underscored period in line 18 and insert: "The Department of Health may waive any rule, regulation, or standard adopted and promulgated by the department relating to licensed health services or hospitals when in the opinion of the department the waiver of such rule, regulation, or standard will not

unduly jeopardize the health or welfare of the patients or residents and the closing of the service or facility would create an undue hardship on the community in taking care of the needs of such persons. Any such waiver shall be under such terms and conditions and for such period of time, not to exceed one year at a time, as the department may prescribe. The department may each year waive such rule, regulation, or standard for an additional year if the department determines that the continued waiver of such rule, regulation, or standard for an additional year will not constitute an imminent hazard to the health or welfare of the patients or residents by continued operation of the service or hospital and the closing of the service or hospital would create an undue hardship on the community in taking care of the needs of such person. No waiver shall be allowed if it would cause the State of Nebraska to fail to comply with any of the applicable requirements of Medicare or Medicaid so as to make the state ineligible for the receipt of all funds to which it might otherwise be entitled."; and in line 22, strike "7" and insert "8".

5. On page 17, in lines 1 through 14, reinstate the stricken matter and strike the new matter.

6. On page 18, line 6, after the underscored period insert "The director of nursing of a facility licensed as a hospital may serve as director of nursing for other categories if the patient care requirements for the categories for which the facility is licensed under sections 71-2017.01 and 71-5901 to 71-5905 are satisfied.".

7. Renumber remaining sections accordingly.

**LEGISLATIVE BILL 248.** Placed on General File as amended.
Standing Committee amendments to LB 248:
AM0270

1. On page 3, strike beginning with "result" in line 4 through "to" in line 5 and insert "unduly jeopardize".

2. On page 11, line 26, strike "and" and insert "or".

3. On page 12, line 3, strike "treatment" and insert "care"; strike beginning with "requirements" in line 4 through "Act" in line 5 and insert "regulations and standards as established by the Department of

Health"; and in line 25 after "registries" insert "as long as the individual is the direct payee from the patient. Home health agency shall not apply to the practice of home health care by other licensed medical persons as authorized by the practice of their particular specialty nor to individuals providing homemaker or chore services within the home".

**LEGISLATIVE BILL 250.** Placed on General File as amended. (Standing Committee amendments printed separate from the Journal and on file in the Clerk's Office - Room 1102 - AM0178.)

(Signed) Don Wesely, Chairperson

**UNANIMOUS CONSENT - Add Co-Introducer**

Mr. V. Johnson asked unanimous consent to have his name added as co-introducer to LB 346. No objections. So ordered.

## RESOLUTIONS

**LEGISLATIVE RESOLUTION 51.**

Introduced by Schmit, 23rd District; Sieck, 24th District; Chambers, 11th District; Hefner, 19th District; Lynch, 13th District; DeCamp, 40th District; Hall, 7th District; Hannibal, 4th District; Withem, 14th District; Scofield, 49th District; Hartnett, 45th District; Eret, 32nd District; Lundy, 36th District; Nelson, 35th District; Haberman, 44th District; Morehead, 30th District; Smith, 33rd District; Harris, 27th District; R. Johnson, 34th District; Chronister, 18th District; Pappas, 47th District; Labedz, 5th District; Warner, 25th District; L. Johnson, 15th District; Remmers, 1st District; Carsten, 2nd District.

WHEREAS, Nebraska farmers and ranchers are faced with severe financial stress because of high interest rates and low prices for the farm commodities which they raise; and

WHEREAS, it is of paramount importance that they receive assistance immediately or they will be unable to continue in business; and

WHEREAS, the federal government has initiated and continued a policy of providing cheap food for the citizens of the United States and the world; and

WHEREAS, federal deficit spending and the subsequent demand for dollars in the money supply and Federal Reserve Board policies

relating to the money supply have resulted in a reduced supply of money available to farmers and ranchers; and

WHEREAS, these factors have resulted in low prices for farm commodities and high interest rates; and

WHEREAS, the federal government has a vested interest in the restoration of prosperity to the farm sector; and

WHEREAS, HR 1035 is pending before the House of Representatives at the present time; and

WHEREAS, HR 1035 would provide advance production loans to farmers and ranchers from the Commodity Credit Corporation, and the interest rate on such loans would be 9 1/8 per cent; and

WHEREAS, participation in this program would discourage overproduction of farm commodities, which would eventually enhance prices for those commodities; and

WHEREAS, an interest rate of 9 1/8 per cent would enhance the financial stability of agribusiness including farmers, ranchers, and financial institutions in Nebraska; and

WHEREAS, immediate implementation of the provisions of HR 1035 would allow producers to plant their crops this spring and would allow them to maintain and continue their business operations.

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

That the Nebraska Legislature hereby asks the House of Representatives to act favorably with respect to HR 1035 and as an alternative that the President issue an order directing the USDA to implement the provisions of HR 1035 administratively.

Laid over.

**LEGISLATIVE RESOLUTION 52.**

Introduced by Nichol, 48th District.

WHEREAS, on February 21, 1985, Rocky Mountain Airways will commence service from Denver through Scottsbluff, North Platte, Grand Island, Lincoln, and Omaha; and

WHEREAS, two round-trips will be provided daily using a fifty-passenger turbo-prop airplane; and

WHEREAS, this airline service fills a void in necessary service to many people in the State of Nebraska.

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

1. That the Legislature welcomes Rocky Mountain Airways to

Nebraska and wishes them success in Nebraska related business endeavors.

2. That the Legislature voices its appreciation to Rocky Mountain Airways for stepping in at a time of emergency.

Laid over.

## VISITORS

Visitors to the Chamber were 34 sixth grade students and teachers from Kahoa Elementary; and Shirley Flack from Scottsbluff.

## ADJOURNMENT

At 12:08 p.m., on a motion by Mr. Miller, the Legislature adjourned until 9:00 a.m., Thursday, February 21, 1985.

Patrick J. O'Donnell
Clerk of the Legislature

# TWENTY-EIGHTH DAY - FEBRUARY 21, 1985

# LEGISLATIVE JOURNAL

# LEGISLATIVE JOURNAL

## EIGHTY-NINTH LEGISLATURE
## FIRST SESSION

## TWENTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, February 21, 1985

Pursuant to adjournment, the Legislature met at 9:01 a.m., Speaker Nichol presiding.

## PRAYER

The prayer was offered by Dr. Robert Palmer, Westminster Presbyterian Church, Lincoln, Nebraska.

## ROLL CALL

The roll was called and all members were present except Mesdames Higgins and Pirsch who were excused; and Messrs. Barrett, Beyer, Chambers, DeCamp, Goodrich, Haberman, Hannibal, Harris, R. Johnson, Lamb, Pappas, Rogers, Schmit, Mesdames Labedz, and Marsh who were excused until they arrive.

## CORRECTIONS FOR THE JOURNAL

The Journal for the Twenty-Seventh Day was approved.

## SELECT COMMITTEE REPORTS
### Enrollment and Review

### Correctly Engrossed

The following bills were correctly engrossed: 49, 134, 263, and 327.

(Signed) Timothy Hall, Chairperson

**Enrollment and Review**

**LEGISLATIVE BILL 165.** Placed on Select File.

**LEGISLATIVE BILL 299.** Placed on Select File as amended.
E & R amendments to LB 299:
AM5058

1. On page 2, line 7, strike the comma.

2. On page 4, line 23, and page 5, line 20, strike "director" and insert "Director of Insurance".

3. On page 6, line 9, strike the comma and show as stricken.

4. On page 7, lines 1 and 2, strike the comma and show as stricken; and in line 5 strike the third and fourth commas and show as stricken.

**LEGISLATIVE BILL 498.** Placed on Select File as amended.
E & R amendment to LB 498:
AM5053

1. On page 3, line 16, after "Revised" insert "Statutes".

**LEGISLATIVE BILL 244.** Placed on Select File.

**LEGISLATIVE BILL 233.** Placed on Select File as amended.
E & R amendments to LB 233:
AM5054

1. In the Standing Committee amendments, AM0141, on page 1, line 2, strike "the" and insert "such".

2. On page 1, line 3, after "prohibiting" insert "receipt of"; and in line 4 strike the first "to" and insert "by".

**LEGISLATIVE BILL 36.** Placed on Select File as amended.
E & R amendment to LB 36:
AM5055

1. On page 1, strike beginning with the second comma in line 3 through "1984" in line 4; in line 6 strike "harmonize" and in line 7 strike "provisions" and insert "change an interest rate" and strike "sections" and insert "section".

**LEGISLATIVE BILL 353.** Placed on Select File as amended.
E & R amendments to LB 353:

AM5056

1. In the Standing Committee amendments, AM0190:

a. On page 1, line 2, strike "Sec. 3." and insert "Section 1.";

b. On page 2, line 7, reinstate the stricken comma; and in line 17 after "any" insert "metropolitan"; and

c. On page 3, line 17, strike "section" and insert "sections".

2. On page 1, line 1, after "amend" insert "section 14-1022, Reissue Revised Statutes of Nebraska, 1943, and"; and in line 4 strike "county and school".

**LEGISLATIVE BILL 89.** Placed on Select File as amended.
E & R amendment to LB 89:
AM5057

1. On page 1, line 4, strike "to provide penalties;".

**LEGISLATIVE BILL 315.** Placed on Select File.

(Signed) Timothy Hall, Chairperson

## STANDING COMMITTEE REPORTS
### Education

**LEGISLATIVE BILL 415.** Placed on General File.

**LEGISLATIVE BILL 679.** Indefinitely postponed.

(Signed) Tom Vickers, Chairperson

## REPORTS

Received reports from Public Employees Retirement Board of the Actuarial Valuation of the following retirement systems: Nebraska School Retirement System, Nebraska State Patrolmen's Retirement System, Nebraska Judges Retirement System, Nebraska State Employees Retirement System, and Nebraska County Employees Retirement System.

## MOTION - Approve Appointments

Mr. Hefner moved the adoption of the report of the Miscellaneous

Subjects Committee for the following Governor appointments found in the Journal on page 651: David Catalan, Beth Planer McKibbin, and Michael Shonsey - Nebraska Arts Council.

Voting in the affirmative, 28:

| | | | | |
|---|---|---|---|---|
| Abboud | Eret | Johnson, L. | Morehead | Smith |
| Baack | Goll | Johnson, V. | Nichol | Vickers |
| Beutler | Hall | Landis | Remmers | Warner |
| Carsten | Hartnett | Lundy | Rogers | Wesely |
| Chizek | Hefner | Lynch | Rupp | |
| Chronister | Hoagland | Miller | Scofield | |

Voting in the negative, 0.

Present and not voting, 7:

| | | | | |
|---|---|---|---|---|
| Conway | Lamb | Peterson | Sieck | Withem |
| Hannibal | Nelson | | | |

Excused and not voting, 14:

| | | | | |
|---|---|---|---|---|
| Barrett | DeCamp | Harris | Labedz | Pirsch |
| Beyer | Goodrich | Higgins | Marsh | Schmit |
| Chambers | Haberman | Johnson, R. | Pappas | |

These appointments were confirmed with 28 ayes, 0 nays, 7 present and not voting, and 14 excused and not voting.

## RESOLUTION

**LEGISLATIVE RESOLUTION 52.** Read. Considered.

LR 52 was adopted with 27 ayes, 0 nays, and 22 not voting.

## MOTION - Approve Report

Mr. Beutler moved to approve the report from Wayne State College to withdraw funds, found in the Journal on page 652.

The report was approved with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

## MOTION - Introduce New Bill

Mr. Vickers renewed his pending motion found in the Journal on page 672 to (1) request introduction of a bill Req. #1018, pursuant to Rule 5, section 4(c)(2) and (2) to suspend Rule 5, section (4)(d) to allow the Education Committee to introduce more than eight bills.

The motion to suspend the rules prevailed with 31 ayes, 2 nays, 11 present and not voting, and 5 excused and not voting.

## BILL ON FIRST READING

The following bill was read for the first time by title:

**LEGISLATIVE BILL 714.** By Education Committee: Vickers, 38th District, Chairperson; Baack, 47th District; Barrett, 39th District; Eret, 32nd District; R. Johnson, 34th District; Lamb, 43rd District; Morehead, 30th District; Nelson, 35th District.

A BILL FOR AN ACT relating to infants; to amend sections 43-643, 43-646.08, and 43-648, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to special education programs; to change provisions relating to plans for services for handicapped children; to delete obsolete language; to provide for rules and regulations; to provide for annual reviews and studies as prescribed; to provide for use of funds; to harmonize provisions; and to repeal the original sections.

## GENERAL FILE

**LEGISLATIVE BILL 76.** Title read. Considered.

Standing Committee amendment, AM0204, found in the Journal on page 594 for the Twenty-Fourth Day 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, 19 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 307.** Title read. Considered.

Standing Committee amendments, AM0196, found in the Journal on page 595 for the Twenty-Fourth Day were adopted with 27 ayes, 1 nay, 17 present and not voting, and 4 excused and not voting.

Advanced to E & R for Review with 29 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 487.** Title read. Considered.

Standing Committee amendments, AM0189, found in the Journal on page 595 for the Twenty-Fourth Day lost with 1 aye, 23 nays, 21 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 157.** Title read. Considered.

Standing Committee amendment, AM0225, found in the Journal on page 607 for the Twenty-Fifth Day was considered.

Mr. Conway offered the following amendment to the Standing Committee amendment:

1. On lines 2 and 3, strike the new matter and insert "one hundred twenty days following the date the summons is served".

2. On page 2, line 11, following "paid", insert "; however, no prejudgment interest shall accrue on any payment made prior to judgment by or on behalf of the defendant.

Mr. Barrett requested a ruling of the Chair on whether the Conway amendment was germane to the Standing Committee amendment or germane to the bill.

The Chair ruled the amendment germane to the Standing Committee amendment.

The Conway amendment was adopted with 18 ayes, 6 nays, 21 present and not voting, and 4 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 25 ayes, 7 nays, 13 present and not voting, and 4 excused and not voting.

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

Mr. Beyer moved to indefinitely postpone LB 157.

Mr. Beutler moved the previous question. The question is, "Shall the debate now close?" The motion lost with 15 ayes, 15 nays, and 19 not voting.

Mrs. Morehead asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Haberman moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

The Beyer motion to indefinitely postpone lost with 9 ayes, 24 nays, 12 present and not voting, and 4 excused and not voting.

Mr. Haberman asked unanimous consent to bracket LB 157 until March 4th. No objections. So ordered.

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

**UNANIMOUS CONSENT - Print in Journal**

Mr. DeCamp asked unanimous consent to print the following amendment to LB 662 in the Journal. No objections. So ordered.

AM0319

1. Insert the following new sections:

"Section 1. All agricultural land which is in a Class I school district and which is not a part of any Class VI school district shall be placed in a district that shall be known as the Agricultural Land School District. Agricultural land in the Agricultural Land School District shall be taxed at a rate of one half of one per cent of the established value.

Sec. 2. All taxes collected from the assessment on agricultural land within the Agricultural Land School District shall be placed in a fund to be known as the Agricultural Land School District Fund. Seventy-five per cent of the total amount in such fund shall be distributed pro rata among the high schools which provide education to students residing on land within the Agricultural Land School District based on the number of students from the Agricultural Land School District attending each such high school. The balance of such fund shall be distributed and allocated as provided by the laws of Nebraska.

Sec. 3. The school board of the Agricultural Land School District shall be the Executive Board of the

Legislative Council.

Sec. 4. If the accepting school district approves the transfer, any owner of agricultural land placed in a Agricultural Land School District may transfer the land to a school district which maintains a high school.

Sec. 5. The Revisor of Statutes shall eliminate all references in the statutes to nonresident high school tuition in sections 79-328, 79-403, 79-445, 79-1103.03, 79-1302 to 79-1304, and 79-1334.

Sec. 6. That sections 79-436, 79-437, 79-494 to 79-4,101, 79-4,103 to 79-4,105, and 79-2316, Reissue Revised Statutes of Nebraska, 1943, and section 79-4,102, Revised Statutes Supplement, 1984, are repealed.

## NOTICE OF COMMITTEE HEARINGS
### Education

Governor Appointments Tuesday, March 5, 1985 1:30 p.m.
Gretchen Reeder - State College Board of Trustees
Jean A. Lovell - State College Board of Trustees

Florene Langford - Coordinating Commission for Postsecondary Education
Dr. Charles S. Wilson - Coordinating Commission for Postsecondary Education

M. Jane Keller - Board of Educational Lands and Funds

(Signed) Tom Vickers, Chairperson

## MOTION - Place LB 210 on General File

Mr. Pappas moved to place LB 210 on general file notwithstanding the action of the committee.

Laid over.

## RESOLUTION

**LEGISLATIVE RESOLUTION 53.**

Introduced by Banking, Commerce and Insurance Committee: DeCamp, 40th District, Chairperson; Beyer, 3rd District; Haberman,

44th District; Labedz, 5th District; Pappas, 42nd District; Schmit, 23rd District.

WHEREAS, the Federal Deposit Insurance Corporation (FDIC) insures accounts in member banks up to $100,000 per account, although the FDIC has the discretion to cover accounts in excess of that amount if it desires to do so; and

WHEREAS, notwithstanding the $100,000 limitation, the FDIC has, regularly and publicly, and most recently and notably in the case of Continental Illinois National Bank, decided to cover deposits in a closed bank beyond the $100,000 limitation; and

WHEREAS, the FDIC has announced its decision not to pay losses exceeding $100,000 per account resulting from the closure of two Nebraska banks, the State Bank of Dannebrog and the Uehling State Bank; and

WHEREAS, the FDIC has acted in a discriminatory fashion in its decision to cover accounts at the State Bank of Dannebrog and the Uehling State Bank in a different manner than accounts at the Continental Illinois National Bank and at other institutions; and

WHEREAS, because of the FDIC's announced policy regarding its coverage of accounts at the State Bank of Dannebrog and the Uehling State Bank, the State of Nebraska is subject to a risk of potential loss of up to $800,000 resulting from funds deposited in those institutions under the Nebraska Capital Expansion Act.

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

The Legislature hereby requests the Nebraska Attorney General initiate a lawsuit in the United States District Court on behalf of the State of Nebraska seeking to enjoin the Federal Deposit Insurance Corporation from enforcing its decision not to cover losses in accounts above $100,000 at the State Bank of Dannebrog and the Uehling State Bank or, in the alternative, seeking to recover appropriate monetary damages from the FDIC for losses suffered by the State of Nebraska as a result of the FDIC's discriminatory policy.

Further, the Legislature hereby directs its Executive Board and Banking, Commerce and Insurance Committee to provide whatever assistance is reasonably necessary to effectuate the filing of this action and the purposes of this resolution.

Laid over.

## NOTICE OF COMMITTEE HEARINGS
### Judiciary

| | | |
|---|---|---|
| LB 239 | Monday, March 4, 1985 | 1:30 p.m. |

| | | |
|---|---|---|
| LB 320 | Monday, March 4, 1985 | 1:30 p.m. |
| LB 490 | Monday, March 4, 1985 | 1:30 p.m. |
| LB 520 | Monday, March 4, 1985 | 1:30 p.m. |
| LB 692 | Monday, March 4, 1985 | 1:30 p.m. |
| LB 663 | Tuesday, March 5, 1985 | 1:30 p.m. |
| LB 410 | Tuesday, March 5, 1985 | 1:30 p.m. |
| LB 703 | Tuesday, March 5, 1985 | 1:30 p.m. |
| LB 668 | Tuesday, March 5, 1985 | 1:30 p.m. |
| LB 542 | Wednesday, March 6, 1985 | 1:30 p.m. |
| LB 492 | Wednesday, March 6, 1985 | 1:30 p.m. |
| LB 493 | Wednesday, March 6, 1985 | 1:30 p.m. |
| LB 648 | Wednesday, March 6, 1985 | 1:30 p.m. |
| LB 247 | Wednesday, March 6, 1985 | 1:30 p.m. |
| LB 377 | Wednesday, March 6, 1985 | 1:30 p.m. |
| LB 528 | Wednesday, March 6, 1985 | 1:30 p.m. |

(Signed) Peter Hoagland, Chairperson

## STANDING COMMITTEE REPORTS
### Banking, Commerce and Insurance

**LEGISLATIVE BILL 593.** Placed on General File as amended.
Standing Committee amendments to LB 593:
AM0197

1. On page 6, line 17, after "contract" insert "which is not subject to assessment and".

2. On page 7, line 21, after "44" insert "which issues only policies or contracts subject to assessment"; and in line 22 after "exchange" insert "which issues only policies or contracts subject to assessment".

3. On page 8, strike the new matter in lines 2 through 5.

4. On page 10, line 7, after "44" insert "which issues only policies or contracts subject to assessment"; and in line 8 after "exchange" insert "which issues only policies or contracts subject to assessment".

5. On page 11, line 22, after the underscored comma insert "or shall on order by the director after notice to the association and a hearing,"; and in line 27 after the first "and" insert "except in cases of

court ordered conservation or rehabilitation," and after the second "and" insert "approved".

6. On page 14, line 15, strike "where any" and insert "to the extent that".

7. On page 35, line 7, strike "section 14" and insert "sections 14 to 15".

8. Insert the following new section:

"Sec. 15. Any insurer under an order of liquidation, rehabilitation, or conservation on the effective date of this act shall be subject to the provisions of the Nebraska Life and Health Insurance Guaranty Association Act in effect on the day prior to the effective date of this act.".

9. Renumber the remaining sections accordingly.

(Signed) John DeCamp, Chairperson

**Appropriations**

**LEGISLATIVE BILL 442.** Indefinitely postponed.

(Signed) Jerome Warner, Chairperson

**Public Works**

**LEGISLATIVE BILL 124.** Placed on General File.

**LEGISLATIVE BILL 153.** Placed on General File as amended.
Standing Committee amendments to LB 153:
AM0301

1. Insert the following new sections:

"Section 1. That section 39-669.16, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-669.16. Upon receipt of the officer's report of such refusal, the Director of Motor Vehicles shall notify such person of a date for hearing before him or her as to the reasonableness of the refusal to submit to the test. The notice of hearing shall be served by the director by mailing it to such person by certified or registered mail to the last-known residence address of such person~~,~~ or, if such address is unknown, to the last-known business address of such person at least ten days before the hearing. After granting the

person an opportunity to be heard on such issue, if it is not shown to the director that such refusal to submit to such chemical test was reasonable, the director shall summarily revoke the motor vehicle operator's license or nonresident operating privilege of such person for a period of one year from the date of such order. For the purpose of such hearing, the director may appoint an examiner who shall have power to preside at such hearing, to administer oaths, examine witnesses and take testimony, and thereafter report the same to the director. At the expiration of the one-year revocation period, such person may have his or her license reinstated upon payment of a fee of twenty-five dollars. The fees paid pursuant to this section shall be deposited in the Department of Motor Vehicles Cash Fund.

Sec. 3. That section 60-505.02, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-505.02. Whenever a license or registration is suspended or revoked and the filing of proof of financial responsibility is, by sections 60-501 to 60-569, made a prerequisite to reinstatement of such license or registration, or both, or to the issuance of a new license or registration, or both, no such license or registration shall be reinstated or new license or registration issued unless the licensee or registrant, in addition to complying with the other provisions of sections 60-501 to 60-569, pays to the department a fee of twenty-five ~~fifty~~ dollars.

The fees paid pursuant to this section shall be deposited in the Department of Motor Vehicles Cash Fund, which fund is hereby created. Such fund shall be used by the department to carry out its duties under Chapter 60, articles 1, 3, and 5. Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to ~~72-1259~~ 72-1269.".

2. On page 2, after line 20, insert the following new paragraph:

"Upon the expiration of any license revocation ordered pursuant to this section, a resident may have his or her license reinstated upon payment of a fee of twenty-five dollars. The fees paid pursuant to this section shall be deposited in the Department of Motor Vehicles Cash Fund."; in line 21 strike "section 60-426"

and insert "sections 39-669.16, 60-426, and 60-505.02";
and in line 22 strike "is" and insert "are".
3. Renumber the remaining sections accordingly.

**LEGISLATIVE BILL 384.** Placed on General File as amended.
Standing Committee amendment to LB 384:
AM0160
1. On page 2, line 27, after "commission" insert ", except that the rate of interest shall not exceed the overall rate of return which the common carrier is authorized to earn".

**LEGISLATIVE BILL 214.** Indefinitely postponed.
**LEGISLATIVE BILL 538.** Indefinitely postponed.

(Signed) Loran Schmit, Chairperson

## GENERAL FILE

**LEGISLATIVE BILL 213.** Title read. Considered.

Standing Committee amendment, AM0070, found in the Journal on page 608 for the Twenty-Fifth Day was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Mr. Sieck offered the following amendment:
On page 4 strike line 27 beginning with "An"
On page 5 strike lines 1 through 3

Messrs. Haberman and Hoagland asked unanimous consent to be excused. No objections. So ordered.

Mr. Sieck moved for a call of the house. The motion prevailed with 11 ayes, 0 nays, and 38 not voting.

Mr. Sieck requested a roll call vote on his amendment.

Voting in the affirmative, 17:

| | | | | |
|---|---|---|---|---|
| Baack | Goll | Lamb | Remmers | Warner |
| Beyer | Hefner | Lundy | Rogers | |
| Carsten | Johnson, L. | Nelson | Rupp | |
| Chronister | Johnson, R. | Nichol | Sieck | |

Voting in the negative, 17:

| | | | | |
|---|---|---|---|---|
| Chambers | Harris | Landis | Schmit | Withem |
| Conway | Hartnett | Lynch | Scofield | |
| Eret | Johnson, V. | Miller | Vickers | |
| Hall | Labedz | Pappas | Wesely | |

Present and not voting, 8:

| | | | |
|---|---|---|---|
| Abboud | Beutler | Goodrich | Marsh |
| Barrett | DeCamp | Hannibal | Smith |

Absent and not voting, 1:

Chizek

Excused and not voting, 6:

| | | | | |
|---|---|---|---|---|
| Haberman | Hoagland | Morehead | Peterson | Pirsch |
| Higgins | | | | |

The Sieck amendment lost with 17 ayes, 17 nays, 8 present and not voting, 1 absent and not voting, and 6 excused and not voting.

Pending.

The Chair declared the call raised.

## STANDING COMMITTEE REPORTS
### Banking, Commerce and Insurance

**LEGISLATIVE BILL 430.** Placed on General File.

(Signed) John DeCamp, Chairperson

### Revenue

**LEGISLATIVE BILL 190.** Placed on General File as amended.
Standing Committee amendments to LB 190:
AM0315

1. Strike original sections 1 to 8 and insert the following new sections:

"Section 1. The Legislature hereby recognizes the importance of enhancing human resources, natural resources, and economic opportunity in Nebraska. In order to ensure Nebraska's future prosperity, programs

in such areas should be given primary consideration by the Legislature in the allocation of Nebraska's General Fund dollars.

Sec. 5. That section 77-2608, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-2608. The Tax Commissioner shall prepare and have suitable stamps for use on each kind of piece or package of cigarettes, except ~~where~~ when cigarette tax meter impressions are affixed. Requisition for the preparation of such stamps shall be made through the office of the State Purchasing Agent as other state supplies are requisitioned, and the Tax Commissioner and his or her bondsman shall be liable for the value of all such stamps delivered to him or her. The Auditor of Public Accounts shall audit annually or as often as the auditor deems advisable the records of the Tax Commissioner with respect to the money received from the sale of stamps and as revenue from tax meter impressions for the purpose of determining the accuracy and correctness of the same. The Tax Commissioner shall sell the stamps only to licensed wholesale dealers, as defined in section 77-2601, and he or she shall keep an accurate record of all stamps coming into and leaving his or her hands. Such stamps shall be sold and accounted for at the face value thereof, except that the Tax Commissioner may, by regulation certified to the State Treasurer, authorize the sale thereof to wholesale dealers in this state or outside of this state at a discount of five per cent of such face value of the tax as a commission for affixing and canceling such stamps; ~~PROVIDED, that any~~ for the first eighteen cents of the total tax per package of twenty cigarettes under section 77-2602 and a discount of four per cent for any additional tax up to four cents. Any wholesale dealer using a tax meter machine shall be entitled to the same discount as allowed a wholesale dealer for affixing and canceling the stamps. The money received by the Tax Commissioner from the sale of ~~said~~ the stamps and as revenue from such tax meter impressions shall be deposited by him or her daily with the State Treasurer, who shall credit such money as provided in section 77-2602. Upon proof by the Tax Commissioner that he or she can affix such stamps or meter impression, warehouse, and distribute such cigarettes and collect

such revenue at a cost less than the five per cent discount allowed to wholesale dealers, he or she may then proceed to affix the stamps himself or herself, after giving the wholesale dealers sixty days' notice and purchasing all equipment used by them for the purpose of affixing such stamps or meter impressions at a fair market value.".

2. On page 4, line 17, strike "On", show as stricken, and insert "Beginning October 1, 1985, on"; and in line 24 after "cents" insert "and beginning October 1, 1986, on each package of cigarettes containing not more than twenty cigarettes, eighteen cents per package".

3. On page 6, line 27, after the comma insert "from October 1, 1985, to September 30, 1986, an additional amount which shall be".

4. On page 7, strike beginning with "Nebraska" in line 3 through "act" in line 4 and insert "General Fund"; in line 16 after the third period insert "On the operative date of this section, each cigarette wholesaler shall take an inventory of stamps, meter impressions, and packages of stamped cigarettes owned by the cigarette wholesaler at 12:01 a.m."; strike beginning with "provided" in line 17 through "section" in line 18; strike beginning with the comma in line 18 through the comma in line 19 and show as stricken; in line 21 strike beginning with "Sections" through "this" and insert "This"; and in line 27 strike "The remaining sections shall".

5. On page 8, strike line 1; and in line 7 after "original" insert "section 77-2608, Reissue Revised Statutes of Nebraska, 1943, and".

6. Renumber the remaining sections accordingly.

(Signed) Vard Johnson, Chairperson

**Public Works**

**LEGISLATIVE BILL 122.** Placed on General File as amended.
Standing Committee amendment to LB 122:
AM0257

1. On page 2, line 20, strike "twenty-five", show as stricken, and insert "fifteen"; and in line 26 strike "storage or" and show as stricken.

(Signed) Loran Schmit, Chairperson

## RESOLUTION

**LEGISLATIVE RESOLUTION 54.**

Introduced by Haberman, 44th District; Rogers, 41st District; Remmers, 1st District; Sieck, 24th District; Hefner, 19th District; Carsten, 2nd District; Miller, 37th District; Eret, 32nd District; Vickers, 38th District; Lamb, 43rd District; Schmit, 23rd District; Nelson, 35th District; Smith, 33rd District; Harris, 27th District; Morehead, 30th District; Pappas, 42nd District; Baack, 47th District.

WHEREAS, the State of Nebraska is an agricultural state; and

WHEREAS, the future of agriculture in this state is dependent upon the natural resources of soil and water; and

WHEREAS, the management of these natural resources is vital to the continued stability of this state; and

WHEREAS, soil management has been a cooperative effort between federal, state, and local governments; and

WHEREAS, the federal administration's budget has proposed to reduce Soil Conservation Service personnel by two-thirds; and

WHEREAS, the federal administration's budget has proposed the elimination of the Agricultural Stabilization and Conservation Service cost-sharing programs; and

WHEREAS, there continues to be a great need for additional conservation practices on the cropland and rangeland of this state; and

WHEREAS, the long-term vitality of this state and nation is dependent upon its care of its natural resources.

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

1. That the Legislature supports efforts to reduce the federal deficit in the coming fiscal year; and

2. That the Legislature urges that the federal financial commitment to the Soil Conservation Service and the Agricultural Stabilization and Conservation Service cost-sharing programs be continued at adequate levels.

Laid over.

## UNANIMOUS CONSENT - Announcement

Mr. Rupp asked unanimous consent to hold the public hearing for the Constitutional Revision and Recreation Committee in the East Chamber on March 22nd. No objections. So ordered.

## NOTICE OF COMMITTEE HEARINGS
### Constitutional Revision and Recreation

| | | |
|---|---|---|
| LR 9CA | Thursday, February 28, 1985 (Cancelled) | 1:30 p.m. |
| LR 19CA | Thursday, February 28, 1985 (Cancelled) | 1:30 p.m. |
| LR 9CA | Friday, March 22, 1985 (Reset) | 1:30 p.m. |
| LR 19CA | Friday, March 22, 1985 (Reset) | 1:30 p.m. |

(Signed) Lee Rupp, Chairperson

## UNANIMOUS CONSENT - Print in Journal

Ms. Scofield asked unanimous consent to print the following amendment to LB 592 in the Journal. No objections. So ordered.

(Amendments to the Standing Committee amendments)
AM0308

1. On page 1, line 20, after "Fund" insert ", except that state appropriations shall not be made for more than an amount equal to the tuition for ten high school pupils each year. If the amount appropriated is insufficient for the total tuition for all pupils, a pro rata share of the amount appropriated shall be paid for each pupil".

## VISITORS

Visitors to the Chamber were Art Anderson from Bloomfield; Mrs. Lyle Rasmussen and children from Ord; 25 students and teachers from St. Mary's School, David City; former Senator Dick Lewis from Holbrook; Dean Pierson from Wayne; Tony Cherek from Bellevue; 120 students and teachers from Beverage Junior High School, Omaha; 30 Y.W.C.A. members from Hastings; 33 fifth and eighth grade students and teachers from St. Mary's School, Omaha; 10 students and teacher from Doniphan.

## ADJOURNMENT

At 12:05 p.m., on a motion by Mr. Harris, the Legislature adjourned until 9:00 a.m., Friday, February 22, 1985.

Patrick J. O'Donnell
Clerk of the Legislature

# TWENTY-NINTH DAY - FEBRUARY 22, 1985

## LEGISLATIVE JOURNAL

## EIGHTY-NINTH LEGISLATURE
## FIRST SESSION

## TWENTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, February 22, 1985

Pursuant to adjournment, the Legislature met at 9:01 a.m., President McGinley presiding.

## PRAYER

The prayer was offered by Dr. Robert Palmer, Westminster Presbyterian Church, Lincoln, Nebraska.

## ROLL CALL

The roll was called and all members were present except Mesdames Higgins, Labedz, and Pirsch who were excused; and Messrs. V. Johnson, Peterson, Schmit, and Withem who were excused until they arrive.

## CORRECTIONS FOR THE JOURNAL

The Journal for the Twenty-Eighth Day was approved.

## PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolution: LR 52.

## MESSAGE FROM THE GOVERNOR

February 21, 1985

Patrick J. O'Donnell
Clerk of the Legislature

State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 339, 42, 75, 81, 96, 193, 240, 337 and 338 were received in my office on February 20, 1985.

These bills were signed by me on February 21, 1985 and delivered to the Secretary of State.

Sincerely,
(Signed) ROBERT KERREY
Governor

RK/jm

## SELECT COMMITTEE REPORTS
### Enrollment and Review

### Correctly Engrossed

The following bills were correctly engrossed: 101A, 113, 272A, 323A, and 371.

(Signed) Timothy Hall, Chairperson

### Enrollment and Review Change to LB 371

The following changes, required to be reported for publication in the Journal, have been made:
ER0018

1. In the Standing Committee amendments, AM0104, on page 2, line 26, "and" has been inserted after "authorization".

(Signed) Mary Sommermeyer
E & R Attorney

### Enrollment and Review

**LEGISLATIVE BILL 47.** Placed on Select File as amended.
E & R amendments to LB 47:
AM5059

1. In lieu of the Beutler amendment adopted February 19, 1985, in the Standing Committee amendments, AM0198, on page 1, line 12, after the underscored period

insert "Report of title shall not include a title insurance commitment or policy.".

2. In the Standing Committee amendments, AM0198, on page 2, strike beginning with "the" in line 14 through "and" in line 15 and show as stricken.

3. On page 1, line 5, after "1943" insert ", and sections 81-198 and 81-199, Revised Statutes Supplement, 1984" and after the second semicolon insert "to reestablish the Abstracters Board of Examiners;"; in line 6 strike "and" and insert "to eliminate provisions on bonds and insurance for abstracters;"; and in line 10 after "1943" insert "; and to declare an emergency".

4. On page 2, lines 9, 11, and 17, strike the comma and show as stricken; in line 15 after "mortgages" insert an underscored comma; in line 20 strike the first comma and show as stricken; in line 21 strike "by an abstracter" and show as stricken; in line 22 after "76-528" insert "on or"; and in line 23 after "act" insert an underscored comma.

5. On page 5, line 12, strike "therein" and insert "in such compilation".

6. On page 7, lines 12 and 15, strike the underscored comma.

7. On page 9, line 1, after "witnesses" insert an underscored comma; and in line 16 after "adopt" insert "and promulgate".

8. On page 12, line 17, eliminate the paragraphing.

9. On page 15, line 12, after "renewal" insert an underscored comma; in line 13 after "certificate" insert an underscored comma; and in line 25 strike "continuing education" and insert "professional development".

10. On page 16, line 11, reinstate the stricken "to".

11. On page 19, line 12, reinstate the stricken "upon"; and in line 19 after "include" insert an underscored colon, insert paragraphing before "(a)", after "(a)" insert "Failure", and strike "failure" and show as stricken.

12. On page 20, line 2, strike the comma, show as stricken, and insert an underscored semicolon, insert paragraphing before "(b)", after "(b)" insert "Paying", and strike "paying" and show as stricken.

13. On page 23, line 5, insert paragraphing

before "Either".

14. On page 25, line 12, strike the commas and show as stricken.

(Signed) Timothy Hall, Chairperson

## RESOLUTION

**LEGISLATIVE RESOLUTION 55.**

Introduced by Vickers, 38th District; Marsh, 29th District.

WHEREAS, there are approximately twenty-seven thousand active teachers and a vast number of retired teachers in the State of Nebraska; and

WHEREAS, teachers, both past and present, at the elementary, secondary, and postsecondary levels strive continually to instill in our youth the educational principles that will serve them throughout their lives; and

WHEREAS, teachers in Nebraska have played and will continue to play an important role in the shaping of the moral fiber of our children; and

WHEREAS, we as citizens of Nebraska wish to express our thanks to all the dedicated individuals who have taught in Nebraska schools over the years.

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

1. That March 5, 1985, is hereby declared to be Teacher Recognition Day.

2. That the Legislature encourages all citizens in the state to recognize Teacher Recognition Day and urges all citizens to give their thanks, encouragement, and support to all teachers on this day as well as throughout the year.

Laid over.

**SPEAKER NICHOL PRESIDING**

## UNANIMOUS CONSENT - Member Excused

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

## RESOLUTIONS

**LEGISLATIVE RESOLUTION 53.** Read. Considered.

Mr. Beutler offered the following amendment:
to amend the resolution by striking the last paragraph. Specifically the paragraph beginning with "Further, the Legislature hereby directs etc"

The Beutler amendment was adopted with 29 ayes, 0 nays, 12 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, 36:

| | | | | |
|---|---|---|---|---|
| Abboud | DeCamp | Harris | Landis | Pappas |
| Baack | Eret | Hartnett | Lundy | Remmers |
| Barrett | Goll | Hefner | Lynch | Scofield |
| Beyer | Goodrich | Hoagland | Marsh | Sieck |
| Carsten | Haberman | Johnson, L. | Morehead | Vickers |
| Chizek | Hall | Johnson, R. | Nelson | Warner |
| Chronister | Hannibal | Lamb | Nichol | Wesely |
| Conway | | | | |

Voting in the negative, 0.

Present and not voting, 5:

| | | | | |
|---|---|---|---|---|
| Beutler | Chambers | Miller | Rupp | Smith |

Excused and not voting, 8:

| | | | | |
|---|---|---|---|---|
| Higgins | Labedz | Pirsch | Schmit | Withem |
| Johnson, V. | Peterson | Rogers | | |

LR 53 was adopted with 36 ayes, 0 nays, 5 present and not voting, and 8 excused and not voting.

**LEGISLATIVE RESOLUTION 54.** Read. Considered.

Mr. Chambers offered the following amendment:
Strike item # "1" at bottom of Resolution

Mr. DeCamp requested a record vote on the Chambers amendment.

Voting in the affirmative, 30:

| | | | | |
|---|---|---|---|---|
| Baack | Chizek | Harris | Lundy | Nichol |
| Barrett | Chronister | Hartnett | Lynch | Remmers |
| Beutler | Conway | Hoagland | Marsh | Scofield |
| Beyer | Eret | Johnson, L. | Miller | Sieck |
| Carsten | Haberman | Johnson, R. | Morehead | Smith |
| Chambers | Hannibal | Landis | Nelson | Withem |

Voting in the negative, 2:

| | |
|---|---|
| DeCamp | Wesely |

Present and not voting, 10:

| | | | | |
|---|---|---|---|---|
| Abboud | Goodrich | Hefner | Pappas | Vickers |
| Goll | Hall | Lamb | Rupp | Warner |

Excused and not voting, 7:

| | | | | |
|---|---|---|---|---|
| Higgins | Labedz | Pirsch | Rogers | Schmit |
| Johnson, V. | Peterson | | | |

The Chambers amendment was adopted with 30 ayes, 2 nays, 10 present and not voting, and 7 excused and not voting.

Mr. Sieck requested a record vote on the adoption of the resolution.

Voting in the affirmative, 33:

| | | | | |
|---|---|---|---|---|
| Baack | Chronister | Hannibal | Landis | Nichol |
| Barrett | Conway | Harris | Lundy | Remmers |
| Beutler | Eret | Hartnett | Lynch | Sieck |
| Beyer | Goll | Hefner | Marsh | Smith |
| Carsten | Goodrich | Hoagland | Miller | Withem |
| Chambers | Haberman | Johnson, L. | Morehead | |
| Chizek | Hall | Johnson, R. | Nelson | |

Voting in the negative, 2:

| | |
|---|---|
| Pappas | Warner |

Present and not voting, 7:

| | | | | |
|---|---|---|---|---|
| Abboud | Lamb | Scofield | Vickers | Wesely |
| DeCamp | Rupp | | | |

Excused and not voting, 7:

| | | | | |
|---|---|---|---|---|
| Higgins | Labedz | Pirsch | Rogers | Schmit |
| Johnson, V. | Peterson | | | |

LR 54 was adopted with 33 ayes, 2 nays, 7 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 391A.** By Wesely, 26th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 391, Eighty-ninth Legislature, First Session, 1985.

**LEGISLATIVE BILL 432A.** By Wesely, 26th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 432, Eighty-ninth Legislature, First Session, 1985.

## STANDING COMMITTEE REPORTS
### Government, Military and Veterans Affairs

**LEGISLATIVE BILL 421.** Placed on General File.

**LEGISLATIVE BILL 78.** Placed on General File as amended.
Standing Committee amendments to LB 78:
AM0252

1. On page 1, line 7, strike "84-150" and insert "84-149".

2. On page 5, strike beginning with "The" in line 16 through "follows" in line 17 and insert "Financial assistance for eligible councils of governments shall be in the form of grants and appropriations from the State of Nebraska for the purpose of achieving solutions to problems of areawide impact. Funds appropriated shall be appropriated

according to the following formula: For the purpose of initial funding, the formula found in section 84-150 shall be used. Any additional appropriations shall, upon certification, be based on the following requirements and formula".

3. On page 11, line 7, strike "84-150" and insert "84-149".

**LEGISLATIVE BILL 413.** Placed on General File as amended.
Standing Committee amendments to LB 413:
AM0324

1. On page 3, line 27, after "be" insert "paid or".

2. On page 4, line 6, after the period insert "In no event shall payment or reimbursement be made when it results in taxable income to the employee for federal income tax purposes.".

(Signed) David Landis, Chairperson

## NOTICE OF COMMITTEE HEARING
**Agriculture and Environment**

Fred Hlava Jr. Friday, March 1, 1985 1:30 p.m.

(Signed) Rod Johnson, Chairperson

## REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of February 21, 1985. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Badura, Margaret Ann - Lincoln, Nebraska Democratic Party
Boehmer, Edwin C. - Omaha, Cornhusker Casualty Company
Garrison, Jerald R. - Lincoln, Communications Workers of America
Jensen, S. M. - Blair, Great Plains Communications, Inc.
Kelley, Michael - Omaha, Nebraska Petroleum Marketers, Inc.
McCullough, Mardy - Grant, MCI Telecommunications Corporation; Nebraska Petroleum Marketers, Inc.

Morgan, James J. - Lincoln, Disabled American Veterans, Department of Nebraska
Morrison, Marvin D. - Lincoln, Communications Workers of America
Scott, Richard - Lincoln, Nebraska Sheriffs' Association
Urdahl, Michael - Blair, Great Plains Communications, Inc.

## UNANIMOUS CONSENT - Member Excused

Mr. Lundy 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 48.** With Emergency.

A BILL FOR AN ACT relating to insurance; to amend section 44-3903, 44-3904, and 44-4034, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to continuing education requirements for licensees; to change provisions on when a licensed agent or broker is required; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 41:

| | | | | |
|---|---|---|---|---|
| Abboud | Conway | Harris | Lynch | Rupp |
| Baack | DeCamp | Hartnett | Marsh | Scofield |
| Barrett | Eret | Hefner | Miller | Sieck |
| Beutler | Goll | Hoagland | Morehead | Smith |
| Beyer | Goodrich | Johnson, L. | Nelson | Vickers |
| Carsten | Haberman | Johnson, R. | Nichol | Warner |
| Chambers | Hall | Lamb | Pappas | Wesely |
| Chizek | Hannibal | Landis | Remmers | Withem |
| Chronister | | | | |

Voting in the negative, 0.

Excused and not voting, 8:

| | | | | |
|---|---|---|---|---|
| Higgins | Labedz | Peterson | Rogers | Schmit |
| Johnson, V. | Lundy | Pirsch | | |

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**LEGISLATIVE BILL 53.**

A BILL FOR AN ACT relating to county government; to amend section 23-148, Reissue Revised Statutes of Nebraska, 1943; to provide that all counties with two hundred thousand inhabitants or less may choose county commissioners as provided; 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 | Chronister | Harris | Lynch | Rupp |
| Baack | Conway | Hartnett | Marsh | Scofield |
| Barrett | DeCamp | Hefner | Miller | Sieck |
| Beutler | Goll | Hoagland | Morehead | Smith |
| Beyer | Goodrich | Johnson, L. | Nelson | Vickers |
| Carsten | Haberman | Johnson, R. | Nichol | Warner |
| Chambers | Hall | Lamb | Pappas | Wesely |
| Chizek | Hannibal | Landis | Remmers | Withem |

Voting in the negative, 0.

Present and not voting, 1:

Eret

Excused and not voting, 8:

| | | | | |
|---|---|---|---|---|
| Higgins | Labedz | Peterson | Rogers | Schmit |
| Johnson, V. | Lundy | Pirsch | | |

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 86.** With Emergency.

A BILL FOR AN ACT relating to loans; to amend sections 45-190, 45-192, and 45-193, Reissue Revised Statutes of Nebraska, 1943; to redefine a term; to change provisions relating to cease and desist orders; to provide powers; to change a penalty; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 41:

| | | | | |
|---|---|---|---|---|
| Abboud | Conway | Harris | Lynch | Rupp |
| Baack | DeCamp | Hartnett | Marsh | Scofield |
| Barrett | Eret | Hefner | Miller | Sieck |
| Beutler | Goll | Hoagland | Morehead | Smith |
| Beyer | Goodrich | Johnson, L. | Nelson | Vickers |
| Carsten | Haberman | Johnson, R. | Nichol | Warner |
| Chambers | Hall | Lamb | Pappas | Wesely |
| Chizek | Hannibal | Landis | Remmers | Withem |
| Chronister | | | | |

Voting in the negative, 0.

Excused and not voting, 8:

| | | | | |
|---|---|---|---|---|
| Higgins | Labedz | Peterson | Rogers | Schmit |
| Johnson, V. | Lundy | Pirsch | | |

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**LEGISLATIVE BILL 103.**

A BILL FOR AN ACT relating to water resources; to amend sections 33-105, 46-241, and 46-257, Reissue Revised Statutes of Nebraska, 1943; to modify fee provisions and application procedures for water storage facilities; to change an exemption; 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 | Conway | Hoagland | Miller | Scofield |
| Baack | Eret | Johnson, L. | Morehead | Sieck |
| Barrett | Goll | Johnson, R. | Nelson | Smith |
| Beyer | Haberman | Lamb | Nichol | Vickers |
| Carsten | Hall | Landis | Pappas | Warner |
| Chambers | Harris | Lynch | Remmers | Wesely |
| Chizek | Hartnett | Marsh | Rupp | Withem |
| Chronister | Hefner | | | |

Voting in the negative, 0.

Present and not voting, 4:

| | | | |
|---|---|---|---|
| Beutler | DeCamp | Goodrich | Hannibal |

Excused and not voting, 8:

| | | | | |
|---|---|---|---|---|
| Higgins | Labedz | Peterson | Rogers | Schmit |
| Johnson, V. | Lundy | Pirsch | | |

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 129.** With Emergency.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 71-107, 71-121, 71-1,186 to 71-1,194, and 71-5815, Reissue Revised Statutes of Nebraska, 1943, and sections 71-102, 71-109, 71-110, 71-112, 71-113, 71-114, 71-116, 71-122, 71-139, and 71-162, Revised Statutes Supplement, 1984; to state intent; to define and redefine terms; to provide for the registration and supervision of communication aides; to provide powers and duties; to change provisions relating to audiologists and speech-language pathologists; to provide for continuing education; to eliminate obsolete language and a termination date; to provide an operative date; to repeal the original sections, and also sections 71-1,195 and 71-1,197, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 40:

| | | | | |
|---|---|---|---|---|
| Abboud | Conway | Harris | Lynch | Rupp |
| Baack | DeCamp | Hartnett | Marsh | Scofield |
| Barrett | Eret | Hefner | Miller | Sieck |
| Beyer | Goll | Hoagland | Morehead | Smith |
| Carsten | Goodrich | Johnson, L. | Nelson | Vickers |
| Chambers | Haberman | Johnson, R. | Nichol | Warner |
| Chizek | Hall | Lamb | Pappas | Wesely |
| Chronister | Hannibal | Landis | Remmers | Withem |

Voting in the negative, 0.

Present and not voting, 1:

Beutler

Excused and not voting, 8:

| | | | | |
|---|---|---|---|---|
| Higgins | Labedz | Peterson | Rogers | Schmit |
| Johnson, V. | Lundy | Pirsch | | |

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**LEGISLATIVE BILL 129A.** With Emergency.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 129, Eighty-ninth Legislature, First Session, 1985; and to declare an emergency.

Whereupon the President stated: "All provisions of 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 | Chizek | Goodrich | Hefner | Lynch |
| Baack | Chronister | Haberman | Hoagland | Marsh |
| Barrett | Conway | Hall | Johnson, L. | Miller |
| Beyer | DeCamp | Hannibal | Johnson, R. | Morehead |
| Carsten | Eret | Harris | Lamb | Nelson |
| Chambers | Goll | Hartnett | Landis | Nichol |

| | | | | |
|---|---|---|---|---|
| Pappas | Rupp | Sieck | Vickers | Wesely |
| Remmers | Scofield | Smith | Warner | Withem |

Voting in the negative, 0.

Present and not voting, 1:

Beutler

Excused and not voting, 8:

| | | | | |
|---|---|---|---|---|
| Higgins | Labedz | Peterson | Rogers | Schmit |
| Johnson, V. | Lundy | Pirsch | | |

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

## ANNOUNCEMENT

Speaker Nichol announced today is Senator Goodrich's birthday.

## UNANIMOUS CONSENT - Member Excused

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

## BILLS ON FINAL READING

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 152.** With Emergency.

A BILL FOR AN ACT relating to the Nebraska Cancer Research Fund; to appropriate funds; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 40:

| | | | | |
|---|---|---|---|---|
| Abboud | Beutler | Chambers | Conway | Goll |
| Baack | Beyer | Chizek | DeCamp | Goodrich |
| Barrett | Carsten | Chronister | Eret | Haberman |

| | | | | |
|---|---|---|---|---|
| Hall | Hoagland | Marsh | Pappas | Smith |
| Hannibal | Johnson, L. | Miller | Remmers | Vickers |
| Harris | Johnson, R. | Morehead | Rupp | Warner |
| Hartnett | Lamb | Nelson | Scofield | Wesely |
| Hefner | Landis | Nichol | Sieck | Withem |

Voting in the negative, 0.

Excused and not voting, 9:

| | | | | |
|---|---|---|---|---|
| Higgins | Labedz | Lynch | Pirsch | Schmit |
| Johnson, V. | Lundy | Peterson | Rogers | |

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**LEGISLATIVE BILL 224.**

A BILL FOR AN ACT relating to game and parks; to amend section 37-202, Reissue Revised Statutes of Nebraska, 1943; to change the information required on a permit; to provide an operative date; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

| | | | | |
|---|---|---|---|---|
| Abboud | Chronister | Hannibal | Landis | Rupp |
| Baack | Conway | Harris | Marsh | Scofield |
| Barrett | DeCamp | Hartnett | Miller | Sieck |
| Beutler | Eret | Hefner | Morehead | Smith |
| Beyer | Goll | Hoagland | Nelson | Vickers |
| Carsten | Goodrich | Johnson, L. | Nichol | Warner |
| Chambers | Haberman | Johnson, R. | Pappas | Wesely |
| Chizek | Hall | Lamb | Remmers | Withem |

Voting in the negative, 0.

Excused and not voting, 9:

| | | | | |
|---|---|---|---|---|
| Higgins | Labedz | Lynch | Pirsch | Schmit |
| Johnson, V. | Lundy | Peterson | Rogers | |

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 264.**

A BILL FOR AN ACT relating to farmers; to eliminate provisions for farmers' institutes; and to repeal sections 2-401 to 2-404, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 39:

| | | | | |
|---|---|---|---|---|
| Abboud | Chronister | Hannibal | Marsh | Scofield |
| Baack | Conway | Harris | Miller | Sieck |
| Barrett | DeCamp | Hefner | Morehead | Smith |
| Beutler | Eret | Hoagland | Nelson | Vickers |
| Beyer | Goll | Johnson, L. | Nichol | Warner |
| Carsten | Goodrich | Johnson, R. | Pappas | Wesely |
| Chambers | Haberman | Lamb | Remmers | Withem |
| Chizek | Hall | Landis | Rupp | |

Voting in the negative, 0.

Present and not voting, 1:

Hartnett

Excused and not voting, 9:

| | | | | |
|---|---|---|---|---|
| Higgins | Labedz | Lynch | Pirsch | Schmit |
| Johnson, V. | Lundy | Peterson | Rogers | |

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 282.**

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2715.01 and 81-125.01, Revised Statutes Supplement, 1984; to eliminate certain provisions relating to setting the rate of tax; to change a meeting date; to harmonize provisions; and to repeal the

original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 37:

| | | | | |
|---|---|---|---|---|
| Abboud | Conway | Harris | Marsh | Smith |
| Baack | DeCamp | Hartnett | Morehead | Vickers |
| Barrett | Eret | Hefner | Nelson | Warner |
| Beutler | Goll | Hoagland | Nichol | Wesely |
| Beyer | Goodrich | Johnson, L. | Pappas | Withem |
| Carsten | Haberman | Johnson, R. | Remmers | |
| Chizek | Hall | Lamb | Rupp | |
| Chronister | Hannibal | Landis | Scofield | |

Voting in the negative, 1:

Sieck

Present and not voting, 2:

Chambers Miller

Excused and not voting, 9:

| | | | | |
|---|---|---|---|---|
| Higgins | Labedz | Lynch | Pirsch | Schmit |
| Johnson, V. | Lundy | Peterson | Rogers | |

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 283.**

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-27,157, Revised Statutes Supplement, 1984; to change provisions relating to the Nebraska Economic Forecasting Advisory Board's membership and expenses; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 38:

| | | | | |
|---|---|---|---|---|
| Abboud | Chronister | Harris | Marsh | Scofield |
| Baack | Conway | Hartnett | Miller | Sieck |
| Barrett | DeCamp | Hefner | Morehead | Smith |
| Beutler | Goll | Hoagland | Nelson | Vickers |
| Beyer | Goodrich | Johnson, L. | Nichol | Wesely |
| Carsten | Haberman | Johnson, R. | Pappas | Withem |
| Chambers | Hall | Lamb | Remmers | |
| Chizek | Hannibal | Landis | Rupp | |

Voting in the negative, 0.

Present and not voting, 2:

Eret Warner

Excused and not voting, 9:

| | | | | |
|---|---|---|---|---|
| Higgins | Labedz | Lynch | Pirsch | Schmit |
| Johnson, V. | Lundy | Peterson | Rogers | |

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 county government; to amend section 23-293, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to township organization; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 39:

| | | | | |
|---|---|---|---|---|
| Abboud | Chronister | Harris | Marsh | Scofield |
| Baack | Conway | Hartnett | Miller | Sieck |
| Barrett | DeCamp | Hefner | Morehead | Smith |
| Beutler | Goll | Hoagland | Nelson | Vickers |
| Beyer | Goodrich | Johnson, L. | Nichol | Warner |
| Carsten | Haberman | Johnson, R. | Pappas | Wesely |
| Chambers | Hall | Lamb | Remmers | Withem |
| Chizek | Hannibal | Landis | Rupp | |

Voting in the negative, 1:

Eret

Excused and not voting, 9:

| | | | | |
|---|---|---|---|---|
| Higgins | Labedz | Lynch | Pirsch | Schmit |
| Johnson, V. | Lundy | Peterson | Rogers | |

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 557.**

A BILL FOR AN ACT relating to game and parks; to amend sections 37-101, 37-215, 37-215.01 to 37-215.03, 37-215.06, 37-215.08, 37-216, and 37-505, Reissue Revised Statutes of Nebraska, 1943; to redefine a term; to provide for permits for the killing of elk as prescribed; to provide for fees; to harmonize provisions; to provide an operative date; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 37:

| | | | | |
|---|---|---|---|---|
| Abboud | DeCamp | Hartnett | Morehead | Smith |
| Baack | Eret | Hefner | Nelson | Vickers |
| Barrett | Goll | Hoagland | Nichol | Warner |
| Beutler | Goodrich | Johnson, L. | Pappas | Wesely |
| Beyer | Haberman | Lamb | Remmers | Withem |
| Carsten | Hall | Landis | Rupp | |
| Chronister | Hannibal | Marsh | Scofield | |
| Conway | Harris | Miller | Sieck | |

Voting in the negative, 1:

Chambers

Present and not voting, 2:

Chizek Johnson, R.

Excused and not voting, 9:

| | | | | |
|---|---|---|---|---|
| Higgins | Labedz | Lynch | Pirsch | Schmit |
| Johnson, V. | Lundy | Peterson | Rogers | |

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

## STANDING COMMITTEE REPORTS
### Judiciary

**LEGISLATIVE BILL 373.** Placed on General File.
**LEGISLATIVE BILL 525.** Placed on General File.

**LEGISLATIVE BILL 255.** Placed on General File as amended.
(Standing Committee amendments printed separate from the Journal and on file in the Clerk's Office - Room 1102 - AM0322.)

**LEGISLATIVE BILL 626.** Placed on General File as amended.
Standing Committee amendments to LB 626:
AM0254

1. On page 7, line 22, strike "39-669.19", show as stricken, and insert "39-669.18".
2. On page 12, strike beginning with "39-669.27" in line 13 through "39-669.19" in line 14, show the old matter as stricken, and insert "39-669.15 to 39-669.18 or sections 39-669.27 and 39-669.30".
3. On page 14, line 2, after "employment" insert "which shall not include the operation of a motor vehicle between his or her place of residence and his or her place of employment"; and strike lines 3 through 7 and insert a new subsection as follows:

"(3) Any holder of an employment driving permit who violates this section shall be subject to the mandatory revocation of the employment driving permit and shall be ordered not to operate a motor vehicle for any purpose for a period of ninety days which shall be in addition to any license suspension pursuant to section 39-669.07 or 39.669.08.".

**LEGISLATIVE BILL 631.** Placed on General File as amended.
Standing Committee amendments to LB 631:
AM0321

1. On page 4, line 7, strike "three months" and insert "thirty days"; in line 11 after "seven"

insert "consecutive"; and in lines 14 through 17 and 23 through 25 reinstate the stricken matter and strike the new matter.

2. On page 5, strike lines 18 through 20.

3. On page 17, line 7, strike "Class IV felony" and insert "Class II misdemeanor"; in line 17 after "revocation" insert "for an alcohol related violation" and after "jurisdiction" insert "in the United States".

4. On page 18, line 22, after "jurisdiction" insert "in the United States"; and in line 23 strike "and", show as stricken, and insert an underscored comma and after "period" insert ", and reason".

5. On page 20, line 9, strike "(1)"; in line 15 strike "(a)" and reinstate "(1)"; and in line 23 strike "(b)" and reinstate "(2)".

6. On page 21, strike lines 5 through 27.

(Signed) Peter Hoagland, Chairperson

## BILLS ON FIRST READING

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

**LEGISLATIVE BILL 251A.** By Wesely, 26th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 251, Eighty-ninth Legislature, First Session, 1985.

**LEGISLATIVE BILL 253A.** By Wesely, 26th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 253, Eighty-ninth Legislature, First Session, 1985.

**LEGISLATIVE BILL 313A.** By Wesely, 26th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 313, Eighty-ninth Legislature, First Session, 1985.

**LEGISLATIVE BILL 715.** By Speaker Nichol, 48th District, at the request of the Governor

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 3-149, 60-335.01, 77-27,147, and 77-3005, Reissue Revised Statutes of Nebraska, 1943, and sections 66-642, 77-2702, 77-2703, 77-2704, 77-2704.01, 77-2705, 77-2706, 77-2708, 77-2709, 77-2711, 77-2712, and 77-2715.04, Revised Statutes Supplement, 1984; to define and redefine terms; to change provisions relating to the sales and use tax as prescribed; to change exemptions; to harmonize provisions; to provide duties; to provide an operative date; and to repeal the original sections.

## NOTICE OF COMMITTEE HEARINGS
### Appropriations

| | | |
|---|---|---|
| LB 680 | Monday, March 4, 1985 | 1:30 p.m. |
| LB 169 | Wednesday, March 6, 1985 | 1:30 p.m. |

(Signed) Jerome Warner, Chairperson

## EXPLANATION OF VOTE

Had I been present February 22, 1985, I would have voted No on LB 48e, and Yes on the following bills: LBs 53, 86e, 103, 129, 129Ae, 152e, 224, 264, 282, 283, 323, 422, and 557.

(Signed) Marge Higgins

## GENERAL FILE

**LEGISLATIVE BILL 171.** Title read. Considered.

Mr. Beutler moved for a call of the house. The motion prevailed with 9 ayes, 0 nays, and 40 not voting.

Mr. Beutler requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 17:

| | | | | |
|---|---|---|---|---|
| Abboud | DeCamp | Hoagland | Remmers | Withem |
| Beutler | Goodrich | Landis | Rupp | |
| Chambers | Hall | Marsh | Vickers | |
| Chizek | Harris | Miller | Wesely | |

Voting in the negative, 13:

| | | | | |
|---|---|---|---|---|
| Barrett | Haberman | Johnson, L. | Morehead | Warner |
| Carsten | Hannibal | Johnson, R. | Scofield | |
| Goll | Hefner | Lamb | Smith | |

Present and not voting, 10:

| | | | | |
|---|---|---|---|---|
| Baack | Chronister | Eret | Nelson | Pappas |
| Beyer | Conway | Hartnett | Nichol | Sieck |

Excused and not voting, 9:

| | | | | |
|---|---|---|---|---|
| Higgins | Labedz | Lynch | Pirsch | Schmit |
| Johnson, V. | Lundy | Peterson | Rogers | |

Failed to advance to E & R for Review with 17 ayes, 13 nays, 10 present and not voting, and 9 excused and not voting.

The Chair declared the call raised.

**LEGISLATIVE BILL 430.** Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

## SELECT FILE

**LEGISLATIVE BILL 406.** Considered.

Mr. Chambers moved to indefinitely postpone LB 406.

Mr. Chambers requested a record vote on his motion.

Voting in the affirmative, 5:

| | | | | |
|---|---|---|---|---|
| Chambers | DeCamp | Eret | Hall | Pappas |

Voting in the negative, 26:

| | | | | |
|---|---|---|---|---|
| Abboud | Conway | Hoagland | Morehead | Wesely |
| Baack | Haberman | Johnson, L. | Nelson | Withem |
| Beutler | Hannibal | Lamb | Remmers | |
| Carsten | Harris | Landis | Rupp | |
| Chizek | Hartnett | Marsh | Scofield | |
| Chronister | Hefner | Miller | Smith | |

Present and not voting, 10:

| | | | | |
|---|---|---|---|---|
| Barrett | Goll | Johnson, R. | Rogers | Vickers |
| Beyer | Goodrich | Nichol | Sieck | Warner |

Excused and not voting, 8:

| | | | | |
|---|---|---|---|---|
| Higgins | Labedz | Lynch | Pirsch | Schmit |
| Johnson, V. | Lundy | Peterson | | |

The Chambers motion to indefinitely postpone lost with 5 ayes, 26 nays, 10 present and not voting, and 8 excused and not voting.

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 the advancement of the bill.

Voting in the affirmative, 30:

| | | | | |
|---|---|---|---|---|
| Abboud | Chizek | Hannibal | Lamb | Remmers |
| Baack | Chronister | Harris | Marsh | Rupp |
| Barrett | Conway | Hefner | Miller | Vickers |
| Beutler | Goll | Hoagland | Morehead | Warner |
| Beyer | Goodrich | Johnson, L. | Nelson | Wesely |
| Carsten | Haberman | Johnson, R. | Nichol | Withem |

Voting in the negative, 7:

| | | | | |
|---|---|---|---|---|
| Chambers | Hall | Schmit | Sieck | Smith |
| DeCamp | Landis | | | |

Present and not voting, 4:

| | | | |
|---|---|---|---|
| Eret | Hartnett | Pappas | Scofield |

Absent and not voting, 1:

Rogers

Excused and not voting, 7:

| | | | | |
|---|---|---|---|---|
| Higgins | Labedz | Lynch | Peterson | Pirsch |
| Johnson, V. | Lundy | | | |

Advanced to E & R for Engrossment with 30 ayes, 7 nays, 4 present and not voting, 1 absent and not voting, and 7 excused and not voting.

The Chair declared the call raised.

## PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 48e, 53, 86e, 103, 129e, 129Ae, 152e, 224, 264, 282, 283, 422, and 557.

## RESOLUTION

**LEGISLATIVE RESOLUTION 51.** Read. Considered.

Mr. Schmit offered the following amendment:

1) In the first Whereas paragraph, insert the word "many" before the word "Nebraska."

2) In the 7th Whereas paragraph, insert "S 458 is pending before the United States Senate, and" after the word "Whereas."

3) In the 8th Whereas paragraph, insert "S 458 and" after the word "Whereas."

4) In the 11th Whereas paragraph, strike "allow them to maintain and to continue" and insert "assist them in maintaining and continuing."

5) Strike the first paragraph following Be it Resolved and insert: "1. That the Nebraska Legislature hereby requests the President of the United States to issue an order implementing S 458 and HR 1035, which the Nebraska Legislature believes he has the power to do, and the Legislature further requests the Senate and House of Representatives act favorably with respect to such bills."

The Schmit amendment was adopted with 29 ayes, 0 nays, 13 present and not voting, and 7 excused and not voting.

LR 51 was adopted with 35 ayes, 0 nays, 7 present and not voting, and 7 excused and not voting.

## SELECT FILE

**LEGISLATIVE BILL 87.** E & R amendments, AM5041, found in the Journal on page 635 for the Twenty-Sixth Day were adopted.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 313.** E & R amendments, AM5043, found in the Journal on page 636 for the Twenty-Sixth Day were adopted.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 116.** E & R amendments, AM5039, found in the Journal on page 607 for the Twenty-Fifth Day were adopted.

Messrs. Lamb, Haberman, R. Johnson, Barrett, Abboud, Peterson, Goll, Rogers, Beyer, and Remmers asked unanimous consent to bracket LB 116 until May 1, 1985.

Mr. Landis objected.

Messrs. Lamb, Haberman, R. Johnson, Barrett, Abboud, Peterson, Goll, Rogers, Beyer, and Remmers moved to bracket LB 116 until May 1, 1985.

Pending.

Messrs. DeCamp and R. Johnson asked unanimous consent to be excused. No objections. So ordered.

## NOTICE OF COMMITTEE HEARINGS

### Revenue

| | | |
|---|---|---|
| LB 186 | Monday, March 4, 1985 | 1:30 p.m. |
| LB 698 | Monday, March 4, 1985 | 1:30 p.m. |
| LB 715 | Monday, March 4, 1985 | 1:30 p.m. |
| LB 110 | Tuesday, March 5, 1985 | 1:30 p.m. |
| LB 397 | Tuesday, March 5, 1985 | 1:30 p.m. |
| LB 505 | Tuesday, March 5, 1985 | 1:30 p.m. |
| LB 615 | Tuesday, March 5, 1985 | 1:30 p.m. |
| LB 100 | Wednesday, March 6, 1985 | 1:30 p.m. |
| LB 154 | Wednesday, March 6, 1985 | 1:30 p.m. |
| LB 627 | Wednesday, March 6, 1985 | 1:30 p.m. |

(Signed) Vard Johnson, Chairperson

### Constitutional Revision and Recreation

| | | |
|---|---|---|
| Governor Appointments | Friday, March 8, 1985 | 1:30 p.m. |

LaVern Schneider - Game and Parks Commission
Wayne Ziebarth - Game and Parks Commission

(Signed) Lee Rupp, Chairperson

**Judiciary**

| | | |
|---|---|---|
| LB 173 | Monday, March 11, 1985 | 1:30 p.m. |
| LB 526 | Monday, March 11, 1985 | 1:30 p.m. |
| LB 652 | Monday, March 11, 1985 | 1:30 p.m. |
| LB 189 | Monday, March 11, 1985 | 1:30 p.m. |
| LB 690 | Monday, March 11, 1985 | 1:30 p.m. |
| LB 527 | Monday, March 11, 1985 | 1:30 p.m. |
| LB 580 | Tuesday, March 12, 1985 | 1:30 p.m. |
| LB 514 | Tuesday, March 12, 1985 | 1:30 p.m. |
| LB 709 | Tuesday, March 12, 1985 | 1:30 p.m. |
| LB 447 | Tuesday, March 12, 1985 | 1:30 p.m. |
| LB 368 | Tuesday, March 12, 1985 | 1:30 p.m. |
| LB 289 | Tuesday, March 12, 1985 | 1:30 p.m. |
| LB 522 | Tuesday, March 12, 1985 | 1:30 p.m. |
| Governor Appointments<br>Murrell McNeil - Board of Parole | Wednesday, March 13, 1985 | 1:30 p.m. |

(Signed) Peter Hoagland, Chairperson

## STANDING COMMITTEE REPORTS

**Business and Labor**

**LEGISLATIVE BILL 340.** Placed on General File.

(Signed) Bill Barrett, Chairperson

**Revenue**

**LEGISLATIVE BILL 346.** Placed on General File.

**LEGISLATIVE BILL 533.** Placed on General File as amended.
Standing Committee amendment to LB 533:
AM0302

1. On page 2, line 13, strike "annually" and insert "during the taxable year"; in line 14 after "dollars" insert ", based on the claims filed for the preceding taxable year,"; and in line 16 after the

period insert "Monthly claims shall be filed on the first day of the month beginning September 1, 1985, and on the first day of each month thereafter. The claim filed on September 1, 1985, shall include the credits for all months beginning on or after January 1, 1985.".

(Signed) Elroy Hefner, Chairperson

## UNANIMOUS CONSENT - Print in Journal

Mr. Beutler asked unanimous consent to print the following amendment to LB 223 in the Journal. No objections. So ordered.

(Amendments to the Final Reading Copy)

AM0318

1. On page 2, line 1, strike "legislative"; and in line 2 strike beginning with "over" through "laws" and insert "to arrest any person believed guilty of violating a criminal law".

## MOTION - Suspend Rules

Mr. Hoagland moved to suspend the rules to allow the Judiciary Committee to introduce a bill after the time for introduction and allow the committee another bill for introduction.

Laid over.

## UNANIMOUS CONSENT - Add Co-Introducer

Mr. R. Johnson asked unanimous consent to have his name added as co-introducer to LB 422. No objections. So ordered.

## UNANIMOUS CONSENT - Withdraw Name

Mr. Warner asked unanimous consent to have his name withdrawn as co-introducer to LB 159. No objections. So ordered.

## SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolution: LR 51.

## VISITORS

Visitors to the Chamber were 26 eighth graders and sponsors from Oshkosh Public School, Oshkosh.

**MOTION - Adjournment**

Mr. Lamb moved to adjourn until 9:00 a.m., Thursday, February 28, 1985. The motion prevailed with 18 ayes, 16 nays, and 15 not voting and at 12:02 p.m. on a motion by Mr. Lamb, the Legislature adjourned until 9:00 a.m., Thursday, February 28, 1985.

Patrick J. O'Donnell
Clerk of the Legislature

# THIRTIETH DAY - FEBRUARY 28, 1985

# LEGISLATIVE JOURNAL

# THIRTIETH DAY - FEBRUARY 28, 1985

## LEGISLATIVE JOURNAL

## EIGHTY-NINTH LEGISLATURE
## FIRST SESSION

## THIRTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, February 28, 1985

Pursuant to adjournment, the Legislature met at 9:04 a.m., President McGinley presiding.

## PRAYER

The prayer was offered by Dr. Robert Palmer, Westminster Presbyterian Church, Lincoln, Nebraska.

## ROLL CALL

The roll was called and all members were present except Mr. Hoagland who was excused; and Messrs. Chronister, Goodrich, Hannibal, Hartnett, Lynch, Peterson, Rupp, Mesdames Marsh, Pirsch, and Ms. Scofield who were excused until they arrive.

## CORRECTIONS FOR THE JOURNAL

The Journal for the Twenty-Ninth Day was approved.

## STANDING COMMITTEE REPORTS
### Miscellaneous Subjects

**LEGISLATIVE BILL 235.** Placed on General File.

**LEGISLATIVE BILL 183.** Placed on General File as amended. (Standing Committee amendments printed separate from the Journal and on file in the Clerk's Office - Room 1102 - AM0342.)

**LEGISLATIVE BILL 279.** Placed on General File as amended. Standing Committee amendment to LB 279:

AM0341
1. On page 22, line 7, after "wineries" insert "sold prior to October 1, 1988" and strike "five" and insert "twenty-five"; and in line 8 after "wineries" insert "which is sold pursuant to this section prior to October 1, 1988".

**LEGISLATIVE BILL 379.** Placed on General File as amended.
Standing Committee amendment to LB 379:
AM0340
1. On page 4, line 1, after "a" insert "Class A electrical contractor,".

**LEGISLATIVE BILL 408.** Placed on General File as amended.
(Standing Committee amendments printed separate from the Journal and on file in the Clerk's Office - Room 1102 - AM0212.)

**LEGISLATIVE BILL 238.** Indefinitely postponed.
**LEGISLATIVE BILL 334.** Indefinitely postponed.
**LEGISLATIVE BILL 429.** Indefinitely postponed.
**LEGISLATIVE BILL 535.** Indefinitely postponed.
**LEGISLATIVE BILL 699.** Indefinitely postponed.

(Signed) Elroy M. Hefner, Chairperson

## REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative bills 714 and 715.

| LB | Committee |
|---|---|
| 714 | Education |
| 715 | Revenue |

(Signed) Chris Beutler, Chairperson
Legislative Council
Executive Board

## UNANIMOUS CONSENT - Announcement

Mr. Warner asked unanimous consent to have the public hearings scheduled for the following dates held in the Supreme Court Hearing Room: Monday, March 4, 1985, 1:30 p.m.; Tuesday, March 5, 1985, 1:30 p.m.; Wednesday, March 6, 1985, 1:30 p.m. No objections. So ordered.

## NOTICE OF COMMITTEE HEARINGS
**Government, Military and Veterans Affairs**

| | | |
|---|---|---|
| LB 440 | Friday, March 22, 1985 (Cancelled) | 1:30 p.m. |
| LB 440 | Thursday, March 7, 1985 (Reset) | 1:30 p.m. |
| LB 559 | Thursday, March 14, 1985 | 1:30 p.m. |
| LB 511 | Thursday, March 21, 1985 | 1:30 p.m. |
| LB 428 | Thursday, March 21, 1985 | 1:30 p.m. |
| LB 564 | Thursday, March 21, 1985 | 1:30 p.m. |
| LB 595 | Thursday, March 21, 1985 | 1:30 p.m. |
| LB 566 | Thursday, March 21, 1985 | 1:30 p.m. |
| LB 637 | Friday, March 22, 1985 | 1:30 p.m. |
| LB 683 | Friday, March 22, 1985 | 1:30 p.m. |
| LB 707 | Friday, March 22, 1985 | 1:30 p.m. |

(Signed) David Landis, Chairperson

## MESSAGE FROM THE GOVERNOR

February 14, 1985

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Coordinating Commission for Postsecondary Education, requiring legislative confirmation:

Paula B. Wells, 11237 Chicago Circle, Omaha, NE 68154, 330-0202(w), 391-1982(o), Term: 2/14/85 to 6/3/90, Succeeds: George Miller, term expired.

This appointment is respectfully submitted for your consideration.

Sincerely,

(Signed) ROBERT KERREY
Governor

cc: Staff Assistant to the Governor
Accountability and Disclosure Commission
Department of Administrative Services
Coordinating Commission for Postsecondary Education

## ATTORNEY GENERAL'S OPINIONS

Opinion No. 23
February 26, 1985

Dear Senator Goodrich:

In your letter of January 29, 1985, you call our attention to LB 242 and request our opinion as to the constitutionality of this proposal.

This legislation would confer upon the State Board of Education the power to, among other things " . . . borrow money and issue and purchase negotiable bonds, notes, or other obligations . . . ."

This legislation has been artfully drafted and its drafters appear to have been mindful of the decision of the Nebraska Supreme Court in Meyer v. Duxbury, 183 Neb. 302, 160 N.W.2d 88 (1968), and have gone to great lengths to weave its provisions within the restrictive confines of that decision, as well as the confines of the Constitution and other applicable decisions of our court on questions involving the constitutional limitation upon the extension of the credit of the state and the incurring of a debt in excess of $100,000 by the state.

While the drafters appear to have successfully negotiated this perilous path, we caution, however, that the use of constitutionally innovative schemes to utilize credit in the financing of essentially state functions has literally exploded in the last few years. It is difficult to predict at which point our court may be faced with either putting an end to the systematic erosion of these constitutional prohibitions or to essentially declare them to be nullities.

Our only concern with the language of this bill is in Section 6 where reference is made to "revenue and other income" being available to retire bonds issued, and in Section 11 where reference is made to "revenue, money or properties" being available to pledge as security for such bonds. We assume these references are not to revenue income or money derived by the board from the Legislature through the appropriation process, nor does the reference to property include state owned property of the board.

We are therefore of the conclusion that the provisions of LB 242

as they have been carefully drafted fall within the present constitutional confines as they have been set forth by our court, however, we cannot say with certainty that our court will indefinitely accept as constitutional financing plans such as the one proposed by LB 242.

Sincerely,
A. EUGENE CRUMP
Deputy Attorney General
(Signed) Terry R. Schaaf
Assistant Attorney General

TRS:cw
cc: Patrick J. O'Donnell
Clerk of the Legislature
2018 State Capitol
Lincoln, Nebraska 68509

Opinion No. 24
February 22, 1985

Dear Senator Remmers:

This is in reply to your inquiry concerning the constitutionality of LB 504.

Said bill provides in part:

(9) Any person convicted of violating subsection (1), (2), (3), or (8) of this section shall not be eligible for probation or suspension of sentence and shall only become eligible for parole upon the satisfactory attendance and completion of appropriate treatment and counseling on drug abuse.

The violations referred to involve manufacture, possession, and other acts relating to controlled substances and counterfeit controlled substances.

Other sections of said bill also provide that on conviction of certain other drug violations, if the offender is placed on probation, a condition of probation shall be mandatory treatment and counseling on drug abuse.

As a general rule, the Legislature has the power to fix the punishment for crime, including probation, provided it is within the U.S. constitutional prohibition against cruel and unusual punishment. See, generally 24(B) C.J.S., Criminal Law, Sections 1975 et seq.

In State v. Muggins, 192 Neb. 416, 222 N.W.2d 289 (1974), the Supreme Court of Nebraska approved an order of probation requiring the defendant, who had been convicted of driving while

intoxicated, to attend the Alcohol Safety Action Program, sometimes referred to as the Alcohol Abuse Course. While the court was not considering the constitutionality of the order, it approved the same in the following language:

> There is certainly nothing in the nature of a course of study described as an "Alcohol Abuse Course," or in the record of this case, that would cause us to conclude that a condition of probation requiring a probationer convicted of driving while intoxicated to undertake and complete such a course would not be a proper condition of probation under the foregoing statutes specifying proper terms and conditions of probation.

In State v. Nuss, 190 Neb. 755, 212 N.W.2d 565, the Supreme Court of Nebraska invalidated a condition of probation which required a defendant, who was placed on probation, to also serve 14 days in a county jail, because this condition was not authorized by statute. In doing so, the court stated: "Although the trial court's motivation was admirable, imprisonment as a condition of probation must rest on statutory authority."

While this does not answer the question of whether the Legislature may mandate the exact course of action the court must take, it evidences a recognition by the court that it has no inherent authority to devise probationary conditions. This supports the argument that the Legislature may make such mandatory restrictions as provided in LB 504.

In the recent case of State v. Havorka, 218 Neb. 367, ____ N.W.2d ___ (1984), the Supreme Court of Nebraska construed a recent statute concerning convictions for driving under the influence of alcohol or drugs which required the court to order such person not to drive any motor vehicle for any purpose for a period of six months from the date of the order. The court held that under this statute, the trial court could not interrupt the six month period to permit the probationer to drive during part of that period and then impose the restriction on the balance of the six month period. The court based this decision on the fact that the legislative provision was clear and unambiguous but specifically declined to determine "whether the Legislature may, under any circumstance, limit a court's authority to suspend a sentence and impose probation under such conditions as it may prescribe," because neither party had raised that issue.

Other state supreme courts have faced similar questions and have upheld the authority of the Legislature. In State v. Sittig, 75 Wis.2d 497, 249 N.W.2d 770 (1977), the Supreme Court of Wisconsin held that a mandatory sentence statue requiring a jail sentence for a person driving while his drivers license was under suspension did not violate the doctrine of separation of powers or, in other words, was not an invasion of the authority of the judiciary.

Like Nebraska, the court had previously recognized that the determination of the punishment to be imposed for violation of crimes was within the province of the Legislature. The court stated:

> Specifically, this court is committed to the doctrine that courts have no inherent power to stay or suspend execution of a sentence in a criminal case in the absence of statutory authority. . . .
>
> In the absence of this inherent right, a court's refusal to impose a mandatory sentence or a sentence within limits prescribed by the legislature, constitutes an abuse of discretion by the court and also the usurpation of the legislative field.

In State v. Holmes, 276 N.W.2d 823, Supreme Court of Iowa, (1979), the court stated as to a similar argument:

> Defendant asserts that statutory preclusion of probation violates separation of powers by limiting the authority of the judiciary to exercise discretion in granting or denying probation. We have held, however, that our judiciary holds no inherent power to grant probation. State v. Wright, 202 N.W.2d 72, 76 (Iowa 1972); see State v. Drake, 259 N.W.2d 862, 864 (Iowa 1977). The power to grant probation is statutorily conferred; therefore, statutory preclusion of probation cannot infringe on judicial authority to exercise discretion in the matter. Accord State v. Motley, 546 S.W.2d 435, 437 (Mo. App. 1976); State v. King, 330 A.2d 124, 128 (Me. 1974); Black v. State, 509 P.2d 941, 942-943 (Okl. Cr. 1973); State v. Morales, 51 Wis.2d 650, 187 N.W.2d 841, 843 (1971).
>
> There are cases from other jurisdictions to the same effect.

Attached hereto is an Opinion of Attorney General No. 169 issued in 1982 concerning legislation similar to that here in question. It concludes that such legislation is constitutional.

Also enclosed is a copy of a previous Opinion from this office expressing the opinion that certain mandatory conditions as to parole were constitutional.

In view of the various statements of the Supreme Court of Nebraska and other courts as discussed above, although the Supreme Court of Nebraska has not specifically determined the separation of powers issue, we see no reason to retreat from our position that such mandatory requirements, being reasonably related to the crime involved, are constitutional.

Very truly yours,
A. EUGENE CRUMP
Deputy Attorney General
(Signed) Mel Kammerlohr
Assistant Attorney General

MK:bmh

Enclosure
cc: Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 25
February 20, 1985

Dear Senator Chambers:

This is in response to your inquiry of February 11, 1985, concerning LB 72.

While your letter merely asks if we agree with the propositions set forth therein, the body of the letter is prefaced as follows:

Re: Whether wagering on sporting events as authorized by LB 72 violates Article III, section 24 of the Constitution of Nebraska?

We are therefore treating it as a request for an opinion in that regard.

Article III, section 24 provides as follows:

> The Legislature shall not authorize any game of chance, nor any lottery, or gift enterprise where the consideration for a chance to participate involves the payment of money for the purchase of property, services, chance or admission ticket, or requires an expenditure of substantial effort or time; Provided, that it may authorize and regulate other lotteries, raffles, and gift enterprises which are intended solely as business promotions or the proceeds of which are to be used solely for charitable or community betterment purposes without profit to the promoter of such lotteries, raffles, or gift enterprises. Nothing in this section shall be construed to prohibit the enactment of laws providing for the licensing and regulation of wagering on the results of horse races by the parimutuel or certificate method, when conducted by licensees within the race track enclosure at licenses horse race meetings, or to prohibit the enactment of laws providing for the licensing and regulation of bingo games conducted by nonprofit associations which have been in existence for a period of five years immediately preceding the application for license; Provided, bingo games cannot be conducted by agents or lessees of such associations on a percentage basis. (Amended, 1934, 1958, 1962, 1968.)

The crux of the issue here revolves around the question of whether or not the Legislature, by LB 72, would "authorize games of chance" by authorizing wagering on sporting events. If so, it is in violation of the above constitutional provision.

We generally agree with your statement that "Sporting events are not games of chance;". There may be some exceptions. We would also generally agree with you that the winners of the contests are usually

not determined by the luck of the draw, selection by lot, or other such devices, but we cannot agree that the wagers are not determined by chance in many cases.

While some courts have approved (there are also cases contra), in the absence of an express statute or constitutional provision, betting upon games or sporting events such as horse racing, (where parimutuel betting was not involved), baseball, and others which were considered to involve predominantly skill rather than chance, see, annotation--Games of Chance or Skill, 135 A.L.R. 104 (1941), we are not persuaded that the Nebraska Supreme Court, in light of previous Nebraska opinions, would follow that line of cases.

In State ex rel. Sorenson v. Ak-sar-ben Exposition Company, 118 Neb. 851 (1929), the Supreme Court of Nebraska held that the parimutuel system of betting on horse races was a game of chance which the Legislature could not constitutionally authorize. The court placed considerable emphasis on the fact that all of the money bet on a particular horse went into a pool and the bettors did not know at the time of making the bet the exact amount of money they would receive should they hold a winning ticket. To this extent, even though the race itself may have been predominantly a game of skill or sporting event , the betting itself in a common fund became a game of chance or a lottery.

Apparently because of this case, the above provision of the Constitution was amended to include the language "Nothing in this section shall be construed to prohibit the enactment of laws providing for the licensing and regulation of wagering on the results of horse races by the parimutuel or certificate method, when conducted by licensees within the race track enclosure at licensed horse race meetings."

Following said amendment, the Attorney General brought an action against a number of establishments in the city of Omaha charging that they were willfully violating the statutory and constitutional provisions of the State of Nebraska prohibiting gambling, betting, and operating unlawful horse race betting establishments and gambling rooms. In said case, State ex rel. Hunter v. The Araho, 137 Neb. 389, 289 N.W.2d 545 (1940), the case was submitted on a stipulation of facts. The stipulation set out that a national news service gathered news pertaining to the weather conditions, conditions of the track, race track odds on various horses prior to each race, final results of races at all of the various race tracks throughout the United States, and transmitted such information by telegraph to various subscribers including each of the establishments named as defendants and simulataneously received by each of them as per contract; that the public generally was invited to enter such establishments to place bets with the defendants on horse

races being held daily in various places outside the State of Nebraska and in the United States and in other countries; that race horse forms and scratch sheets were provided, and black boards, charts, and other paraphernalia were in such places of business, and that all information of every kind concerning the horses and races, and the results thereof, were given to the patrons.

It was further stipulated that losses and winnings of the patrons were wholely dependent upon the chance outcome of the horses participating in each race, and the selection made by the patrons, and the bets of money made pursuant to such selections.

It was further stipulated that none of said establishments were conducted in or located within any race track enclosure at licensed race meetings in the State of Nebraska.

While not in the facts one way or the other or discussed by the court, it is presumed that the parimutuel method was not being followed as it would have been virtually impossible to do so on race tracks throughout the country and in foreign counties by the bettors participating in the establishments in Omaha, Nebraska.

The Supreme Court reviewed the wording of the Constitution in 1929 in the case of State v. Ak-sar-ben Exposition Company, mentioned above, and the fact that the Constitution was amended because the court had held that the parimutuel system of betting on race horses was "a game of chance, a lottery, likewise gambling, and unlawful under the Constitution."

In the Araho case, the defendants insisted that the amendment declared a new policy in the state with reference to betting on horse races and had the effect of repealing the existing statutes with reference to horse race betting, and rendered former court decisions, holding that such betting constituted a game of chance and a lottery, of no effect. The Supreme Court of Nebraska stated:

> In our opinion, nothing in the amendment to the Constitution of Nebraska, or in the laws passed to carry said change into effect, supports the contention of the defendants that the bars are now down on all forms of games of chance, betting, and gambling in connection with horse races or any kind, wherever held.

The court went on to perpetually enjoin the defendants from permitting or allowing the illegal betting or gambling to be carried on as discusses above.

It should be noted that the court made no particular distinction in that case between "gambling," "betting," and "games of chance."

It is apparent that the type of gambling being carried on in State ex rel. Hunter v. The Araho could well be practiced under the provisions of LB 72. While this may not be what the drafters of this bill had in mind, it is firmly established that "The constitutional validity of an act of the Legislature is to be tested and determined,

not necessarily by what has been done or possibly may be done under it, but by what the statute authorizes to be done under and by virtue of its provisions. State ex rel. Douglas v. Thone, 204 Neb. 836, 845, 286 N.W.2d 249 (1979), see also United Community Services v. Omaha National Bank, 162 Neb. 786.

There is another perspective to be consider apart from the precedent in the Araho case, as to the question of whether the act of betting, on an admitted game of skill, may nevertheless be a game of chance.

In Baedaro v. Caldwell, 156 Neb. 489, 56 N.W.2d 706 (1953), the Supreme Court of Nebraska determined that a pinball machine was a gambling device. In doing so, the court stated: "The test of the character of the game is not whether it contains an element of chance or an element of skill but which of these is the dominating element that determines the result of the game."

Thus, a student of the game of baseball may by careful study of the batting averages of a particular team, its success against various types of pitchers, who the pitchers may be in a given game, weather conditions, and a host of other factors, be said to be a "skill" bettor. Other bettors who may bet on the same game may have none of this information or only a vague feeling as to which team is superior. Thus, while the game of baseball may be a game of skill, the persons betting, in many, if not most cases, are dominated by the element of chance in the selection of the team they make. In other words, unless the bettors on a sporting event take the time and trouble to make the proper calculations as to which team to bet on, often within certain odds or point spread established by bookies, the selection is primarily one of chance and not of skill. It must again be emphasized that the Legislature in LB 72 is authorizing not a sporting event, but the betting on a sporting event. We feel that the Supreme Court of Nebraska would probably hold that in doing so, the Legislature is authorizing a game of chance contrary to the Nebraska Constitution.

We are not unmindful of your statements that the stock market and commodities futures trading are within the definition of gambling yet are not deemed to be "games of chance" prohibited by the Nebraska Constitution.

In this regard, we point out that there have been cases holding various transactions on the stock market and in futures trading to be gambling or games of chance. These have usually involved situations where it can be proved that it is a mere sham and the real intent of the parties is merely to speculate on the rise or fall of the prices and property is not intended to be delivered. It is the generally accepted rule that a contract for the sale of stocks or other commodity to be delivered at a future day is valid, even though the seller has no goods and has not other means of getting them than to go into the market

and buy them before the day of delivery, provided the parties really intend that the goods are to be delivered by the seller and the price is to be paid by the buyer. Generally the difficulty in prosecution results from a matter of proof where an actual investment is not involved. This is discussed generally in 38 C.J.S., Gaming Sections 9 et seq. We do not believe that the Legislature could, under our constitution, authorize speculation for money on the stock market where the parties mutually intended that no buying or selling of stock, or other property, actually occur.

Very truly yours,
A. EUGENE CRUMP
Deputy Attorney General
(Signed) Mel Kammerlohr
Assistant Attorney General

MK:bmh
cc: Patrick J. O'Donnell
Clerk of the Legislature

## PRESENTED TO THE GOVERNOR

Presented to the Governor on February 22, 1985, at 3:25 p.m., were the following bills: 48, 53, 86, 103, 129, 129A, 152, 224, 264, 282, 283, 422, and 557.

(Signed) Pam Moravec, Enrolling Clerk

## MESSAGE FROM THE GOVERNOR

February 27, 1985

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 48, 53, 86, 103, 129, 129A, 152, 224, 264, 282, 283, 422, and 557 were received in my office on February 22, 1985.

These bills were signed by me on February 27, 1985 and delivered to the Secretary of State.

Sincerely,
(Signed) ROBERT KERREY
Governor

RK/jm

## SELECT COMMITTEE REPORTS
### Enrollment and Review

**LEGISLATIVE BILL 614.** Placed on Select File as amended.
E & R amendments to LB 614:
AM5060

1. In lieu of the Hannibal amendment adopted February 20, 1985:

a. Insert the following new section:

"Sec. 4. This act shall become operative on January 1, 1987, only if the usury rate is nine per cent in all states contiguous to Nebraska on such date."; and

b. Renumber original section 4 as section 5.

2. On page 1, line 4, after the semicolon insert "to provide an exception;", and in line 6, after the semicolon insert "to provide an operative date;".

3. On page 3, line 13, reinstate the stricken "Such", strike "The", and after "interest" insert an underscored comma; and in line 14 strike "45-101.01", show as stricken, and insert "45-101.02".

**LEGISLATIVE BILL 76.** Placed on Select File as amended.
E & R amendments to LB 76:
AM5061

1. In the Standing Committee amendments, AM0204, on page 1, line 3, strike "and" and insert "or"; and in line 10 strike "cancelled" and insert "canceled".

2. On page 5, line 27; page 7, line 11; and page 9, line 5, strike "workmen's", show as stricken, and insert "worker's".

3. On page 9, line 19, strike "last known" and insert "last-known" and after "address" insert an underscored comma; and in line 21, after "effective" insert "date of".

**LEGISLATIVE BILL 307.** Placed on Select File as amended.
E & R amendments to LB 307:
AM5062

1. On page 1, line 4, strike "bonds" and

insert "bond anticipation notes".

2. On page 2, line 8, after "power" insert an underscored comma and strike the underscored comma after "time".

3. On page 8, line 1, after "power" insert an underscored comma.

4. On page 17, line 6, strike the comma and show as stricken.

**LEGISLATIVE BILL 487.** Placed on Select File.
**LEGISLATIVE BILL 430.** Placed on Select File.

(Signed) Timothy Hall, Chairperson

**Correctly Engrossed**

The following bills were correctly engrossed: 87, 313, and 406.

(Signed) Timothy Hall, Chairperson

## STANDING COMMITTEE REPORT
**Business and Labor**

**LEGISLATIVE BILL 336.** Placed on General File as amended.
Standing Committee amendment to LB 336:
AM0326

1. On page 2, line 21, strike "A", show as stricken, and insert "For an acquisition which occurs during any of the first three calendar quarters of a calendar year, a"; in line 23 after "the" insert "last day of the calendar quarter in which"; and in line 24 strike "date of" and show as stricken and after "acquisition" insert "occurs".

(Signed) Bill Barrett, Chairperson

## PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolutions: LR 53 and LR 54.

## STANDING COMMITTEE REPORTS
**Nebraska Retirement Systems**

**LEGISLATIVE BILL 215.** Placed on General File.

**LEGISLATIVE BILL 92.** Placed on General File as amended.
Standing Committee amendments to LB 92:
AM0360

1. On page 13, line 6, strike "future" and show as stricken.
2. On page 15, line 27, strike "effective" and insert "operative".
3. Insert the following new sections:
"Sec. 7. This act shall become operative on July 1, 1985.
Sec. 9. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".
4. Renumber remaining section accordingly.

(Signed) Bill Harris, Chairperson

**UNANIMOUS CONSENT - Print in Journal**

Mr. Harris asked unanimous consent to print the following amendment to LB 353 in the Journal. No objections. So ordered.

AM0314

1. On page 4, line 7, after the period insert "Member contributions picked up shall be treated in the same manner and to the same extent as member contributions made prior to the date picked up.".

Mr. Harris asked unanimous consent to print the following amendment to LB 353 in the Journal. No objections. So ordered.

AM0276

1. Insert the following new section:
"Sec. 4. Any city or village of this state may pick up the employee contributions required by a pension or retirement plan for all compensation paid on or after January 1, 1986, and the contributions so picked up shall be treated as employer contributions in determining the federal tax treatment under the United States Internal Revenue Code, except that the city or village shall continue to withhold federal income taxes based upon such contributions until the Internal Revenue Service, or the federal courts, rule that, pursuant to

section 414(h) of the United States Internal Revenue Code, such contributions shall not be included as gross income of the employee until such time as they are distributed or made available. The city or village shall pay the employee contributions from the same source of funds which is used in paying earnings to the employees. The city or village shall pick up the contributions by a salary deduction either through a reduction in the cash salary of the employee or a combination of a reduction in salary and offset against a future salary increase. Employee contributions picked up shall be treated in the same manner and to the same extent as employee contributions made prior to the date picked up.".

2. Renumber the remaining section accordingly.

## RESOLUTION

**LEGISLATIVE RESOLUTION 55.** Read. Considered.

LR 55 was adopted with 32 ayes, 0 nays, and 17 not voting.

## ANNOUNCEMENT

The Chair announced today is Senator Sieck's birthday.

## MOTION - Place LB 210 on General File

Mr. Pappas renewed his pending motion found in the Journal on page 689 to place LB 210 on General File notwithstanding the committee action.

Mr. Pappas moved for a call of the house. The motion prevailed with 17 ayes, 0 nays, and 32 not voting.

Mr. Pappas requested a roll call vote on his motion.

Voting in the affirmative, 15:

| | | | | |
|---|---|---|---|---|
| Beutler | Johnson, L. | Landis | Remmers | Vickers |
| Carsten | Johnson, R. | Marsh | Scofield | Warner |
| Harris | Lamb | Pappas | Sieck | Wesely |

Voting in the negative, 31:

| | | | | |
|---|---|---|---|---|
| Abboud | Eret | Hartnett | Lynch | Pirsch |
| Baack | Goll | Hefner | Miller | Rogers |
| Barrett | Goodrich | Higgins | Morehead | Rupp |
| Beyer | Haberman | Johnson, V. | Nelson | Schmit |
| Chizek | Hall | Labedz | Nichol | Smith |
| Conway | Hannibal | Lundy | Peterson | Withem |
| DeCamp | | | | |

Present and not voting, 1:

Chambers

Excused and not voting, 2:

Chronister Hoagland

The Pappas motion lost with 15 ayes, 31 nays, 1 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

**MOTION - Withdraw LB 648**

Messrs. Chronister and Lundy moved to withdraw LB 648.

Laid over.

**MOTION - Suspend Rules**

Mr. Lundy moved to suspend the rules, Rules 3, Section 13, to permit cancellation of the public hearing on LB 648.

Laid over.

**STANDING COMMITTEE REPORTS**
**Miscellaneous Subjects**

The Miscellaneous Subjects Committee reports favorably on the following appointment by the Governor to the Nebraska Arts Council. The Committee recommends that the Legislature confirm the appointment with a record vote.

Lucy M. Buntain

Voting yes: Senators Conway, Hartnett, Hefner, V. Johnson, Morehead, Pappas. Voting no: None. Abstain: None. Absent: Senators Haberman, Higgins.

The 1984 Miscellaneous Subjects Committee held a public hearing on August 30, 1984, 1:15 PM in room 1117 on the following appointments by the Governor to the Nebraska Accountability and Disclosure Commission. The Legislature adjourned sine die before the Committee had the opportunity to report on the appointments. The Committee recommended that the Legislature confirm the appointments with a record vote.

Ronald R. Volkmer
Gary L. Tesar

Voting yes: Senators Barrett, Hefner, V. Johnson, Lundy, Von Minden. Voting no: None. Abstain: None. Absent: Senators Fenger, Higgins, Newell.

(Signed) Elroy M. Hefner, Chairperson

**Government, Military and Veterans Affairs**

**LEGISLATIVE BILL 32.** Placed on General File as amended.
Standing Committee amendments to LB 32:
AM0333

1. On page 2, line 4, after "fees" insert "at the minimum rates contained in this section. The county board may, by a majority vote of its members, increase specific fees up to the amounts listed below. The rates shall be"; in line 8 strike "in equity" and show as stricken; in line 9 after the fourth comma insert "notice of motion, other notice, order of the court,"; in line 10 strike "or mesne process" and show as stricken, and strike "ten dollars" and insert "at least"; in line 11 reinstate the stricken matter, before "for" insert "but no more than ten dollars", and strike "five dollars" and insert "at least"; in line 12 reinstate the stricken matter and before "for" insert "but no more than five dollars"; in line 13 strike "in equity" and "or" and show both as stricken; in line 14

after the comma insert "order of replevin, writ of injunction, scire facias, citation, notice of motion, other notice, order of the court, or other writ, at least", reinstate the stricken matter, before "five" insert "but no more than", and strike "serving subpoena for" and show as stricken; in line 15 strike "witness", show as stricken, and strike beginning with "and" in line 15 through "case" in line 18; and in line 18 strike the semicolon and show as stricken.

2. On page 3, line 8, after the comma insert "at least"; in line 9 after "dollars" insert "but no more than fifteen dollars"; strike beginning with "serving" in line 16 through the semicolon in line 17 and show as stricken; in line 18 after the comma insert "at least" and after "dollars" insert "but no more than fifteen dollars"; and in lines 25 and 27 before "two" insert "at least" and after "dollars" insert "but no more than five dollars".

**LEGISLATIVE BILL 316.** Placed on General File as amended.
(Standing Committee amendments printed separate from the Journal and on file in the Clerk's Office - Room 1102 - AM0323.)

(Signed) David Landis, Chairperson

**Public Works**

**LEGISLATIVE BILL 569.** Placed on General File.

**LEGISLATIVE BILL 225.** Indefinitely postponed.
**LEGISLATIVE BILL 360.** Indefinitely postponed.

(Signed) Loran Schmit, Chairperson

## RESOLUTIONS

**LEGISLATIVE RESOLUTION 56.**

Introduced by Marsh, 29th District; L. Johnson, 15th District; Nelson, 35th District; Goll, 16th District; Labedz, 5th District; Hannibal, 4th District; Beutler, 28th District; Nichol, 48th District; Morehead, 30th District; Wesely, 26th District; Smith, 33rd District; Lundy, 36th District; Pirsch, 10th District; Hall, 7th District; Haberman, 44th District; Lamb, 43rd District; Remmers, 1st District; Hartnett, 45th District; Scofield, 49th District; Goodrich, 20th

District; Conway, 17th District; Landis, 46th District; Peterson, 21st District; Schmit, 23rd District; Harris, 27th District, Hefner, 19th District; Sieck, 24th District; Pappas, 42nd District; Warner, 25th District; Carsten, 2nd District; Vickers, 38th District; Miller, 37th District; Beyer, 3rd District, Chizek, 31st District; Higgins, 9th District; V. Johnson, 8th District; Lynch, 13th District; DeCamp, 40th District; Rupp, 22nd District.

WHEREAS, 1985 has been designated by the United Nations as International Youth Year in order to increase public awareness of the problems and aspirations of youth around the world; and

WHEREAS, world youth today face serious problems such as unemployment, lack of education and training opportunities, poor health services, and malnutrition; and

WHEREAS, in the United States, drug abuse, youth crime, and runaways are growing problems; and

WHEREAS, International Youth Year is intended to make people aware of the problems of youth and to encourage the search for solutions to these problems; and

WHEREAS, Nebraska and its communities are invited to participate in International Youth Year by the recognition, support, and inspiration of youth and by the generation of broad discussion on the three themes of International Youth Year: Participation, Development, and Peace.

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

1. That we endorse the intent and goals of the United Nations for International Youth Year.

2. That we support Nebraska's participation in International Youth Year which is to focus on the special needs of our state's youth, to stimulate concern for these needs, and to utilize the opportunity to review and reaffirm our commitment to the total welfare of Nebraska's youth.

Laid over.

**LEGISLATIVE RESOLUTION 57.**

Introduced by Pappas, 42nd District.

A Resolution Proposed for Adoption by the Nebraska Legislature Regarding Winnebago Retrocession

WHEREAS, pursuant to Public Law 280, the State of Nebraska

was granted criminal and civil jurisdiction over the Winnebago Indian Reservation in 1953; and

WHEREAS, the assumption of state jurisdiction over the Winnebago Reservation has led to steadily increasing costs for civil and criminal law enforcement in Thurston County, such costs falling heavily upon the taxpayers of Nebraska and Thurston County since the federal government has wholly failed to provide federal financial assistance for P.L. 280 law enforcement; and

WHEREAS, due to the tax-exempt status of tribal trust land and individual Indian allotments on the Winnebago Reservation, Thurston County has not had a sufficient tax base to meet the ever-increasing costs of law enforcement on the Winnebago Reservation; and

WHEREAS, since 1957 state assistance has been provided for law enforcement purposes in Thurston County, and the cost of this assistance has increased each biennium; and

WHEREAS, Public Law 90-284 adopted as an Act of Congress on April 11, 1968, contains a number of provisions dealing with civil rights and jurisdiction of Indians; and

WHEREAS, Section 403 (a) of Public Law 90-284 provides that the United States is authorized to accept a retrocession of all or any measure of the jurisdiction acquired by a state pursuant to Public Law 280 of 1953; and

WHEREAS, the Winnebago Tribe has petitioned the State of Nebraska to effectuate a partial retrocession of civil and criminal jurisdiction over the Winnebago Reservation to the United States and has demonstrated the capability to assume its portion of associated responsibilities; and

WHEREAS, the Bureau of Indian Affairs has confirmed that it will detail law enforcement personnel to the Winnebago Reservation immediately upon the effective date of retrocession, thereby assuring that a law enforcement "vacuum" will not result.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NEBRASKA LEGISLATURE IN SESSION ASSEMBLED THAT THE STATE OF NEBRASKA HEREBY:

1. Retrocedes criminal jurisdiction over the Winnebago Reservation acquired by the State of Nebraska pursuant to Public Law 280 of 1953, except as provided in paragraph 2 of this resolution, such retrocession to be effective at 12:01 A.M., July 1, 1985.

2. Provided that the Winnebago Tribe shall have jurisdiction to prosecute Indians committing offenses involving the operation of motor vehicles on the public highways and roadways within the exterior boundaries of the Winnebago Reservation, and the State of Nebraska shall have jurisdiction to prosecute non-Indians committing similar offenses.

3. Retrocedes effective at 12:01 A.M., July 1, 1985, that amount of civil jurisdiction over the Winnebago Reservation--no more and no less--that is exercised exclusively by other Indian tribes in other states not subject to P.L. 280, as defined by controlling/evolving caselaw; whereby the Winnebago Tribe shall exercise exclusive jurisdiction over those civil causes of action arising within the exterior boundaries of the Winnebago Reservation which affect the health, safety, welfare or other self-government interests of the Tribe and its members. The State of Nebraska and its political subdivisions shall continue to exercise jurisdiction over those civil causes of action for which the Tribe has not assumed exclusive jurisdiction through retrocession, i.e., over those civil causes of action which affect the interests of the State of Nebraska or its citizens to the point where tribal self-government would be affected. Accordingly, the State shall retain exclusive jurisdiction over those causes of action arising within the Reservation where both parties are non-Indians and tribal self-government is not implicated.

3. That the State of Nebraska and its political subdivisions shall take all necessary action to effectuate this resolution, including cooperative agreements with the Winnebago Tribe, the Bureau of Indian Affairs and/or the Department of Interior deemed by the affected parties to be necessary to enhance the efficiency and effectiveness of civil and criminal law enforcement on the Winnebago Reservation and in Thurston County.

Laid over.

## GENERAL FILE

**LEGISLATIVE BILL 213.** Considered.

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

Mr. Wesely moved for a call of the house. The motion prevailed with 16 ayes, 0 nays, and 33 not voting.

Advanced to E & R for Review with 29 ayes, 12 nays, 5 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

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

## SELECT FILE

**LEGISLATIVE BILL 116.** Considered.

Mr. Lamb asked unanimous consent to withdraw the pending motion found in the Journal on page 726 to bracket LB 116 until May 1, 1985. No objections. So ordered.

Mr. Landis offered the following amendment:
Since an emergency exists, this act shall be in full force and take effect from and after its passage and approval, according to law.

Mr. Landis moved for a call of the house. The motion prevailed with 11 ayes, 0 nays, and 38 not voting.

The Landis amendment was adopted with 26 ayes, 7 nays, 13 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

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

Advanced to E & R for Engrossment with 26 ayes, 15 nays, 4 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 252.** E & R amendments, AM5042, found in the Journal on page 636 for the Twenty-Sixth Day were adopted.

Mr. Beutler renewed his pending amendment found in the Journal on page 599.

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

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

Mr. Chambers moved to indefinitely postpone LB 252.

**SPEAKER NICHOL PRESIDING**

Mr. Chambers moved for a call of the house. The motion prevailed with 12 ayes, 0 nays, and 37 not voting.

Mr. Chambers requested a record vote on his motion to indefinitely postpone.

Voting in the affirmative, 15:

| | | | | |
|---|---|---|---|---|
| Abboud | DeCamp | Haberman | Hefner | Pappas |
| Chambers | Eret | Hannibal | Johnson, L. | Remmers |
| Conway | Goll | Hartnett | Johnson, V. | Vickers |

Voting in the negative, 27:

| | | | | |
|---|---|---|---|---|
| Baack | Goodrich | Landis | Nichol | Sieck |
| Barrett | Hall | Lundy | Pirsch | Smith |
| Beutler | Harris | Marsh | Rogers | Warner |
| Beyer | Johnson, R. | Miller | Rupp | Wesely |
| Carsten | Labedz | Nelson | Scofield | Withem |
| Chizek | Lamb | | | |

Present and not voting, 3:

| | | |
|---|---|---|
| Higgins | Lynch | Morehead |

Excused and not voting, 4:

| | | | |
|---|---|---|---|
| Chronister | Hoagland | Peterson | Schmit |

The Chambers motion to indefinitely postpone lost with 15 ayes, 27 nays, 3 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Mr. Goll asked unanimous consent to be excused. No objections. So ordered.

Mr. Wesely moved for a call of the house. The motion prevailed with 17 ayes, 0 nays, and 32 not voting.

Mr. Chambers requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 26:

| | | | | |
|---|---|---|---|---|
| Barrett | Carsten | Hall | Johnson, R. | Landis |
| Beutler | Chronister | Hannibal | Labedz | Lundy |
| Beyer | Goodrich | Harris | Lamb | Lynch |

| | | | | |
|---|---|---|---|---|
| Marsh | Pirsch | Rupp | Smith | Wesely |
| Miller | Rogers | Sieck | Warner | Withem |
| Nichol | | | | |

Voting in the negative, 18:

| | | | | |
|---|---|---|---|---|
| Abboud | Conway | Hartnett | Johnson, V. | Remmers |
| Baack | DeCamp | Hefner | Morehead | Scofield |
| Chambers | Eret | Higgins | Nelson | Vickers |
| Chizek | Haberman | Johnson, L. | | |

Present and not voting, 1:

Pappas

Excused and not voting, 4:

| | | | |
|---|---|---|---|
| Goll | Hoagland | Peterson | Schmit |

Advanced to E & R for Engrossment with 26 ayes, 18 nays, 1 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

## UNANIMOUS CONSENT - Print in Journal

Mr. V. Johnson asked unanimous consent to print the following amendment to LB 269 in the Journal. No objections. So ordered.

AM0350

1. On page 5, line 17, strike "on" and insert "for all taxable years commencing on or after"; and in line 18 strike "1986" and insert "1985".

2. Insert the following new section:

"Sec. 6. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

Mr. Hefner asked unanimous consent to print the following amendment to LB 295 in the Journal. No objections. So ordered.

On Page 9 line 9 strike eleven & add ten.

## NOTICE OF COMMITTEE HEARINGS

### Education

Gubernatorial Appointment Tuesday, March 5, 1985 1:30 p.m.
Paula Wells, Coordinating Commission on Postsecondary Education

LB 714 Monday, March 18, 1985 1:30 p.m.

(Signed) Tom Vickers, Chairperson

## REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of the Governor appointment.

**Education**
Paula B. Wells, Coordinating Commission for Postsecondary Education

(Signed) Chris Beutler, Chairperson
Legislative Council
Executive Board

## BILL ON FIRST READING

The following bill was read for the first time by title:

**LEGISLATIVE BILL 38A.** By Lamb, 43rd District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 38, Eighty-ninth Legislature, First Session, 1985; and to declare an emergency.

## UNANIMOUS CONSENT - Print in Journal

Mr. V. Johnson asked unanimous consent to print the following amendment to LB 346 in the Journal. No objections. So ordered.

AM0364

1. On page 5, line 13, after "Sections" insert "3 and 8 of this act shall become operative for all taxable years beginning or deemed to begin on or after January 1, 1985, sections"; and in line 17 strike ", 66-452,".

2. Insert the following new section:

"Sec. 8. That original section 66-452, Reissue Revised Statutes of Nebraska, 1943, is

repealed.".

3. Renumber original section 8 as section 9.

Mrs. Morehead asked unanimous consent to print the following amendment to LB 496 in the Journal. No objections. So ordered.

AM0329

1. In the Schmit amendment, Am0258, found on page 632 of the Journal:

(a) Insert the following new amendments:

"3. Strike original section 6.

5. Renumber the remaining sections accordingly.";

(b) On page 1, line 16, strike "8" and insert "7";

(c) On page 2, line 3, strike "6" and insert "5"; and

(d) Renumber original amendment 3 as amendment 4.

## STANDING COMMITTEE REPORTS
### Public Health and Welfare

**LEGISLATIVE BILL 61.** Placed on General File as amended.
Standing Committee amendments to LB 61:
AM0330

1. On page 3, strike beginning with "The" in line 14 through "plans" in line 17 and insert "Market strategies and strategic plans may be developed in cooperation with other health care providers"; and in line 23 after "services" insert "or provide a tangible benefit to the hospital".

2. On page 4, line 18, after "issued" insert ", as permitted under this act,".

3. Insert a new section as follows:

"Sec. 7. If any section in this act or any part of any section shall be declared invalid or unconstitutional, such declaration shall not affect the validity or constitutionality of the remaining portions thereof.".

**LEGISLATIVE BILL 132.** Placed on General File as amended.
Standing Committee amendments to LB 132:
AM0332

1. Strike original section 1.

2. On page 7, line 13, strike "Immediately available contact" and insert "Contact"; and in line 15 after "availability" insert "if the board finds that such contact is sufficient to provide quality medical care".

3. On page 9, line 1, after"physician" insert "with the personal presence of the supervising physician. The physician assistant may function without the personal presence of the supervising physician in an office other than where such physician maintains his or her primary practice when approved on an individual basis by the board. Any such approval shall require site visits by the supervising physician, regular reporting to the supervising physician by the physician assistant, and arrangements for supervision at all times by the supervising physician which are sufficient to provide quality medical care"; and in line 4, after "staff" insert "and the physician assistant is subject to the rules and regulations of the hospital. Such rules and regulations may include, but not be limited to, reasonable requirements that physician assistants and the supervising physician maintain professional liability insurance with such coverage and limits as may be established by the hospital governing board, upon the recommendation of the medical staff".

4. On page 14, lines 11 and 19, strike "Director" and insert "Board".

5. On page 16, strike beginning with "and" in line 18 through "1984," in line 19.

6. Renumber the remaining sections accordingly.

**LEGISLATIVE BILL 259.** Placed on General File as amended.
Standing Committee amendment to LB 259:
AM0331

1. On page 3, line 3, after "vehicles" insert ", as defined in section 39-602,".

**LEGISLATIVE BILL 407.** Placed on General File as amended.
Standing Committee amendments to LB 407:
AM0267

1. On page 2, line 8, strike "increase" and insert "change"; and in line 26, strike "section 19" and insert "sections 21 to 23".

2. On page 3, line 3, strike "18" and insert

"20"; in line 8 strike "presently" and insert "previously"; in line 9 strike "increase" and insert "change" and strike the last "the" and insert "a regulated health"; and in line 21 strike "22" and insert "24".

3. On page 4, line 4, strike "professions" and insert "profession" and strike "the"; strike lines 5 through 10 and insert "any regulated health profession or any health professional group not previously regulated."; in line 13 strike "practitioners'" and insert "practitioner's"; and in line 18 strike the first "the" and insert "this".

4. On page 6, line 15, strike "section 19" and insert "sections 21 to 23".

5. On page 7, line 19, after the period insert "For purposes of this section, any applicant group which has obtained the introduction of a legislative bill in the 1985 regular session of the Nebraska Legislature which proposes the regulation of a health professional group not previously licensed or which proposes to change the scope of practice of a regulated health profession and submits an application to the director within sixty days of the effective date of this act shall have priority for consideration of its application and the director shall submit his or her final report to the Legislature on such applications by January 1, 1986."; in line 21 strike "increase" and insert "change"; and in line 26 strike "increased" and insert "changed".

6. On page 9, line 2, strike "increased" and insert "changed".

7. On page 12, line 13, strike "a separate" and insert "an appropriate"; in line 21, after "conduct" insert "public"; in line 22 after the period insert "Each committee shall comply with sections 84-1401 to 84-1414."; and in line 26 after "board" insert "and the director".

8. On page 13, in lines 7 and 12 strike "section 19" and insert "sections 21 to 23"; strike beginning with "receiving" in line 9 through "committee" in line 10 and insert "January 1, 1986"; in line 10 after "board" insert "shall receive reports from the technical committees and" and strike the last "the" and insert "each"; in line 17 strike "and" and insert "or"; in line 19 after the comma insert "if any,"; in line 21

after the period insert "The director in compiling his or her report shall apply the criteria established in sections 21 to 23 of this act and may consult with the board or the committee."; in line 25 after "Legislature" insert "no later than nine months after the application is submitted to the director"; and in line 26 after the period insert "If an application is submitted to the director within sixty days of the effective date of this act by an applicant group which has obtained the introduction of a legislative bill in the 1985 regular session of the Nebraska Legislature that proposes the regulation of a health professional group not previously licensed or proposes to change the scope of practice of a regulated health profession, the director shall submit a final report to the Legislature on such application by January 1, 1986.".

9. On page 14, line 6, strike "shall" and insert "may".

10. Insert the following new sections:

"Sec. 11. Health professional group not previously regulated shall mean those persons or groups who are not currently licensed or otherwise regulated under Chapter 71, who are determined by the director to be qualified by training, education, or experience to perform the functions prescribed in this section, and whose principal functions, customarily performed for remuneration, are to render services directly or indirectly to individuals for the purpose of:

(1) Preventing physical, mental, or emotional injury or illness, excluding persons acting in their capacity as clergy;

(2) Facilitating recovery from injury or illness; or

(3) Providing rehabilitative or continuing care following injury or illness.

Sec. 18. Regulated health professions shall mean those persons or groups who are currently licensed or otherwise regulated under Chapter 71, who are qualified by training, education, or experience to perform the functions prescribed in this section, and whose principal functions, customarily performed for remuneration, are to render services directly or indirectly to individuals for the purpose of:

(1) Preventing physical, mental, or emotional injury or illness:

(2) Facilitating recovery from injury or illness; or

(3) Providing rehabilitative or continuing care following injury or illness.

Sec. 28. The Nebraska Regulation of Health Professions Fund is hereby created. All money in the fund shall be used exclusively for the operation and administration of the Nebraska Regulation of Health Professions Act. The State Treasurer shall credit to the fund five per cent of all fees collected pursuant to the licensing or regulation of regulated health professions and remitted to the state treasury by the Department of Health or any board or board of examiners of any regulated health profession. Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1269.

Sec. 29. Nothing in the Nebraska Regulation of Health Professions Act shall apply to the practice of the religious tenets of any recognized church or religious denomination which includes healing solely by spiritual means through prayer.

Sec. 31. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

11. Renumber remaining sections accordingly.

(Signed) Don Wesely, Chairperson

**Banking, Commerce and Insurance**

**LEGISLATIVE BILL 74.** Placed on General File.
**LEGISLATIVE BILL 335.** Placed on General File.
**LEGISLATIVE BILL 568.** Placed on General File.
**LEGISLATIVE BILL 606.** Placed on General File.

**LEGISLATIVE BILL 702.** Indefinitely postponed.

(Signed) John DeCamp, Chairperson

**Public Works**

**LEGISLATIVE BILL 308.** Placed on General File.

**LEGISLATIVE BILL 585.** Placed on General File as amended.
Standing Committee amendment to LB 585:
AM0384

1. On page 3, line 11, strike "one dollar" and insert "the fee charged for obtaining a duplicate license as provided in section 60-415."

**LEGISLATIVE BILL 705.** Placed on General File as amended.
Standing Committee amendments to LB 705:
AM0385

1. On page 2, line 20, strike "created" and insert "authorized".
2. On page 3, strike beginning with "Two" in line 5 through the semicolon in line 6 and insert "One senator appointed in the manner prescribed by the senate of such state, except that two senators may be appointed by the Governor of the State of Nebraska from the Unicameral Legislature of the State of Nebraska;
(2) One member of the house of representatives appointed in the manner prescribed by the house of representatives of such state"; in line 7 strike "(2)" and insert "(3)"; in line 10 strike "(3)" and insert "(4)"; in line 13 strike "(4)" and insert "(5)"; and in line 14 after "state" insert "who shall serve at the pleasure of the Governor".

(Signed) Loran Schmit, Chairperson

**Banking, Commerce and Insurance**

**LEGISLATIVE BILL 108.** Placed on General File as amended.
Standing Committee amendments to LB 108:
AM0346

1. On page 2, line 26, strike "There" and insert "Except as provided in subsection (3) of this section, there".
2. On page 3, after line 1, insert the following new subsection:
"(3) There shall be no fee charged for actual inspection of records of a filing kept by the Secretary of State for the inspection of ten names or less per day by a single person. There shall be a uniform fee, in addition to any other charge for services payable to the Secretary of State, of one dollar per name for each inspection in excess of ten names per day by a single

person."; and in line 2 strike "(3)" show as stricken, and insert "(4)"

**LEGISLATIVE BILL 298.** Placed on General File as amended.
Standing Committee amendment to LB 298:
AM0348

1. On page 2, line 4, after "be" insert "fixed"; strike beginning with "coupon" in line 8 through "determined" in line 9 and insert "bond equivalent yield, as published"; and in line 12 after the period insert "The State Court Administrator shall distribute notice of such rate and any changes to it to all Nebraska judges to be in effect two weeks after the date published by the Secretary of the Treasury of the United States.".

**LEGISLATIVE BILL 480.** Placed on General File as amended.
Standing Committee amendments to LB 480:
AM0347

1. On page 8, line 4, strike "business entities" and insert "private sources" and strike "additional"; and in line 5 after the first "the" insert "operation or".
2. On page 12, line 3, strike "Fifty" and insert "Thirty-three"; and in line 4 after "will" insert "initially" and strike "and" and insert "or".
3. On page 13, line 13, strike "therefore" and insert "therefor".
4. On page 15, line 8, strike "which conducts business only" and insert "on income derived from business operations domiciled or located".
5. On page 51, line 3, strike the second underscored comma.

**LEGISLATIVE BILL 700.** Placed on General File as amended.
Standing Committee amendments to LB 700:
AM0349

1. On page 2, line 10, strike "provides" and insert "has provided"; in line 19 strike "ten" and insert "five"; in line 21 after "spouse" insert a comma; in line 22 strike "or" and after "child" insert ", brother, sister, or parent"; and in line 24 strike "distributors or dealers" and insert "franchisees".
2. On page 3, line 10, after "election" insert "within forty-five days after the death of the

franchisee"; strike beginning with "The" in line 17 through the period in line 20; and in line 21 after "The" insert "primary" and strike "ninety" and insert "twenty-one".

(Signed) John DeCamp, Chairperson

## VISITORS

Visitors to the Chamber were Herman Lieber, David Mellick, Mr. and Mrs. Arnold Mellick, Jim and Judy Twohig from Jackson; and Bill Peters from Gering.

## ADJOURNMENT

At 12:04 p.m., on a motion by Mrs. Nelson, the Legislature adjourned until 9:00 a.m., Friday, March 1, 1985.

Patrick J. O'Donnell
Clerk of the Legislature

# THIRTY-FIRST DAY - MARCH 1, 1985

# LEGISLATIVE JOURNAL

# THIRTY-FIRST DAY - MARCH 1, 1985

## LEGISLATIVE JOURNAL

## EIGHTY-NINTH LEGISLATURE
## FIRST SESSION

## THIRTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Friday, March 1, 1985

Pursuant to adjournment, the Legislature met at 9:00 a.m., President McGinley presiding.

## PRAYER

The prayer was offered by Dr. Robert Palmer, Westminster Presbyterian Church, Lincoln, Nebraska.

## ROLL CALL

The roll was called and all members were present except Messrs. Hoagland and V. Johnson who were excused; and Messrs. Beyer, Chambers, Haberman, Harris, R. Johnson, Lamb, Lynch, Schmit, and Mrs. Nelson who were excused until they arrive.

## CORRECTIONS FOR THE JOURNAL

The Journal for the Thirtieth Day was approved.

## PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolution: LR 55.

## SELECT COMMITTEE REPORT
### Enrollment and Review

**LEGISLATIVE BILL 213.** Placed on Select File.

(Signed) Timothy Hall, Chairperson

## STANDING COMMITTEE REPORTS
### Revenue

**LEGISLATIVE BILL 273.** Placed on General File as amended.
Standing Committee amendments to LB 273:
AM0274

1. Strike original sections 13, 14, 15, 16, 19, 37, 44, 72, and 73.
2. On page 5, line 19, strike beginning with "delinquent" through "level" and insert "debts owed the state or any of its political subdivision".
3. On page 7, line 2, strike "That" and insert "The".
4. On page 11, line 19, after "be" insert "a minimum of one thousand dollars and up to".
5. On page 14, line 27, strike "duty to" and insert "authority to decide whether the corporation will".
6. On page 15, line 4, after "to" insert "have the corporation".
7. On page 21, line 18 and lines 22 and 23; page 23, lines 24 and 25; page 24, lines 5 and 6; page 27, lines 1 and 18; and page 41, line 22, strike "23 and 29 to 35" and insert "18 and 24 to 30".
8. On page 31, line 5, strike "30" and insert "25".
9. On page 32, line 14; page 33, lines 3 and 27; and page 34, line 18, strike "31" and insert "26".
10. On page 36, line 1, strike "duty to" and insert "authority to decide whether the corporation will"; and in line 5 after "to" insert "have the corporation".
11. On page 51, lines 6 through 15 and 17 through 20, strike the new matter and reinstate the stricken matter.
12. On page 63, line 1 and lines 5 through 12, strike the new matter; in line 4 after the period insert "All purchasers seeking to take advantage of the exemption shall apply to the Tax Commissioner for a common or contract carrier exemption."; in line 13 strike "Once granted, the" and insert "The"; and strike beginning with "purchasing" in line 15 through "date" in line 22 and insert "seeking to continue to take advantage of the common or contract carrier exemption

shall apply for a new certificate at the expiration of the prior certificate. All common or contract carrier exemption certificates in effect prior to October 31, 1986, shall remain valid until October 31, 1986. The Tax Commissioner shall notify such exemption certificate holders at least sixty days prior to the expiration date that their certificate will expire and be null and void as of October 31, 1986".

13. On page 89, line 5, after the semicolon insert "and"; and strike lines 6 through 27 and show the old matter as stricken.

14. On page 90, strike lines 1 through 5.

15. Insert the following new sections:

"Sec. 42. Sections 42 to 44 of this act shall be known and may be cited as the Manufacturing and Processing Equipment Tax Refund Act.

Sec. 43. As used in the Manufacturing and Processing Equipment Tax Refund Act, unless the context otherwise requires:

(1) Manufacturing and processing equipment shall mean equipment which fabricates, creates, transforms, or reduces tangible personal property to a different state, quality, form, property, or thing. Manufacturing and processing equipment shall not include equipment which is used in the preparation of food for immediate consumption, consumable supplies, or real property and portable equipment, including hand tools;

(2) New construction shall mean a new facility or the physical expansion for an existing facility;

(3) Product diversification shall mean the manufacture or processing of a product or the components of a product which differ in kind or type from the products presently being manufactured, processed, or sold. Product diversification shall not include (a) the replacement of one product with another product, (b) the updating of an existing product such as a model change or regular design change, (c) a change in the size of the product, (d) a change in the way a product is being made, or (e) a change in the materials used to make the product.

Sec. 44. (1) An application for a refund of Nebraska sales and use taxes paid for manufacturing and processing equipment for use directly in manufacturing or processing operations, initially installed in a manufacturing facility of new construction or installed

to achieve product diversification may, upon purchase of such equipment, be filed with the Tax Commissioner by the owner or lessee of such equipment in such manner and in such form as may be prescribed by the Tax Commissioner. To qualify for such refund, the purchase order for the manufacturing and processing equipment installed in a facility of new construction shall be issued to the seller or renter of the equipment no more than thirty-six months after the new construction is begun. No equipment intended to replace other equipment within the facility is eligible for the refund. Manufacturing or processing equipment used to produce both an existing product and a product which qualifies as product diversification shall not be eligible for this refund.

(2) The application for a refund shall contain: (a) Proof of purchase or rental of manufacturing and processing equipment and purchase or rental price; (b) proof that the sales or use tax for which the refund is requested was paid; (c) plans and specifications for the new construction or for the product diversification; (d) certification that the purchase order for the equipment was issued to the seller or the renter no more than thirty-six months after the beginning of the new construction in which the equipment is to be housed; and (e) any other evidence the Tax Commissioner deems necessary to prove the validity of the application to the satisfaction of the Tax Commissioner.

(3) Such application for refund shall be processed as any other claim under section 77-2708.".

16. On page 97, line 10, strike "or", show as stricken, and insert an underscored comma; and in line 11 after the comma insert "or is subject to the Manufacturing and Processing Equipment Tax Refund Act,".

17. On page 99, line 11, after "liability" insert "or a refund under the Manufacturing and Processing Equipment Tax Refund Act".

18. On page 104, line 3, strike "if" and insert "when".

19. On page 105, line 21, strike the new matter and reinstate the stricken matter.

20. On page 106, line 16, strike the new matter.

21. On page 109, lines 12 through 17, strike

the new matter.

22. On page 121, line 8, strike "code" and insert "Code".

23. Insert the following new section:

"Sec. 52. That section 77-2730, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-2730. (1) A resident individual and a resident estate or trust shall be allowed a credit against the income tax otherwise due for the amount of any income tax imposed on him or her for the taxable year by another state of the United States or a political subdivision thereof or the District of Columbia on income derived from sources therein and which is also subject to income tax under ~~the provisions of~~ sections 77-2714 to 77-27,124.

(2) The credit provided under ~~the provisions of~~ sections 77-2714 to 77-27,135 shall not exceed the proportion of the income tax otherwise due under ~~the provisions of~~ sections 77-2714 to 77-27,135 that the amount of the taxpayer's adjusted gross income or total income derived from sources in the other taxing jurisdiction bears to federal adjusted gross income or total federal income.

(3) For purposes of subsection (1) of this section, a resident individual, estate, or trust shall be deemed to have paid a portion of the income tax imposed by another state, a political subdivision thereof, or the District of Columbia on the income of any partnership, trust, estate, or corporation of which such resident individual, estate, or trust is a partner, beneficiary, or shareholder and (a) the income taxed is included in the federal taxable income of the resident individual, estate, or trust, (b) that any corporation has made an election not to be taxed under subchapter S of the Internal Revenue Code for the taxable year, and (c) the taxation of such partnership, trust, estate, or corporation by the other state is inconsistent with the taxation of such entity under the Internal Revenue Code. The amount of income tax deemed paid by the resident individual, estate, or trust shall be the same percentage of the total tax paid by the entity as the income included in federal taxable income of the resident is to the total taxable income of the entity as computed for the other state.".

24. On page 136, line 19, after "return" insert "or a corporate return omits a properly includable member of the unitary group as defined in section 77-2734.04"; and in line 21 after the period insert "A notice of deficiency based on the omission of a member of a unitary group shall be limited to the increase in the tax caused by including the omitted number.".

25. On page 137, lines 2 through 4 and 8 through 11, strike the new matter.

26. On page 138, strike beginning with "complete" in line 2 through "liability" in line 3 and insert "redetermination of Nebraska tax liability to reflect the change or correction increasing his or her federal tax liability".

27. On page 139, strike beginning with "notice" in line 15 through "of" in line 16 and insert "period for assessment of a deficiency shall be tolled from the date the Tax Commissioner first applies to the appropriate court for the order until".

28. On page 144, line 9, strike "by" and insert "of".

29. On page 147, strike beginning with "one" in line 4 through the period in line 6 and insert "twenty-five per cent of the tax due.".

30. On page 150, line 15, strike the new matter.

31. On page 152, strike lines 15 through 20; and in line 21 strike "(8)" and reinstate the stricken "(7)".

32. On page 160, line 11, strike "(1)" in line 12, strike "three per cent of" and insert "a fee from"; in line 13 strike "each month" and insert "sufficient"; and in line 14 strike the semicolon and insert "and shall deposit such collection fee in the Litter Fee Collection Fund which is hereby created. The Litter Fee Collection Fund shall be appropriated to the Department of Revenue. The Tax Commissioner shall remit the balance of the litter fee collections to the Department of Environmental Control."

33. On page 169, line 15, strike "17 to 38 and 76" and insert "13 to 32 and 71"; in line 17 strike "39 to 42, 52 to 70" and insert "33 to 36, 48 to 67"; in line 18 strike "77" and insert "72"; in line 20 strike "46 to 51 and 78" and insert "39 to 47 and 73"; in line

21 strike "for all taxable years" and strike "or after"; in line 24 strike "52-1001,"; in line 25 strike "52-1004, 77-1704.01,"; and in line 27 strike "and sections 9-403 and".

34. On page 170, line 1, strike "9-414, Uniform Commercial Code,"; in line 3 strike "66-416," and "66-628,"; and in line 8 after "77-2727," insert "77-2730.".

35. Renumber the remaining sections accordingly.

**LEGISLATIVE BILL 280.** Placed on General File as amended.
Standing Committee amendment to LB 280:
AM0325

1. On page 2, line 6, strike "twenty-four" and insert "twenty" and after "gallon" insert "beginning October 1, 1985, and twenty-three cents per gallon beginning October 1, 1987,"; in line 12 after the first "and" insert "beginning October 1, 1985," and strike the new matter and reinstate the stricken matter; in line 13 reinstate "cents" and before the reinstated "cents" insert "ninety" and after "gallon" insert "and beginning October 1, 1987, three dollars per gallon"; and in line 16 after the period insert "The tax imposed by this section shall be imposed only on alcoholic liquor upon which a federal excise tax is imposed.".

**LEGISLATIVE BILL 139.** Indefinitely postponed.
**LEGISLATIVE BILL 160.** Indefinitely postponed.
**LEGISLATIVE BILL 306.** Indefinitely postponed.

(Signed) Vard Johnson, Chairperson

**Public Works**

**LEGISLATIVE BILL 374.** Placed on General File as amended.
Standing Committee amendment to LB 374:
AM0383

1. On page 2, strike beginning with "as" in line 7 through "employees" in line 9 and show as stricken; in line 12 reinstate the stricken matter and strike "twenty-five".

(Signed) Loran Schmit, Chairperson

## SPEAKER'S ANNOUNCEMENT

Pursuant to Rule 4, Sec 8., LR 57 was referred to the Reference Committee.

## UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendment to LB 407 in the Journal. No objections. So ordered.

AM0300

1. On page 7, line 19, after the period insert "If the applicant group is not same as the group being investigated, the applicant group shall submit the name or names of the representatives of the group being investigated.".

2. On page 12, line 13, after "(1)" insert "The group being investigated shall submit a list of six candidates for appointment to the committee. If the applicant group is the same as the group being investigated, the list of candidates shall be submitted with the application and, if the applicant group is not the same as the group being investigated, the list of candidates shall be submitted upon notice by the director. The group being investigated shall ensure that the various subgroups within the group being investigated are proportionately represented in such list. The candidates shall have some expertise in the health care fields, but shall not be members of the group being investigated.

(2)"; in line 13 strike "board" and insert "director"; in line 15 strike "referred by the director"; in line 16 strike "and" and insert "including" and strike the second "of" and insert "appointed from"; strike beginning with "designated" in line 17 through "committee" in line 18; in line 18 after the period insert "Two of the appointed members shall be from health care professions that would not be in direct competition with the group being investigated. Two appointed members shall represent the general public. Two of the appointed members shall be appointed from the list provided by the group being investigated."; in line 19 strike "(2)" and insert "(3)"; in line 21 after "conduct" insert "public"; in line 23 strike "(3)" and insert "(4)"; in line 26 after the first "a" insert

"majority report and, if necessary, a minority", strike the second "report" and insert "reports", and strike "board" and insert "director not less than nine months after the applicant group has submitted its application.".

3. On page 13, line 3, strike "report" and insert "reports"; in lines 4 and 6 strike "recommendation" and insert "recommendations"; strike beginning with "Sec." in line 9 through the period in line 15; in line 16 strike "24." and insert "23."; in line 17 strike "and the board"; in line 18 after "report" insert "applying the criteria established in section 19 of this act"; and in line 19 strike "committee report and the board report" and insert "committee's reports".

4. On page 14, line 6, strike "25." and insert "24."; in line 17 after "(3)" insert the following subsection:

"(3) If the applicant group is not the same as the group being investigated, the director shall give reasonable notice to the representative of the group being investigated within a reasonable time after receiving the name of such representative from the applicant group.

(4)"; and in line 21 strike "26." and insert "25.".

## ATTORNEY GENERAL'S OPINION

Opinion No. 26
February 20, 1985

Dear Senator Barrett:

You have submitted to us several specific issues pertaining to LB 713 for an opinion:

1. IS THE NEBRASKA DEPOSITORY INSTITUTION GUARANTEE CORPORATION AN AGENCY OR INSTRUMENTALITY OF THE STATE OF NEBRASKA?

Opinion: No.

David A. Domina, as Special Assistant Attorney General, issued an Attorney General's Opinion on December 5, 1983, in which he stated:

> The NDIGC is, by virtue of the nature of its statutory existence, a private corporation formed, controlled and operated for the

benefit of its member institutions. The NDIGC is, of course, a special type of corporation, in that its assessments of members are regulated by statute, and its operating rules, procedures and activities are subject to regulation by the Department of Banking and Finance. Neb. Rev. Stat. Sec. 21-17, 132 et seq., as amended. However, in its ultimate essential character, the NDIGC is a private corporation, operated and funded for private purposes, with optional membership.

The legislation authorizing the creation of this corporation specifically provided in Section 21-17,135(4): "no state funds of any kind shall be allocated to or paid to the corporation."

The letter from the Department of Banking and Finance of August 7, 1978, granting approval stated in part:

Final approval for the Nebraska Depository Institution Guaranty Corporation is granted subsequent to compliance with the following:

. . .

3) That the Nebraska Depository Institution Guaranty Corporation will in no way mislead the public in believing that the Guaranty Corporation is affiliated with, or a department of, the State of Nebraska.

4) That the word "insured" is not used at this time in any advertisement or publication, but rather the words "guaranty" or "protected" are used in place of the word "insured".

"State agencies" are completely dependent, initially at least, on the appropriation of the legislature. Catania v. Univ. of Neb., 204 Neb. 304, 282 N.W.2d 27 (1979). There was no authorization for any state funding of NDIGC.

The Nebraska Supreme Court dealt expressly with the question of whether a corporation was an "instrumentality" of the State entitled to the limited immunity of the State from suit in Crete Mills v. Nebraska State Board of Agriculture, 132 Neb. 144 (1937). In Crete Mills, the Nebraska State Board of Agriculture, a corporation organized by an act of the legislature, was held to not be an instrumentality of the State.

This conclusion was reached in spite of the fact that the corporation was partially funded by the legislature and was immune from state taxation by statute. In reaching its conclusion, the court relied on several facts.

First, like the NDIGC, the directors of the Board of Agriculture were selected from within the corporation--in the same manner as private corporate directors. The Board of Agriculture, like the NDIGC, did not comply with Article IV, section 1 of the Nebraska Constitution, which requires that the heads of executive departments be appointed by the governor with the consent of the legislature.

Second, neither the Board of Agriculture nor the NDIGC complied with various funding restrictions imposed by the Constitution on State agencies. For example, funds were neither paid into the state treasury, nor paid out only after getting a state warrant. Instead, funds were collected and disbursed in the same manner as a private corporation operates.

The court then focused on the issue of whether the fact that the Board of Agriculture served a public purpose should modify its conclusion. It found that it should not, stating:

> 'That a corporation is organized to promote objects of a public nature does not necessarily deprive it of its private character. . . . 'For instance, a bank created by the government for its own uses, whose stock is exclusively owned by the government, is in the stricter sense a public corporation. . . . But a bank whose stock is owned by private persons is a private corporation, although it is created by the government, and its objects and operations partake of a public nature.'
>
> Id. at 252-53 (quoting 1 Thompson, Corporations (3d ed.) pp. 35, 36, quoting Dartmouth College v. Woodward, 4 Wheat. (U.S.) 518, 688).

The NDIGC has apparently been treated as an "instrumentality" for federal tax immunity purposes. This fact, however, is irrelevant for purposes of a contract claim. In a contract action, an individual or entity can be liable only on contracts entered into by itself, or by an agent authorized to bind the individual or entity. The key question, then, is whether NDIGC was authorized as an agent to bind the State in contract. The term "instrumentality" is not a magic word for the determination of this issue.

Regardless, the apparent determination by the I.R.S. that NDIGC is an "instrumentality" is not conclusive for purposes of determining whether the State can be sued for the acts of NDIGC. Questions of the latter type are controlled entirely by state law wholly separate from federal tax law. Brush v. C.I.R., 300 U.S. 352, 57 S.Ct. 495 (1937). See also, Federal Reserve Bank v. Metrocentre, 657 F.2d 183, n. 2 at 185 (8th Cir. 1981); Federal Land Bank of St. Louis v. Priddy, 295 U.S. 229, 235, 55 S.Ct. 705, 708 (1935).

The FDIC has been held to be an instrumentality of the United States for certain purposes. See e.g., Safeway Portland Emp. Federal Credit Union v. FDIC, 506 F.2d 1213 (9th Cir. 1974) (FTCA suit). However, the FDIC and the NDIGC are radically different in regard to their relationship to the government. Therefore, treatment of the FDIC as an instrumentality cannot in any way be relied upon for a determination of whether the NDIGC is an instrumentality for certain purposes. See, Crete Mills, supra.

The FDIC is statutorily government created, operated, owned and

backed. The NDIGC is not.

(1) The statute creating FDIC states: "There is created a Federal Deposit Insurance Corporation . . . " 12 U.S.C. §1811. The NDIGC statute states "depository institutions may form" the NDIGC. §21-17,132, R.R.S.

(2) The statutes state that FDIC directors are selected politically--appointed by the President and approved by the Senate. 12 U.S.C. §1812. NDIGC directors are selected privately--by the members of the corporation. §21-17,133 (1982 Cum.Supp.) and Crete Mills, supra.

(3) The statutes state that FDIC is a "mixed-ownership government corporation". 31 U.S.C. §9101(2)(c). NDIGC is entirely private owned. §21-17,135(4), R.R.S. and Crete Mills, supra.

(4) FDIC accounts are fully backed by the United States Treasury. The Nebraska statutes and Constitution prevent State backing of the NDIGC. §21-17,135, R.R.S. and Nebraska Constitution, Art. XIII, Sec. 3.

2. DID THE LEGISLATURE PROVIDE OR COULD THE LEGISLATURE HAVE PROVIDED FOR STATE LIABILITY FOR NDIGC OPERATIONS AND OBLIGATIONS?

Opinion: No.

The statutes under which the NDIGC acted specifically provide that the State will not be bound by the NDIGC's obligations to the depositors of insolvent institutions. The statutes state that "No state funds of any kind shall be allocated or paid to the corporation." §21-17,135(4). It is the NDIGC corporation which is obligated to the depositors. §21-17,135(1)(a). The NDIGC is solely responsible to the depositors, and the State is prohibited by statute from aiding the NDIGC in fulfilling this obligation.

Again, the December 5, 1983, opinion of David A. Domina, Special Assistant Attorney General, is instructive. He stated:

> Unfortunately for the CSC depositors, the State of Nebraska has not actually guaranteed the deposits of any depository institution in this state. Indeed, legislation which would do so might, itself, contravene the constitutional mandate in question." (Art. XIII, section 3, Nebraska Constitution)
>
> (p.6)

The state constitution is also a part of any state contract. Scotts Bluff County v. State, 133 Neb. 508 (1937). The following discussion will reveal that the state constitution prohibits any obligation of the State to depositors. That is, the State Constitution necessarily prohibits state liability stemming from NDIGC obligations.

The legislature could not constitutionally have provided for state liability for NDIGC operations even when the legislation authorizing creation of NDIGC was first adopted. Richard G. Kopf, Special

Counsel to the Legislature, in a report on February 2, 1984, to the Special Commonwealth Committee stated:

> Perhaps the most well-reasoned Attorney General's opinion generally on this subject matter was that of the Special Assistant Attorney General David Domina when he issued on December 5, 1983, an opinion to Senator Harris. One of the questions presented to Mr. Domina by Senator Harris was whether or not the State could appropriate moneys to the Nebraska Depository Institution Guarantee Corporation for the benefit of depositors in Commonwealth Savings Company. Mr. Domina concluded that such an appropriation would be unconstitutional under Article XIII, Section 3, stating:
>
> The appropriation contemplated appears to be decidedly different from the expenditure of public funds for the purpose of attracting industry, creating jobs, encouraging economic growth, welfare and prosperity. This appropriation would appear to have, as its purpose, reimbursement of funds lost in a business venture by CSC depositors who relied upon two private enterprises, CSC and NDIGC, to protect their deposits against loss.
>
> In summary, the law regarding Article XIII, Section 3 is comprised of semantic distinctions which are at best difficult to understand. Nevertheless, certain things can be discerned. Our Constitution, which may be characterized as a "Granger document", was intended to restrict the rights of "government to provide financial aid to corporations." Memorandum of Jack W. Rodgers, supra, at page 3. Except as provided for industrial development programs otherwise authorized for political subdivisions, or donations to clearly charitable organizations, a key point in finding that legislation is not prohibited by Article XIII, Section 3 is the non-existence of general fund moneys, as opposed to quasi-governmental bond revenues, State v. Douglas, supra; State v. Duxbury, supra. Therefore, in my opinion, the appropriation of general fund moneys to in essence reimburse funds lost in a business venture, such as a private bank or industrial loan and investment company, would, absent peculiar circumstances, contemplate an appropriation which is so "clear and palpable as to be immediately perceptible to the reasonable mind" in the sense of ultimately being for a private purpose.
>
> (p. 13-14) (emphasis ours)

In Scotts Bluff County v. State, supra, the court set out the fundamentals of the creation and scope of a state contract, stating:

> "The authority to bind the state by contract need not be express, but may be implied; but it must be an actual, as distinguished from an apparent authority, and cannot be varied or enlarged by mere usage. The Constitution of the state is a part of state contracts,

and, where an agent is appointed by law to contract for the state, the law under which he acts is as much a part of the contract made by him as if it were formally embodied in the contract. Statutes qualifying or limiting the grant of authority to contract are mandatory, and contracts not conforming thereto are not binding on the state. The governor and other executive officers of a state have no general authority to contract in its behalf and can bind the state only within the power specially conferred on them by law." 59 C.J. 170.

Id. at 512.

In Scotts Bluff, supra, the statute involved limited the extent to which the state could be liable. The court stated:

As applied to the controversy now before us, the conclusion is that the words of the statute, "the state shall not be liable for any money in excess of the appropriation made for that purpose," by implication, became a part of these contracts entered into by and with the bridge contractors, out of which the present action proceeds; and the representatives of the state could not impose upon the state a contractual obligation under the state aid bridge act except subject to this controlling limitation. The state necessarily must be conceded the right to limit its obligations to the money expressly appropriated for these donations.

Plaintiff's allegations in the pleading demurred to, viz., "that thereafter the Allied Contractors, Inc., commenced construction of said bridges and proceeded therewith; that shortly prior to the 1st day of October, 1920, the state aid bridge fund of the state of Nebraska became depleted and the state was without funds with which to pay its proportion of the cost of the remainder of the construction of said bridges," by necessary effect, plead and admit that any further expenditures by the state would be in excess of the "appropriation made for that purpose," and would transgress the statutory limitation expressly prescribed.

It is obvious that no right to contribute can exist based upon the nonperformance by the state of Nebraska of a contract which it was prohibited from making, and as to which, after October, 1920, by necessary implication, further performance by the state was prohibited.

Id. at 513-14.

3. CAN THE STATE OF NEBRASKA BE ESTOPPED FROM DENYING THAT THE NDIGC IS AN AGENCY OR INSTRUMENTALITY OF THE STATE, AND FURTHER ESTOPPED FROM DENYING THAT THE STATE IS LIABLE FOR NDIGC OBLIGATIONS TO DEPOSITORS OF COMMONWEALTH SAVINGS COMPANY?

Opinion: No.

The State cannot do indirectly that which it could not do directly. Thus, an estoppel theory cannot be used to circumvent the constitutional prohibition against State liability for NDIGC obligations. This fact was recognized by Special Assistant Attorney General David A. Domina in the December 5, 1983, opinion, in which he concludes:

> . . . assuming that a miscellaneous claim could be appropriately filed by a CSC depositor asserting estoppel theory, it is my opinion that the appropriation of funds for the purpose of allowing the claim would be for a "private" purpose exclusively, and would contravene Neb. Const. Art. XIII. Sec. 3. (p.6)

The Nebraska Supreme Court has held that the doctrine of estoppel has only a very limited application to the state, if at all, even aside from constitutional prohibitions. Omaha Nat. Bank v. Jensen, 157 Neb. 22, 43-44 (1943); Volker v. McDonald, 120 Neb. 508, 512, 233 N.W. 890, 892 (1931). Further, the elements constituting an estoppel theory are highly factual. These elements have certainly not been satisfied on the bare evidence presented at this time. Accordingly, based on the fact that the constitution would prohibit an estoppel theory in this case, that an estoppel theory can rarely, if ever, be asserted against the State, and that the evidence does not support an estoppel theory in this case, the State cannot be liable on an estoppel theory to the depositors of Commonwealth Savings Company.

4. CAN THE LEGISLATURE PROVIDE FOR STATE LIABILITY FOR NDIGC OBLIGATIONS TO DEPOSITORS OF COMMONWEALTH SAVINGS COMPANY BY MEANS OF PAYMENT OF THE CLAIM CONTAINED IN LB 713?

Opinion: No.

It is our opinion that LB 713 is not the proper vehicle by which to settle the claims of depositors of Commonwealth Savings Company against the state for several reasons.

(a) The bill does not contain sufficient specific language effecting a release of all possible claims against the State of Nebraska. Under Sections 81-8,239.05 et seq. the state may be required to reimburse or indemnify employees as to liability imposed upon the employee. This act should therefore provide for a release of all state employees also.

(b) Mary Croissant, Louisa R. Lessman, Timothy J. Gill and Shea W. Pence are not proper claimants. In Anderson v. State, Docket 383, Page 216, the District Court of Lancaster County, Nebraska, held that the Receiver is the owner of the claims and that the cause of action belongs to the Receiver not the individual depositors. There has been no determination that there is a class action. In the Anderson case the court concluded that this is not a proper class

action.

(c) It is questionable as to whether it is proper to have the claimant determine the amount to be paid.

(d) As will be set forth in the response to inquiry #5, the Act is constitutionally suspect.

5. WOULD PAYMENT OF THE MISCELLANEOUS CLAIM CONTAINED IN LB 713 BE IN CONTRAVENTION OF ARTICLE XIII, SECTION 3, OR ANY OTHER PROVISIONS OF THE NEBRASKA CONSTITUTION?

Opinion: The act is constitutionally suspect.

(a) Article XIII, section 3 of the Nebraska Constitution provides that the legislature may not extend the credit of the State in aid of any individual, association or corporation. it provides:

> The credit of the state shall never be given or loaned in aid of any individual, association, or corporation, except that the state may guarantee or make long term, low interest loans to Nebraska residents seeking adult or post high school education at any public or private institution in this state. Qualifications for and the repayment of such loans shall be as prescribed by the Legislature. (Amended, 1968.)

In an Attorney General's opinion dated December 5, 1983, Mr. David Domina, after reviewing the law, stated:

> Arguments suggesting ostensible "public" purposes of such an appropriation can certainly be made. However, in the language of the Nebraska Supreme Court in Chase v. Douglas County, supra, it is my opinion that the private purpose and character of the contemplated appropriation is so "clear and palpable as to be immediately perceptible to the reasonable mind". Accordingly, it is my opinion that the appropriation under consideration cannot be made by the Nebraska Legislature without contravening the mandate of Neb. Const. Art. XIII, Sec. 3.

(b) In 1909, a guaranty fund for the protection of bank depositors was created. Laws of Nebraska, 1909, c. 10, p. 87; Compiled Statutes of Nebraska 1922, §8024 et seq. In 1923, the legislature created the Guarantee Fund Commission for the purpose of assisting in conserving and administering the guarantee fund. Laws of Nebraska, 1923, c. 191, p. 438. The Guarantee Fund Commission was similar to the NDIGC, although it had a closer relationship with the government (i.e. it was created by statute and the governor appointed the members of the commission).

With the demise of the economy in general, and the banking industry in particular in the late 1920's, the Guarantee Fund Commission found its fund depleted. By December of 1928, the Guarantee Fund Commission had a $15,948,350.11 deficit. See Abie State Bank v. Weaver, 119 Neb. 153, 156, 227 N.W. 922 (1929), aff'd

282 U.S. 765, 51 S.Ct. 252 (1931).

The legislature sought to aid the depositors of insolvent banks who were thus left unprotected by the Guarantee Fund Commission. In 1929, the legislature appropriated a sum of money from the State treasury for this purpose. Laws of Nebraska, 1929, c. 33, p. 139.

The governor, Arthur J. Weaver, sought a declaratory judgment as to whether this appropriation was valid, and if so, how it was to be executed. Weaver v. Koehn, 120 Neb. 114, 231 N.W. 703 (1930). Three district court judges of Lancaster County sitting en banc, held the appropriation unconstitutional. The Supreme Court of Nebraska agreed with the district court judges in all respects.

The court state:

> The evidence was submitted and the suit was argued in the district court for Lancaster county before three district judges, namely, the Honorables Shepherd, Broady, and Chappell, sitting en banc, and the court, so organized, found, adjudged and decreed that the above named appropriation of $260,111.34, for the reimbursement of depositors in failed banks, was and is an unconstitutional proceeding and is therefore void and of no effect. The following reasons in support of their conclusion appear in the judgment rendered by the above named court, in respect of the invalidity of the appropriation in suit, namely:
>
> "First, because it is offensive to the due process provision of the Constitution, and not for a public purpose; secondly, because the title to the act is insufficient to disclose the nature, purpose, and the effect of said appropriation, and of the legislation resulting therein; and, thirdly, because said appropriation involves the taking of the property of the public generally for the relief of private persons without obligation on the part of the state, either legal or moral."
>
> From the judgment so rendered, the plaintiff has appealed.
>
> Chapter 33, Laws 1929, so far as applicable here, follows:
>
> "There is hereby appropriated out of any money in the state treasury not otherwise appropriated the sum of $260,111.34, or so much thereof as may be necessary, to refund to depositors in banks closed by the department of trade and commerce such part of their deposits as was deposited in any of said banks by any of said depositors after said banks were closed and while operated by and in charge of the guaranty fund commission. The department of trade and commerce shall ascertain and determine which depositors are entitled to payment under this section and the amount to be paid to each of said depositors, said amount being the amount of the claim as allowed by the district court against the guaranty fund less any payments made on said claim from any source. The auditor of public accounts is hereby authorized and

directed to draw warrants on the state treasury for the amounts so determined upon the presentation of proper vouchers approved by the department of trade and commerce and the state treasurer shall pay the same out of moneys in the general fund not otherwise appropriated."

The judgment is clearly for affirmance. The banking business, as it relates to state banks in Nebraska, is recognized as being quasi-public in its transactions with the people generally, and particularly in respect to its transactions with depositors of money in such state banks. And this, of course, includes individuals and corporations and, in effect, all depositors of money therein. But the appropriation of money by the state, to reimburse depositors for losses sustained by them in failed banks, clearly appears to be the taking of money belonging to one class to pay the claims of those in another class. And this is in violation of the due process provision of the federal and state Constitutions. Clearly it has not yet come to pass that the state, in its supervision of the banking business, has become an eleemosynary institution.

In view of the facts as presented, it clearly appears to us that the losses of individual depositors in state banks cannot lawfully be made up nor paid from the appropriation of money that belongs to all of the people of the state. The deposits herein were merely business transactions between the bank and the depositor, and the public should not be made to pay for the losses that a depositor may have suffered in such transactions.

In State v. Cornell, 53 Neb. 556, it is said: "It is for the legislature in the first instance to decide what is and what is not a public purpose, but its determination of the question is not conclusive upon the courts." And in Abie State Bank v. Weaver, 119 Neb. 153, this language was used: "It is elementary that it is not within the province of the courts to annul a legislative act unless its provisions so clearly contravene a provision of the fundamental law, or it is so clearly against public policy, that no other resort remains." In Gray, Limitations of Taxing Power, 123, sec. 170, the author says: "The state exists for the benefit of all; any devotion of its powers to merely private ends is such a perversion of its purpose and duties as to be utterly void; and it is the duty of the judicial agents of the state to protect the community from such perversion."

. . .

The judgment of the learned trial judges is in all things affirmed. Id. at 116-18. (emphasis ours)

The facts involved in this decision are so similar to those presented by this claim that one must carefully consider this previous determination. Unless the Supreme Court overrules this decision, this

proposed bill is unconstitutional.

CONCLUSION

As this bill is presently drafted, there are serious constitutional questions as to its validity. This subject area, however, continues to be of major concern to many in and out of government. There is, in our opinion, a procedural vehicle by which a constitutionally valid settlement might be effected. The State Tort Claims Act provides such a procedure. Under the Act, if there is a pending action, the claimant and the Attorney General can agree upon a proposed settlement. The settlement is then presented to the District court for approval. If approval of a settlement in excess of $50,000 is obtained from the court, an appropriation of the funds by the legislature is necessary. In our opinion this procedure is constitutionally sound.

Respectfully submitted,
(Signed) Edwin C. Perry
Special Assistant Attorney General

ECP/ljg
cc: Patrick J. O'Donnell
Clerk of the Legislature

## RESOLUTIONS

**LEGISLATIVE RESOLUTION 56.** Read. Considered.

LR 56 was adopted with 34 ayes, 0 nays, and 15 not voting.

**LEGISLATIVE RESOLUTION 58.**

Introduced by Vickers, 38th District; Beutler, 28th District.

WHEREAS, on February 27, 1985, the United States Senate passed legislation providing significant agricultural credit relief to the farmers of the Midwest; and

WHEREAS, the House of Representatives has the opportunity to forward that important legislation to the President of the United States; and

WHEREAS, President Reagan has indicated that his veto of such legislation is to be anticipated.

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

1. That the House of Representatives is hereby urged to forward such legislation to the President.

2. That the President is hereby urged to reconsider his threatened veto of the agricultural crisis credit legislation, thereby demonstrating his concern for the farms and people of the Midwest.

3. That copies of this resolution be immediately telegraphed to President Reagan, the President of the Senate and the Speaker of the House of Representatives.

Messrs. Vickers and Beutler moved to suspend the rules, Rule 4, Section 6, to permit consideration of LR 58 today.

Mr. Conway moved the previous question. The question is, "Shall the debate now close?"

Mr. DeCamp moved for a call of the house. The motion prevailed with 11 ayes, 1 nay, and 37 not voting.

The motion to cease debate prevailed with 26 ayes, 10 nays, and 13 not voting.

The Chair declared the call raised.

Mr. Vickers moved for a call of the house. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

Mr. Vickers requested a roll call vote on the motion to suspend the rules.

Voting in the affirmative, 30:

| | | | | |
|---|---|---|---|---|
| Baack | Eret | Labedz | Nelson | Scofield |
| Beutler | Hall | Landis | Nichol | Sieck |
| Carsten | Harris | Lundy | Pappas | Smith |
| Chambers | Hartnett | Lynch | Rogers | Vickers |
| Chizek | Hefner | Miller | Rupp | Wesely |
| Conway | Higgins | Morehead | Schmit | Withem |

Voting in the negative, 17:

| | | | | |
|---|---|---|---|---|
| Abboud | DeCamp | Hannibal | Lamb | Pirsch |
| Barrett | Goll | Johnson, L. | Marsh | Remmers |
| Beyer | Goodrich | Johnson, R. | Peterson | Warner |
| Chronister | Haberman | | | |

Excused and not voting, 2:

| | |
|---|---|
| Hoagland | Johnson, V. |

The motion to suspend the rules prevailed with 30 ayes, 17 nays, and 2 excused and not voting.

The Chair declared the call raised.

Mr. Nichol asked unanimous consent to be excused. No objections. So ordered.

Mr. Warner asked unanimous consent to bracket LR 58 until Monday, March 4, 1985. No objections. So ordered.

## ANNOUNCEMENT

The Chair announced today is Senator Remmers' birthday.

## MRS. MARSH PRESIDING

### MOTION - Suspend Rules

Mr. Lundy renewed his pending motion found in the Journal on page 746 to suspend the rules and cancel the hearing on LB 648.

Mr. Haberman moved for a call of the house. The motion prevailed with 9 ayes, 0 nays, and 40 not voting.

The motion to suspend the rules prevailed with 37 ayes, 2 nays, 7 present and not voting, and 3 excused and not voting.

### MOTION - Withdraw LB 648

Messrs. Lundy and Chronister renewed their pending motion found in the Journal on page 746 to withdraw LB 648.

The motion prevailed with 32 ayes, 0 nays, 14 present and not voting, 3 excused and not voting.

The Chair declared the call raised.

## REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of February 28, 1985. Further lists listing additional

lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Johnson, Joseph E. - Anselmo, National Audubon Society
Meyer, Daniel W. - Lincoln, Quality Dental Care, Inc.
Newman, Stuart - Atlanta, GA, Nebraska Health Care Association
Palmer, Betsy - Lincoln, Older Women's League, Lincoln Chapter

## UNANIMOUS CONSENT - Print in Journal

Mrs. Labedz asked unanimous consent to print the following amendment to LB 487 in the Journal. No objections. So ordered.

AM0398

1. On page 2, line 7, strike the first underscored comma and insert "or" and strike the second underscored comma and insert "licensed as a hospital by the Department of Health and described in subdivision (2) of section 71-2017.01".

2. In the Standing Committee amendments, on page 1, strike beginning with the semicolon in line 3 through "10" in line 4.

Mr. Wesely asked unanimous consent to print the following amendment to LB 324 in the Journal. No objections. So ordered.

AM0298

(Amendments to Standing Committee Amendments)

1. On page 3, line 22, strike "(a)"; in line 23 strike "(b)"; and strike beginning with "as" in line 24 through "jurisdiction" in line 25.

Mrs. Higgins asked unanimous consent to print the following amendment to LB 157 in the Journal. No objections. So ordered.

AM0394

1. On page 2, after line 27 insert the following new paragraph:

"Prejudgment interest shall be paid directly to the plaintiff. Payment shall be made by issuing a check directly for such interest in the plaintiff's name only. Such interest shall not be included in computing fees for attorneys.".

Mr. Warner asked unanimous consent to print the following amendment to LB 272 in the Journal. No objections. So ordered.

AM0075

1. On page 2, line 17, strike the underscored semicolon and reinstate the stricken "and" and after the reinstated "and" insert ", until June 30, 1986,"; and in lines 18 and 19 reinstate the stricken matter.

## NOTICE OF COMMITTEE HEARINGS

### Revenue

| | | |
|---|---|---|
| LB 554 | Monday, March 11, 1985 | 1:30 p.m. |
| LB 556 | Monday, March 11, 1985 | 1:30 p.m. |
| LB 591 | Monday, March 11, 1985 | 1:30 p.m. |
| LB 656 | Monday, March 11, 1985 | 1:30 p.m. |
| LB 236 | Tuesday, March 12, 1985 | 1:30 p.m. |
| LB 331 | Tuesday, March 12, 1985 | 1:30 p.m. |
| LB 425 | Tuesday, March 12, 1985 | 1:30 p.m. |
| LB 507 | Tuesday, March 12, 1985 | 1:30 p.m. |
| LB 531 | Tuesday, March 12, 1985 | 1:30 p.m. |

(Signed) Vard R. Johnson, Chairperson

### Nebraska Retirement Systems

| | | |
|---|---|---|
| LB 325 | Tuesday, March 19, 1985 | 12:00 noon |
| LB 348 | Tuesday, March 19, 1985 | 12:00 noon |
| LB 546 | Tuesday, March 19, 1985 | 12:00 noon |
| LB 352 | Tuesday, March 26, 1985 | 12:00 noon |
| LB 454 | Tuesday, March 26, 1985 | 12:00 noon |
| LB 655 | Tuesday, March 26, 1985 | 12:00 noon |

(Signed) Bill Harris, Chairperson

### Miscellaneous Subjects

Governor Appointment Thursday, March 7, 1985 1:30 p.m.
Jon McCafferty - State Electrical Board

Governor Appointment Friday, March 8, 1985 1:30 p.m.
Wayne Sides - State Electrical Board

(Signed) Elroy M. Hefner, Chairperson

**Judiciary**

LB 648 Wednesday, March 6, 1985 (Cancelled) 1:30 p.m.

(Signed) Peter Hoagland, Chairperson

## STANDING COMMITTEE REPORTS
**Judiciary**

**LEGISLATIVE BILL 146.** Placed on General File.
**LEGISLATIVE BILL 287.** Placed on General File.
**LEGISLATIVE BILL 411.** Placed on General File.

**LEGISLATIVE BILL 125.** Placed on General File as amended.
Standing Committee amendment to LB 125:
AM0337

1. On page 2, line 4, after "claim" insert ", personally or by mail,"; in line 5 strike the second "the", show as stricken, and insert "a"; strike beginning with "or" in line 7 through "plaintiff" in line 17, show the old matter as stricken, and insert ", a clerk or deputy or assistant clerk of a county court, or a notary public of the State of Nebraska. The claim form and appropriate fees shall be mailed by the plaintiff to the court of proper jurisdiction".

**LEGISLATIVE BILL 516.** Placed on General File as amended.
(Standing Committee amendments printed separate from the Journal and on file in the Clerk's Office - Room 1102 - AM0214.)

**LEGISLATIVE BILL 646.** Indefinitely postponed.

(Signed) Peter Hoagland, Chairperson

## VISITORS

Visitors to the Chamber were Marvin and Blanche Caspers from Auburn; United Nations Diplomats: Mrs. Fredericka F. Gregory - Canada, Mr. Faruq S. Ziada - Iraq, Mr. Amadou Ba - Senegal, Mr. Adnan Basaga - Turkey, and Ms. Philippa Smithey - United States; Senator Remmers' daughter, Joyce; Sister Evangeline from Madonna School, Omaha, and Patti Johnson, Creighton University; Robert

and Hazel Craig from Minden; and Tim Mulligan from Murdock.

## ADJOURNMENT

At 10:55 a.m., on a motion by Mr. Lynch, the Legislature adjourned until 9:00 a.m., Monday, March 4, 1985.

Patrick J. O'Donnell
Clerk of the Legislature

# THIRTY-SECOND DAY - MARCH 4, 1985

## LEGISLATIVE JOURNAL

## EIGHTY-NINTH LEGISLATURE
## FIRST SESSION

## THIRTY-SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Monday, March 4, 1985

Pursuant to adjournment, the Legislature met at 9:00 a.m., President McGinley presiding.

## PRAYER

The prayer was offered by Dr. Robert Palmer, Westminster Presbyterian Church, Lincoln, Nebraska.

## ROLL CALL

The roll was called and all members were present except Messrs. Chambers, Rupp, Warner, Mrs. Pirsch, and Ms. Scofield who were excused until they arrive.

## CORRECTIONS FOR THE JOURNAL

The Journal for the Thirty-First Day was approved.

## SELECT COMMITTEE REPORTS
### Enrollment and Review

### Correctly Engrossed

The following bills were correctly engrossed: 116 and 252.

(Signed) Timothy Hall, Chairperson

### Enrollment and Review Change to LB 116

The following changes, required to be reported for publication in

the Journal, have been made:
ER0019

1. The section added by the Landis amendment adopted 2-28-85 has been numbered section 4.

2. On page 1, line 6, "and" has been struck; and in line 7 "; and to declare an emergency" has been inserted after "sections".

**Enrollment and Review Change to LB 252**

The following changes, required to be reported for publication in the Journal, have been made:
ER0020

1. In the Beutler amendment adopted 2-28-85 found on page 599 of the Journal, underscoring has been added to all matter in quotation marks and an underscored period has been inserted after "substances".

2. E & R amendment 1 has been struck.

(Signed) Mary Sommermeyer
E & R Attorney

**ATTORNEY GENERAL'S OPINION**

Opinion No. 28
February 28, 1985

Dear Senator DeCamp:

This is in response to your letter of February 22, 1985, seeking an opinion on the constitutionality of LB 588. Specifically you ask whether the bill violates Article XIII, Section 3, of the Constitution which provides that, "The credit of the state shall never be given or loaned in aid of any individual, association, or corporation, . . ."

LB 588, which is the Nebraska State Land Bank Act, establishes the Nebraska State Land Bank Board. This would appear to be a quasi-public corporation. See, State ex rel. Douglas v. Nebraska Mortgage Finance Fund, 204 Neb. 445 at 454, 283 N.W.2d 12 (1979). The act states specifically that the board is not a state agency. As we understand the bill, the State Land Bank Board would issue certificates of guaranteed land value to farmers and ranchers setting a guaranteed value on their farmland. These certificates are in essence a promise to purchase the land at the guaranteed value. The board will in turn issue general obligation bonds to guarantee the certificates. Upon default of a farmer's or rancher's loan with a lending institution, the board will purchase the land at the guaranteed

value unless sold for more than this amount, and thus the lender will be guaranteed payment of his loan.

In view of the holding in State ex rel. Douglas v. Nebraska Mortgage Finance Fund, supra, we cannot say that this bill as we understand it is a violation of Article XIII, Section 3, of the Constitution. While not stated in so many words, the bill sets out what appears to be a legislative determination of public purpose. Of course, the prohibition of Article XIII, Section 3, is applied only to the use of public funds to benefit a private purpose. As in the Mortgage Finance Fund case, the court will give great deference to such legislative findings of public purpose. Such findings, however, are not conclusive and there are limits beyond which the Legislature cannot go. State ex rel. Beck v. City of York, 164 Neb. 223, 82 N.W.2d 269 (1957). We thus cannot say that the court, by approving the Mortgage Finance Fund, intended to suggest that proposals for any and all arguably public purposes would be similarly condoned. As a result of the increasing use of devices which essentially permit the state to do indirectly what it cannot do directly, the court will at some point in time be faced with the prospect of essentially discarding the constitutional prohibitions against indebtedness and the extension of the state's credit.

We would also point out that in the Mortgage Finance Fund case, the court noted specifically that there were no state funds involved, and that the revenues generated by the bond sales fell within the special fund doctrine which would take the matter out of Article XIII. The same rationale would appear to apply in this case. We would, however, be remiss if we did not point out a potential problem in this regard. Article XIII, Section 1, of the Constitution is, of course, a limitation upon the indebtedness of the state. This bill authorizes the board, a nonstate agency, to issue general obligation bonds. Presumably these bonds are only the obligation of the board, but in order to make this perfectly clear and to avoid future legal questions, a statement in the legislation that the bonds are not in any way intended to be an obligation of the state would clarify this matter.

Sincerely,
A. EUGENE CRUMP
Deputy Attorney General
(Signed) John Boehm
Assistant Attorney General

JB:ejg
cc: Mr. Patrick J. O'Donnell
Clerk of the Legislature

**UNANIMOUS CONSENT - Member Excused**

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

## UNANIMOUS CONSENT - Withdraw Co-Introducer

Mr. R. Johnson asked unanimous consent to have his name withdrawn as co-introducer to LR 9CA. No objections. So ordered.

## REPORTS

Received report from the Office of Risk Management/State Claims Board for all claims processed and paid under the State Tort Claims Act pursuant to Section 81-8,226.

Received current copy of Nebraska roads, highways and streets which have been designated as federal-aid primary roads as of January 1, 1985 and a map of the State Highway System of Nebraska pursuant to Section 39-1311, Reissue Revised Statutes of 1943.

Received Biennial Report for the Nebraska Public Transportation Assistance Program for Fiscal Years 1983-1984 in accordance with Section 19-3905.

Received from the Department of Roads the Quarterly Report for the Nebraska State Highway Commission as of December 31, 1984.

Received from the Department of Roads a statement of deposits to the Highway Cash Fund and Roads Operation Cash Fund for the calendar month of January 1985 in compliance with Section 66-476, R.S. Supp. 1980.

Received minutes of the Board of Public Roads Classifications and Standards for January.

## PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolution: LR 56.

## RESOLUTION

**LEGISLATIVE RESOLUTION 58.** Considered.

Mr. DeCamp offered the following amendment:

In paragraph 2. strike "reconsider his threatened veto of the agricultural crisis credit legislation" and insert "carefully consider

this legislation"

Mr. DeCamp moved for a call of the house. The motion prevailed with 10 ayes, 0 nays, and 39 not voting.

Mr. DeCamp requested a roll call vote on his amendment.

Voting in the affirmative, 21:

| | | | | |
|---|---|---|---|---|
| Abboud | DeCamp | Hannibal | Lamb | Peterson |
| Barrett | Goodrich | Johnson, L. | Miller | Remmers |
| Beyer | Haberman | Johnson, R. | Nichol | Rupp |
| Carsten | Hall | Johnson, V. | Pappas | Schmit |
| Chronister | | | | |

Voting in the negative, 18:

| | | | | |
|---|---|---|---|---|
| Baack | Eret | Landis | Morehead | Sieck |
| Beutler | Hartnett | Lundy | Nelson | Vickers |
| Chizek | Hefner | Lynch | Rogers | Wesely |
| Conway | Hoagland | Marsh | | |

Present and not voting, 5:

| | | | | |
|---|---|---|---|---|
| Goll | Higgins | Scofield | Smith | Withem |

Absent and not voting, 1:

Labedz

Excused and not voting, 4:

| | | | |
|---|---|---|---|
| Chambers | Harris | Pirsch | Warner |

The DeCamp amendment lost with 21 ayes, 18 nays, 5 present and not voting, 1 absent and not voting, and 4 excused and not voting.

The Chair declared the call raised.

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

Mr. Vickers requested a record vote on the adoption of the resolution.

Voting in the affirmative, 30:

| | | | | |
|---|---|---|---|---|
| Baack | Haberman | Johnson, V. | Marsh | Schmit |
| Beutler | Hall | Labedz | Miller | Sieck |
| Chizek | Hartnett | Lamb | Morehead | Smith |
| Conway | Hefner | Landis | Nelson | Vickers |
| Eret | Higgins | Lundy | Nichol | Wesely |
| Goodrich | Hoagland | Lynch | Pirsch | Withem |

Voting in the negative, 7:

| | | | | |
|---|---|---|---|---|
| Abboud | DeCamp | Johnson, L. | Peterson | Remmers |
| Beyer | Goll | | | |

Present and not voting, 8:

| | | | | |
|---|---|---|---|---|
| Barrett | Chronister | Johnson, R. | Rogers | Scofield |
| Carsten | Hannibal | Pappas | | |

Excused and not voting, 4:

| | | | |
|---|---|---|---|
| Chambers | Harris | Rupp | Warner |

LR 58 was adopted with 30 ayes, 7 nays, 8 present and not voting, and 4 excused and not voting.

## ANNOUNCEMENT

Mr. R. Johnson announced the Standing Committee on Agriculture and Environment will hold an Executive Session at 8:30 a.m. on Tuesday, March 5th in hearing room 1520.

## STANDING COMMITTEE REPORTS

### Agriculture and Environment

**LEGISLATIVE BILL 97.** Placed on General File.
**LEGISLATIVE BILL 394.** Placed on General File.

(Signed) Rod Johnson, Chairperson

### Government, Military and Veterans Affairs

**LEGISLATIVE BILL 424.** Placed on General File.

**LEGISLATIVE BILL 358.** Indefinitely postponed.
**LEGISLATIVE BILL 500.** Indefinitely postponed.
**LEGISLATIVE BILL 620.** Indefinitely postponed.

(Signed) David Landis, Chairperson

## ATTORNEY GENERAL'S OPINION

Opinion No. 29
March 1, 1985

Dear Senator Haberman:

In your letter of January 28, 1985, you call our attention to LB 278, which if passed, would give to the Nebraska Investment Finance Authority the power to issue bonds to pay the cost of buying or taking assignment of agricultural loans made by production credit associations or loans made by any failed financial institution.

This bill would authorize the Nebraska Investment Finance Authority to utilize a maximum of one billion dollars to finance such purchases or assignments, and calls for the appropriation by the Nebraska Legislature of 150 million dollars to the fund to secure the bonds issued.

Your specific question was "would the State be able to loan funds to the failed Commonwealth Savings Company under LB 278?" (Emphasis added). As we read the provisions of LB 278, it would not be the state which would be loaning money to Commonwealth or any other failed financial institution, but rather it would be the Nebraska Investment Finance Authority who would issue bonds to be sold to the public, the proceeds of which would be used to purchase or secure loans made by institutions such as Commonwealth. We would be of the opinion that the provisions of Article XIII, Sections 1 and 3, of the Nebraska Constitution would absolutely prohibit the state directly loaning funds to any financial institution. We believe this to be true regardless of the avowed public purpose of such an extension of credit.

As you may recall, the constitutionality of the Nebraska Investment Finance Authority's predecessor, the Nebraska Mortgage Finance Fund, was tested in the case of State ex rel. Douglas v. Nebraska Mortgage Finance Fund, 204 Neb. 445, 283 N.W.2d 12 (1979). There the Nebraska Supreme Court held that a fund which was premised on the public policy of providing adequate low cost housing was for a valid public purpose, and that since the fund created there was not a state entity but rather was a quasi-corporation independent from the state, that the prohibitions found within Article XIII of the Nebraska Constitution were not applicable and that that financial arrangement was therefore constitutional.

The court has not had occasion to rule on the expansion of the concept originally tested with reference to the Nebraska Mortgage Finance Fund as that concept has grown to include other aspects of the economy other than housing, nor has the court been faced with a proposal such as this calling for the appropriation of state monies to advance such an avowed public purpose.

We do not believe that the court by approving the Mortgage Finance Fund intended to suggest that proposals for any and all arguably public purposes would be similarly condoned. As a result of the escalation of the use of this device which essentially permits the state to do indirectly that which it could not do directly, the court will at some point in time be faced with the prospect of essentially discarding the constitutional prohibition against indebtedness and the extension of the state's credit.

We are troubled by the fact that here state monies will be appropriated for the purpose of serving as collateral for the loans extended by the fund. We believe the court will scrutinize closely the public purpose behind such an appropriation for, in actuality, it is doing indirectly that which the Legislature could no do directly.

The present bill goes one significant step beyond the Nebraska Mortgage Finance Fund in that 150 million dollars of state money are appropriated to the Investment Finance Authority to secure the bonds which will be issued by the Authority. It is this appropriation which raises the issue of whether there is a violation of Article XIII, Section 3, of the Nebraska Constitution, which provides that, "The credit of the state shall never be given or loaned in aid of any individual, association, or corporation, . . ."

This provision has been interpreted simply to mean that there should not be an expenditure of public funds for a private purpose or to encourage private enterprise. "The legislature cannot appropriate the public monies of the state to encourage private enterprises." Oxnard Beet Sugar Co. v. State, 73 Neb. 67 at 68, 105 N.W. 716 (1905). See, also, State ex rel. Beck v. City of York, 164 Neb. 223 at 229, 82 N.W.2d 269 (1957), and United Community Services v. The Omaha National Bank, 162 Neb. 786 at 799-800, 77 N.W.2d 576 (1956). It should be noted that this caselaw has interpreted the constitutional language "credit of the state," to apparently mean any expenditure or direct appropriation of public money, as well as the extension of credit or granting of a loan, and not simply the obligation of the state for future indebtedness as one would normally construe the meaning of term "credit." In this regard, see, also, Chase v. County of Douglas, 195 Neb. 838 at 850, 241 N.W.2d 334 (1976). Likewise, the mere transfer of money from the State General Fund to what is in essence a quasi-public corporation (see, State ex rel. Douglas v. Nebraska Mortgage Finance Fund, 204

Neb. 445 at 454, 283 N.W.2d 12 (1979)) would not appear to alter the status of these funds as public funds. Again, the constitutional prohibition has been interpreted in a very general fashion to limit the expenditure of public funds for a private purpose, regardless of the nature of these public funds or by whom they are held. See, Chase v. County of Douglas, supra, at 847.

Certainly, in State ex rel. Douglas v. Nebraska Mortgage Finance Fund, supra, the court made it abundantly clear in its ananlysis that there were no state funds involved in the repayment of any debt contemplated by the act.

> The Act does not, however, violate Article XIII, section 3, because the credit of the state is not in any manner being given or loaned in aid of any individual. Only the Fund is involved. It is the Fund which acquires the monies through the sale of bonds, and it is the Fund which repays the bonds through revenue it acquires. If there is insufficient revenue with which to repay the bonds, the state in no manner becomes obligated or liable. The Act specifically provides that the bonds may not be a debt, liability, or general obligation of the state, and must contain on the face thereof a statement that neither the faith and credit nor the taxing power of the sate is pledged to the payment of the principal of or the interest on such bonds. §76-1630, R.S. Supp., 1978. The Act could not be clearer that the credit of the state is not being given or loaned in any manner.

Id. at 461-462. This, of course, would not be the case under the proposed bill wherein these public funds would be used to the direct benefit of private individuals who purchased the bonds in the event that there is a default of the bonds. Arguably then, this portion of the legislation would use public funds to directly benefit private individuals, and not those individuals who might otherwise benefit from the application of the bond revenue themselves which is part of the avowed public purpose of the legislation.

If, however, the court should find that the stated public purpose of this legislation covers this particular aspect of the bill involving the infusion of state funds, this would eliminate the constitutional prohibition of Article XIII, Section 3. Of course, as we have indicated, the court will give great deference to legislative findings of public purpose, nevertheless, these are not conclusive and there are limits beyond which the Legislature cannot go. State ex rel. Beck v. City of York, supra, at 230. We thus cannot say with any certainty how the court will view this particular aspect of LB 278 in determining whether the appropriation is for a public purpose and thus whether or not there is a violation of Article XIII, Section 3. Obviously, it is a significant departure from the Mortgage Finance Fund case and this may well have some bearing on any analysis of

this particular question.

However, if the Legislature and the court find that such an appropriation is for a valid public purpose, then the remainder of the bill would no doubt be considered constitutional. This conclusion is premised on, in addition to the court's finding of a valid public purpose, the assumption that the entirety of the appropriation would be made this session and that it would not be contingent upon revenue being generated from some other future source or upon future appropriations which we believe would violate Article III, Section 22, of the Nebraska Constitution.

We hope this adequately responds to your inquiry.

Sincerely,
A. EUGENE CRUMP
Deputy Attorney General
(Signed) John Boehm
Assistant Attorney General

JB:ejg
cc: Patrick J. O'Donnell
Clerk of the Legislature

## MESSAGE FROM THE SECRETARY OF STATE

March 1, 1985

Senator William E. Nichol
Speaker of the Legislature
State Capitol, Rm. No. 2101
Lincoln, Nebraska 68509

Dear Mr. Speaker and Members of the Legislature:

I am pleased to tender herewith certified copies of the Official Appointment, Oath and Bond of Robert M. Spire, Attorney General in and for the State of Nebraska.

Mr. Spire executed his Oath of Office and was sworn in on March 1, 1985, for the unexpired term of Paul L. Douglas, resigned. The originals of Robert Spire's Appointment, Oath, and Bond are on file as required by law in the Office of the Secretary of State. I would appreciate having this message and copies of the Appointment, Oath, and Bond placed in the Legislative Journal.

Thank you for your consideration in this matter.

Respectfully submitted,
(Signed) ALLEN J. BEERMANN

Secretary of State

AJB:mrh
Attachments: 3

**CERTIFICATE**

State of Nebraska
Department of State

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that this is a true and correct copy of the Official Appointment, Oath, and Bond of Robert M. Spire, as Attorney General in and for the State of Nebraska.

FURTHER, I sayeth not.

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

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

(SEAL) Allen J. Beermann, Secretary of State
Ralph Englert, Deputy

**GUBERNATORIAL APPOINTMENT**

KNOW ALL MEN BY THESE PRESENT:

That I, Robert Kerrey, on behalf of the State of Nebraska and as Governor, do hereby appoint Robert M. Spire as Attorney General of the State of Nebraska. 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 March 1, 1985 and continue until January 8, 1987 provided you shall satisfactorily perform all the duties imposed by Law.

(Signed) ROBERT KERREY
Governor

(Signed) Allan J. Beermann
Secretary of State

## OFFICIAL OATH

STATE OF NEBRASKA )
)ss.
COUNTY OF LANCASTER )

"That I, Robert M. Spire, 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 Office of Attorney General - State of Nebraska 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 the 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) Robert M. Spire, Chairperson

Subscribed in my presence and sworn to before me this 1st day of March, 1985.

(Signed) ALLEN J. BEERMANN
Notary Public

(SEAL)
*Constitution of the State of Nebraska,
Article XV, Section One.
*Replaces Paul L. Douglas, Resigned

## REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative resolution 57.

| LR | Committee |
|---|---|
| 57 | Judiciary |

(Signed) Chris Beutler, Chairperson
Legislative Council
Executive Board

## GENERAL FILE

**LEGISLATIVE BILL 292.** Title read. Considered.

Advanced to E & R for Review with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 293.** Title read. Considered.

Advanced to E & R for Review with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 40.** Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

## BILL ON FINAL READING

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 249.**

A BILL FOR AN ACT relating to crippled children; to amend sections 43-654, 68-1405, and 71-1401 to 71-1403, Reissue Revised Statutes of Nebraska, 1943, and sections 68-309, 68-313, 68-717, and 71-1404, Revised Statutes Supplement, 1984; to change terminology; to redefine a term; 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 | DeCamp | Hoagland | Marsh | Rogers |
| Baack | Goll | Johnson, L. | Miller | Schmit |
| Barrett | Goodrich | Johnson, R. | Morehead | Scofield |
| Beutler | Haberman | Johnson, V. | Nichol | Sieck |
| Beyer | Hall | Labedz | Pappas | Smith |
| Carsten | Hannibal | Lamb | Peterson | Vickers |
| Chizek | Hartnett | Landis | Pirsch | Wesely |
| Chronister | Hefner | Lundy | Remmers | Withem |
| Conway | Higgins | Lynch | | |

Voting in the negative, 0.

Present and not voting, 3:

Chambers Eret Nelson

Excused and not voting, 3:

Harris Rupp Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**MOTION - Return LB 295 to Select File**

Mr. Hefner moved to return LB 295 to Select File for his pending specific amendment found in the Journal on page 754.

Mr. V. Johnson 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. Hefner requested a roll call vote on his motion to return.

Voting in the affirmative, 25:

| | | | | |
|---|---|---|---|---|
| Abboud | Goll | Lamb | Nelson | Rupp |
| Barrett | Hefner | Landis | Nichol | Scofield |
| Beyer | Higgins | Lundy | Peterson | Sieck |
| Carsten | Johnson, L. | Miller | Remmers | Smith |
| Eret | Johnson, R. | Morehead | Rogers | Withem |

Voting in the negative, 22:

| | | | | |
|---|---|---|---|---|
| Baack | DeCamp | Hartnett | Lynch | Schmit |
| Beutler | Goodrich | Hoagland | Marsh | Vickers |
| Chizek | Haberman | Johnson, V. | Pappas | Warner |
| Chronister | Hall | Labedz | Pirsch | Wesely |
| Conway | Hannibal | | | |

Present and not voting, 1:

Chambers

Excused and not voting, 1:

Harris

The Hefner motion to return to Select File prevailed with 25 ayes, 22 nays, 1 present and not voting, and 1 excused and not voting.

## SELECT FILE

**LEGISLATIVE BILL 295.** The Hefner specific amendment found in the Journal on page 754 was considered.

Mr. Lamb moved the previous question. The question is, "Shall the debate now close?" The motion lost with 22 ayes, 20 nays, and 7 not voting.

Mr. Hefner requested a roll call vote on his amendment.

Voting in the affirmative, 22:

| | | | | |
|---|---|---|---|---|
| Abboud | Hefner | Landis | Nichol | Rupp |
| Barrett | Higgins | Lundy | Peterson | Scofield |
| Beyer | Johnson, L. | Miller | Remmers | Smith |
| Carsten | Johnson, R. | Morehead | Rogers | Withem |
| Goll | Lamb | | | |

Voting in the negative, 25:

| | | | | |
|---|---|---|---|---|
| Baack | DeCamp | Hannibal | Lynch | Schmit |
| Beutler | Eret | Hartnett | Marsh | Sieck |
| Chizek | Goodrich | Hoagland | Nelson | Vickers |
| Chronister | Haberman | Johnson, V. | Pappas | Warner |
| Conway | Hall | Labedz | Pirsch | Wesely |

Present and not voting, 1:

Chambers

Excused and not voting, 1:

Harris

The Hefner specific amendment lost with 22 ayes, 25 nays, 1 present and not voting, and 1 excused and not voting.

Readvanced to Final Reading.

## PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolution: LR 58.

**SPEAKER NICHOL PRESIDING**

## BILLS ON FINAL READING

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 295.** With Emergency.

A BILL FOR AN ACT relating to banks and banking; to amend sections 8-157 and 8-903, Revised Statutes Supplement, 1984; to change provisions relating to branch banks; to change provisions relating to bank holding companies; to provide for 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, 33:

| | | | | |
|---|---|---|---|---|
| Abboud | Eret | Johnson, R. | Miller | Schmit |
| Baack | Goodrich | Johnson, V. | Morehead | Smith |
| Beutler | Haberman | Labedz | Nelson | Vickers |
| Chizek | Hall | Landis | Pappas | Warner |
| Chronister | Hannibal | Lundy | Pirsch | Wesely |
| Conway | Hartnett | Lynch | Rogers | Withem |
| DeCamp | Hoagland | Marsh | | |

Voting in the negative, 13:

| | | | | |
|---|---|---|---|---|
| Barrett | Goll | Lamb | Remmers | Scofield |
| Beyer | Hefner | Nichol | Rupp | Sieck |
| Carsten | Johnson, L. | Peterson | | |

Present and not voting, 2:

Chambers Higgins

Excused and not voting, 1:

Harris

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 345.**

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-27,119, Revised Statutes Supplement, 1984; to change a provision on the preservation of reports and returns; to define terms; to provide requirements and procedures for the Auditor of Public Accounts to conduct a financial audit as prescribed; to provide a penalty; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

| | | | | |
|---|---|---|---|---|
| Abboud | Eret | Hoagland | Miller | Rupp |
| Baack | Goll | Johnson, L. | Morehead | Schmit |
| Barrett | Goodrich | Johnson, R. | Nelson | Scofield |
| Beutler | Haberman | Johnson, V. | Nichol | Sieck |
| Beyer | Hall | Labedz | Pappas | Smith |
| Carsten | Hannibal | Lamb | Peterson | Vickers |
| Chizek | Hartnett | Landis | Pirsch | Warner |
| Chronister | Hefner | Lundy | Remmers | Wesely |
| Conway | Higgins | Marsh | Rogers | Withem |
| DeCamp | | | | |

Voting in the negative, 0.

Present and not voting, 2:

Chambers Lynch

Excused and not voting, 1:

Harris

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**MOTION - Return LB 223 to Select File**

Mr. Beutler moved to return LB 223 to Select File for his pending specific amendment, AM0318, found in the Journal on page 728.

The motion to return prevailed with 36 ayes, 0 nays, 12 present and not voting, and 1 excused and not voting.

## SELECT FILE

**LEGISLATIVE BILL 223.** The Beutler specific amendment, AM0318, found in the Journal on page 728 was adopted with 35 ayes, 0 nays, 13 present and not voting, and 1 excused and not voting.

Advanced to E & R for Re-Engrossment.

## BILLS ON FINAL READING

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 405.**

A BILL FOR AN ACT relating to schools; to amend section 79-4,207, Revised Statutes Supplement, 1984; to change a time limit relating to asbestos removal; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

| | | | | |
|---|---|---|---|---|
| Abboud | Eret | Higgins | Lynch | Remmers |
| Baack | Goll | Hoagland | Marsh | Rogers |
| Barrett | Goodrich | Johnson, L. | Miller | Rupp |
| Beutler | Haberman | Johnson, R. | Morehead | Scofield |
| Beyer | Hall | Johnson, V. | Nelson | Sieck |
| Carsten | Hannibal | Labedz | Nichol | Smith |
| Chizek | Harris | Lamb | Pappas | Vickers |
| Chronister | Hartnett | Landis | Peterson | Wesely |
| Conway | Hefner | Lundy | Pirsch | Withem |
| DeCamp | | | | |

Voting in the negative, 0.

Present and not voting, 3:

| | | |
|---|---|---|
| Chambers | Schmit | Warner |

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 587.** With Emergency.

A BILL FOR AN ACT relating to schools; to amend section 79-520, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the issuance of promissory notes by certain school districts; 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 | Goodrich | Johnson, L. | Marsh | Rogers |
| Baack | Haberman | Johnson, R. | Miller | Rupp |
| Barrett | Hall | Johnson, V. | Morehead | Scofield |
| Beyer | Hannibal | Labedz | Nelson | Sieck |
| Carsten | Harris | Lamb | Nichol | Vickers |
| Chronister | Hartnett | Landis | Pappas | Warner |
| Conway | Hefner | Lundy | Peterson | Wesely |
| DeCamp | Higgins | Lynch | Remmers | Withem |
| Goll | Hoagland | | | |

Voting in the negative, 2:

| | |
|---|---|
| Eret | Pirsch |

Present and not voting, 5:

| | | | | |
|---|---|---|---|---|
| Beutler | Chambers | Chizek | Schmit | Smith |

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 49.**

A BILL FOR AN ACT relating to veterans; to amend sections 80-401.01 and 80-401.03, Reissue Revised Statutes of Nebraska, 1943; to define terms; to harmonize provisions with previous legislative acts; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative

to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 48:

| | | | | |
|---|---|---|---|---|
| Abboud | Eret | Hoagland | Miller | Rupp |
| Baack | Goll | Johnson, L. | Morehead | Schmit |
| Barrett | Goodrich | Johnson, R. | Nelson | Scofield |
| Beutler | Haberman | Johnson, V. | Nichol | Sieck |
| Beyer | Hall | Labedz | Pappas | Smith |
| Carsten | Hannibal | Lamb | Peterson | Vickers |
| Chizek | Harris | Landis | Pirsch | Warner |
| Chronister | Hartnett | Lundy | Remmers | Wesely |
| Conway | Hefner | Lynch | Rogers | Withem |
| DeCamp | Higgins | Marsh | | |

Voting in the negative, 0.

Present and not voting, 1:

Chambers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 134.**

A BILL FOR AN ACT relating to veterans; to amend section 80-101, Reissue Revised Statutes of Nebraska, 1943; to change a bond provision for members of county veterans' service committees; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 48:

| | | | | |
|---|---|---|---|---|
| Abboud | Chronister | Hall | Johnson, L. | Lynch |
| Baack | Conway | Hannibal | Johnson, R. | Marsh |
| Barrett | DeCamp | Harris | Johnson, V. | Miller |
| Beutler | Eret | Hartnett | Labedz | Morehead |
| Beyer | Goll | Hefner | Lamb | Nelson |
| Carsten | Goodrich | Higgins | Landis | Nichol |
| Chizek | Haberman | Hoagland | Lundy | Pappas |

| | | | | |
|---|---|---|---|---|
| Peterson | Rogers | Scofield | Vickers | Wesely |
| Pirsch | Rupp | Sieck | Warner | Withem |
| Remmers | Schmit | Smith | | |

Voting in the negative, 0.

Present and not voting, 1:

Chambers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 263.**

A BILL FOR AN ACT relating to county government; to amend section 23-362, Reissue Revised Statutes of Nebraska, 1943; to provide for an audit of certain funds; to change provisions relating to reports as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 48:

| | | | | |
|---|---|---|---|---|
| Abboud | Eret | Hoagland | Miller | Rupp |
| Baack | Goll | Johnson, L. | Morehead | Schmit |
| Barrett | Goodrich | Johnson, R. | Nelson | Scofield |
| Beutler | Haberman | Johnson, V. | Nichol | Sieck |
| Beyer | Hall | Labedz | Pappas | Smith |
| Carsten | Hannibal | Lamb | Peterson | Vickers |
| Chizek | Harris | Landis | Pirsch | Warner |
| Chronister | Hartnett | Lundy | Remmers | Wesely |
| Conway | Hefner | Lynch | Rogers | Withem |
| DeCamp | Higgins | Marsh | | |

Voting in the negative, 0.

Present and not voting, 1:

Chambers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 327.**

A BILL FOR AN ACT relating to law enforcement; to abolish the Nebraska Law Enforcement and Justice Advisory Committee; and to repeal sections 50-601 and 50-602, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 48:

| | | | | |
|---|---|---|---|---|
| Abboud | Eret | Hoagland | Miller | Rupp |
| Baack | Goll | Johnson, L. | Morehead | Schmit |
| Barrett | Goodrich | Johnson, R. | Nelson | Scofield |
| Beutler | Haberman | Johnson, V. | Nichol | Sieck |
| Beyer | Hall | Labedz | Pappas | Smith |
| Carsten | Hannibal | Lamb | Peterson | Vickers |
| Chizek | Harris | Landis | Pirsch | Warner |
| Chronister | Hartnett | Lundy | Remmers | Wesely |
| Conway | Hefner | Lynch | Rogers | Withem |
| DeCamp | Higgins | Marsh | | |

Voting in the negative, 0.

Present and not voting, 1:

Chambers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**MOTION - Return LB 191 to Select File**

Mr. Vickers moved to return LB 191 to Select File for his pending specific amendment found in the Journal on page 673.

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

The Vickers motion to return prevailed with 35 ayes, 0 nays, 13 present and not voting, and 1 excused and not voting.

**SELECT FILE**

**LEGISLATIVE BILL 191.** The Vickers specific amendment found

in the Journal on page 673 was adopted with 38 ayes, 0 nays, 10 present and not voting, and 1 excused and not voting.

Advanced to E & R for Re-Engrossment.

## SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 249, 295, 345, 405, 587, 49, 134, 263, and 327.

## UNANIMOUS CONSENT - Members Excused

Messrs. Peterson and Chronister asked unanimous consent to be excused. No objections. So ordered.

## RESOLUTION

**LEGISLATIVE RESOLUTION 59.**

Introduced by Beyer, 3rd District.

WHEREAS, the winning of a championship demonstrates the willingness of a team and its coach to endure the hard work and struggles associated with significant accomplishments; and

WHEREAS, the Elkhorn High School girls basketball team has just completed an undefeated 24-0 basketball season; and

WHEREAS, the Elkhorn Antlerettes have won the Class B Girls Championship title at the state tournament; and

WHEREAS, the Elkhorn Girls Basketball team is rated Number 1 in the Class B ratings; and

WHEREAS, such outstanding achievements are deserving of special recognition.

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

1. That the members of the Legislature commend the athletic ability, competitive spirit and sportsmanship shown by the Elkhorn Antlerettes.

2. That the Legislature congratulates and extends best wishes to the 1985 Class B Girls High School basketball champions and their coach, Paul Sieczkowski.

3. That a copy of this resolution be sent to Coach Sieczkowski and the Elkhorn Girls Basketball Team.

Laid over.

## UNANIMOUS CONSENT - Print in Journal

Mr. Harris asked unanimous consent to print the following amendment to LB 92 in the Journal. No objections. So ordered.

AM0368

1. On page 13, line 19, after "death" insert "or at age sixty-five, whichever is greater,".

Mr. DeCamp asked unanimous consent to print the following amendment to LB 662 in the Journal. No objections. So ordered.

AM0433

1. Strike all original sections and insert the following new sections:

"Section 1. All agricultural land which is in a Class I school district and which is not a part of any Class VI school district shall be placed in a district that shall be known as the Agricultural Land School District. Agricultural land in the Agricultural Land School District shall be taxed at a rate of one half of one per cent of the established value.

Sec. 2. All taxes collected from the assessment on agricultural land within the Agricultural Land School District shall be placed in a fund to be known as the Agricultural Land School District Fund. One hundred per cent of the total amount in such fund shall be distributed pro rata among the high schools which provide education to students residing on land within the Agricultural Land School District based on the number of students from the Agricultural Land School District attending each such high school.

Sec. 3. The board of education of a Class I school district which is not part of a Class VI school district shall retain control over the Agricultural Land School District.

Sec. 4. If the accepting school district approves the transfer, any owner of agricultural land placed in a Agricultural Land School District may transfer the land to a school district which maintains a high school.

Sec. 5. The Revisor of Statutes shall eliminate all references in the statutes to nonresident

high school tuition in sections 79-328, 79-403, 79-445, 79-1103.03, 79-1302 to 79-1304, and 79-1334.

Sec. 6. That sections 79-436, 79-437, 79-494 to 79-4,101, 79-4,103 to 79-4,105, and 79-2316, Reissue Revised Statutes of Nebraska, 1943, and section 79-4,102, Revised Statutes Supplement, 1984, are repealed.

Mr. Vickers asked unanimous consent to print the following amendment to LB 662 in the Journal. No objections. So ordered.

AM0421

(Amendments to Standing Committee Amendment)

1. On page 3, line 11, strike "18" and insert "13".

Mr. Vickers asked unanimous consent to print the following amendment to LB 662 in the Journal. No objections. So ordered.

AM0430

(Amendments to Standing Committee Amendments)

1. On page 1, line 19, after the underscored period insert the following new paragraph:

"For purposes of this section, elementary school attendance site shall mean an elementary school site in a school district which has been required to merge with another school district pursuant to section 1 of this act or section 79-701.".

2. On page 3, line 6, after "district" insert "within one year of such three-year period pursuant to sections 1 to 5 of this act".

## STANDING COMMITTEE REPORTS
### Public Works

**LEGISLATIVE BILL 71.** Placed on General File as amended.
Standing Committee amendments to LB 71:
AM0407

1. Insert a new section as follows:

"Sec. 3. This act shall become operative on February 28, 1986.".

2. Renumber original section 3 as section 4.

**LEGISLATIVE BILL 356.** Placed on General File.

(Signed) Loran Schmit, Chairperson

## NOTICE OF COMMITTEE HEARING
### Rules

Wednesday, March 13, 1985 12:00 noon
Beutler proposed rule change, page 128 of the Journal.

(Signed) Patricia Morehead, Chairperson

## GENERAL FILE

**LEGISLATIVE BILL 114.** Title read. Considered.

Standing Committee amendment, AM0250, found in the Journal on page 613 for the Twenty-Fifth Day was considered.

Mr. Withem offered the following amendment to the Standing Committee amendment:
to strike the committee amendment on LB 114 and insert the following language;
Page 2, Line 17 strike the words beginning with the first "any" through "thereof" in line 18. Insert "twenty feet of the entrance of any polling place room, or if inside the polling place building, within 100 feet of any voting booth."

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

The Standing Committee amendment, as amended, was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Advanced to E & R for Review with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

## NOTICE OF COMMITTEE HEARINGS
### Appropriations

| | | |
|---|---|---|
| LB 175 | Wednesday, March 13, 1985 | 1:30 p.m. |
| LB 465 | Wednesday, March 13, 1985 | 1:30 p.m. |
| LB 31 | Wednesday, March 20, 1985 | 1:30 p.m. |
| LB 258 | Wednesday, March 20, 1985 | 1:30 p.m. |

LB 390 Thursday, March 21, 1985 1:30 p.m.

Agency 42 - Nebr. Beef Board Friday, March 15, 1985 (Cancel) 1:30 p.m.
Agency 42 - Nebr. Beef Board Thursday, March 14, 1985 (Reset) 1:30 p.m.

(Signed) Jerome Warner, Chairperson

**Judiciary**

| | | |
|---|---|---|
| 690 | Monday, March 11, 1985 (Cancelled) | 1:30 p.m. |
| 690 | Tuesday, March 12, 1985 (Reset) | 1:30 p.m. |
| 514 | Tuesday, March 12, 1985 (Cancelled) | 1:30 p.m. |
| 514 | Monday, March 11, 1985 (Reset) | 1:30 p.m. |

(Signed) Peter Hoagland, Chairperson

**UNANIMOUS CONSENT - Print in Journal**

Mr. Lamb asked unanimous consent to print the following amendments to LB 662 in the Journal. No objections. So ordered.

(1)

AM0377

Amendments to LB 662 Committee Amendments

1. On page 17, line 11, strike "sections 79-403 and" and insert "section".

(2)

AM0378

Amendments to LB 662 Committee Amendments

1. On page 17, line 11, strike "sections" and insert "section" and strike "and 79-406".

(3)

AM0379

Amendments to LB 662 Committee Amendments

1. Strike section 15.
2. On page 17, in line 2, strike "19" and insert "18"; in line 4, strike "18" and insert "17"; and in line 9, strike "79-407, and 79-478 to 79-485,".

3. Renumber the remaining sections accordingly.

(4)

AM0381

(Amendments to Standing Committee Amendments)

1. On page 1, line 2, strike "section" and insert "sections"; in line 9, strike "426.26" and insert "79-426.26"; and in line 19, after the underscored period insert:

"Sec. 16. Following a reorganization governed by section 79-402, the Reorganization of School Districts Act, or sections 79-426.23 to 79-426.26 in which a school district has attached itself as a whole to a Class II, III, IV, or V school district or has become part of a Class VI school district, a class action may be filed against the school board of such Class II, III, IV, V, or VI school district in district court if an elector in the school district of an elementary school attendance site, as such district existed prior to reorganization, have reason to believe that the school board in charge of such site is neglecting to provide reasonable educational opportunities or is neglecting to maintain the building site properly. If neglect is found, the court shall determine how such conditions at such site shall be improved.".

2. On page 3, line 11, strike "18" and insert "19"; and in line 13 after "respectively" insert "and remaining sections accordingly".

Mr. Landis asked unanimous consent to print the following amendment to LB 43 in the Journal. No objections. So ordered.

AM0335

(Amendments to Standing Committee Amendments)

1. On page 1, line 11, after the semicolon insert "in line 9, strike 'twenty-five' and insert 'twenty-seven' and after the underscored period insert 'Commencing the first Thursday after the first Tuesday in January 1987, each of the commissioners shall receive an annual salary of thirty-five thousand dollars. Commencing the first Thursday after the first Tuesday in January 1988, each of the commissioners shall receive an

annual salary of thirty-seven thousand five hundred dollars. Commencing the first Thursday after the first Tuesday in January 1989, each of the commissioners shall receive an annual salary of forty thousand dollars. Such salary shall be'; and strike beginning with 'As' in line 9 through the comma in line 13, and show the old matter as stricken;"; and strike beginning with "in" in line 11 through the second period in line 20.

## VISITOR

Visitor to the Chamber was Colleen Heinz from Hemingford.

## ADJOURNMENT

At 11:56 a.m., on a motion by Mr. Chizek, the Legislature adjourned until 9:00 a.m., Tuesday, March 5, 1985.

Patrick J. O'Donnell
Clerk of the Legislature

# THIRTY-THIRD DAY - MARCH 5, 1985

# LEGISLATIVE JOURNAL

# THIRTY-THIRD DAY - MARCH 5, 1985

## LEGISLATIVE JOURNAL

## EIGHTY-NINTH LEGISLATURE
## FIRST SESSION

## THIRTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 5, 1985

Pursuant to adjournment, the Legislature met at 9:01 a.m., Speaker Nichol presiding.

## PRAYER

The prayer was offered by Gerry Wallis representing the Christian Science churches of Nebraska.

## ROLL CALL

The roll was called and all members were present except Mr. Rogers who was excused; and Messrs. Chambers, Rupp, Schmit, and Withem who were excused until they arrive.

## CORRECTIONS FOR THE JOURNAL

The Journal for the Thirty-Second Day was approved.

## PRESENTED TO THE GOVERNOR

Presented to the Governor on March 4, 1985, at 1:15 p.m., were the following bills: 249, 295, 345, 405, 587, 49, 134, 263 and 327.

(Signed) Pam Moravec, Enrolling Clerk

## MESSAGE FROM THE GOVERNOR

March 4, 1985

Patrick J. O'Donnell

Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bill 295 was received in my office on March 4, 1985.

This bill was signed by me on March 4, 1985 and delivered to the Secretary of State.

Sincerely,
(Signed) ROBERT KERREY
Governor

RK/jm

## REPORT

Received copy of Senate Resolution No. 53 from the State of Michigan in memorializing the Reagan Administration, the Congress of the United States, and the Governor of Michigan to take steps to address the financial dilemma of Michigan agriculture.

## RESOLUTION

**LEGISLATIVE RESOLUTION 60.**

Introduced by Peterson, 21st District.

WHEREAS, the number one ranked Battle Creek girl's basketball team has just completed an outstanding 23-1 season; and

WHEREAS, the final game of this outstanding season was the capturing of the Class C-1 girl's basketball championship for the second year in a row; and

WHEREAS, the winning of such a championship is a demonstration of the willingness to endure the hard work, sacrifice, and struggle associated with significant accomplishments; and

WHEREAS, such outstanding achievements are deserving of special recognition.

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

1. That the members of the Legislature extend their

congratulations and best wishes to the members of the Battle Creek girl's basketball team for winning the Class C-1 championship.

2. That the Legislature also commends the competitive spirit exhibited by all the Nebraska girl's basketball teams.

Laid over.

## ATTORNEY GENERAL'S OPINION

Opinion No. 30
March 5, 1985

Dear Senator Lamb:

You have asked if AM0074 to LB 662 of the Eighty-ninth Legislature, First Session (1985), as amended has constitutional problems.

AM0074 to LB 662, as published in the Legislative Journal for February 4, 1985, at pages 456 to 457, was amended on February 19, 1985, to read as follows:

1. Strike original sections 1 and 19 and insert the following new section:

Sect. 15. Notwithstanding any other provision of sections 1 to 6 of this act or Chapter 79, after the effective date of this section, whenever the question of closing an elementary school attendance site is raised following a reorganization governed by section 79-402, the Reorganization of School Districts Act, or sections 79-426.23 to 426.26 in which a school district has attached itself as a whole to a Class II, III, IV, or V school district or has become part of a Class VI school district, such elementary school attendance site shall not be closed unless a majority of the qualified electors of such school district, as it existed prior to reorganization, vote pursuant to subsections (2) to (4) of section 79-426.15 to close such site. Approval of a proposition to close an elementary school attendance site shall require a majority of all qualified electors voting at a special election called for such purpose.

Obviously, if a school district has attached itself as a whole to a Class II, III, IV, or V school district or has become a part of a Class VI school district and years later a question is raised as to whether to close an elementary school attendance site, there could be a difficult, if not impossible, task in determining "the qualified electors of such school district, as it existed prior to reorganization. . . ." The reason, of course, is that there is no known legal procedure by which such "qualified electors" could be determined. There is yet

another problem. If the identity of the "qualified electors" could somehow be determined but it was discovered that one or more had subsequently established a residence outside the boundaries of the "school district, as it existed prior to reorganization," a court could find that this amendment is unconstitutional in that it would permit "electors" to vote who are not residents of the "school district, as it existed prior to reorganization." We are therefore of the opinion that there are several constitutional problems with this amendment.

Very truly yours,
ROBERT M. SPIRE
Attorney General
(Signed) Harold Mosher
Assistant Attorney General

HM:ejg
cc: Patrick J. O'Donnell
Clerk of the Legislature

## UNANIMOUS CONSENT - Withdraw Co-Introducer

Mr. Carsten asked unanimous consent to have his name withdrawn as co-introducer to LB 572. No objections. So ordered.

## STANDING COMMITTEE REPORTS
### Urban Affairs

**LEGISLATIVE BILL 207.** Placed on General File as amended.
Standing Committee amendments to LB 207:
AM0401

1. On page 2, line 25; page 4, line 16; page 6, lines 11 and 12; page 12, lines 8 and 9; page 14, line 22; and page 20, lines 26 and 27, strike "other necessary governmental services" and insert "public purpose specifically authorized in this section".

2. On page 9, line 14, strike "necessary governmental".

3. On page 5, line 22; and page 11, line 19, after "district" insert ", including protecting existing sidewalks, streets, highways, and roads from floods or erosion which has moved within fifteen feet from the edge of such sidewalks, streets, highways, or roads, regardless of whether such flooding or erosion is of natural or artificial origin".

**LEGISLATIVE BILL 483.** Placed on General File as amended.

Standing Committee amendments to LB 483:
AM0399

1. On page 2, in lines 3 through 12, 18, and 19, strike the new matter and reinstate the stricken matter.

2. On page 3 strike the new matter and reinstate the stricken matter.

3. On page 4, reinstate the stricken matter; and in line 14 after the reinstate "for" insert "the".

4. On page 5, reinstate the stricken matter beginning with "be" in line 1 through "than" in line 13; in line 13 after the stricken "twenty" insert "forty-five"; reinstate the stricken matter beginning with "days" in line 13 through line 22; and in line 23 strike the new matter and reinstate the stricken matter.

5. Insert the following new sections:

"Sec. 2. That section 31-735.02, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

31-735.02. (1) For any sanitary and improvement district, the county clerk or election commissioner shall certify the results of the election to the district.

(2) For any sanitary and improvement district located in a county with a population of less than one hundred thousand, the election board shall also certify to the district the number of hours worked by the board. Payment shall be in currency and made by the attorney for the sanitary and improvement district directly to election board members within forty-five days following such certification. Upon completion of the canvass, the county clerk or election commissioner shall turn all supplies, ballots, and books over to the district for which the election was held.

Sec. 3. That section 31-735.05, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

31-735.05. For any county with a population of one hundred thousand or more, not later than June first of each year the election commissioner shall determine which sanitary and improvement districts in the county are required to hold elections in such year and shall so notify the clerk of each such district on or before July first of such year. The entire costs of conducting the election shall be borne by the sanitary

and improvement district holding the election, and such costs shall include all expenses such as procuring a list of the property owners of record in each such district, printing and mailing notices of the elections to such property owners, printing and preparing ballots, paying compensation and mileage for the election boards conducting such elections, and also indirect expenses, such as the pro rata amount of any additional clerical expense or other miscellaneous expenses to be incurred by the election commissioner in conducting all of such elections to be held in such calendar year. Within sixty days after the elections have been held, each district shall be charged and billed for all of the actual expenses incurred by the election commissioner attributable to such district. Payment of the total amount billed to the district shall be in currency and made by the attorney for the sanitary and improvement district to the election commissioner within sixty days after receipt of such billing.".

6. On page 8, line 19, strike "section" and insert "sections" and after "31-735" insert ",31-735.02, and 31-735.05"; and in line 20 strike "is" and insert "are".

7. Renumber the remaining sections accordingly.

**LEGISLATIVE BILL 484.** Placed on General File as amended.
Standing Committee amendment to LB 484:
AM0400

1. On page 2, line 8, after "deeds" insert ", clerk, election commissioner"; and in line 9 after "located" insert "or, if the district is located within the zoning jurisdiction of a city, with such city".

(Signed) Ron Withem, Chairperson

## RESOLUTION

**LEGISLATIVE RESOLUTION 59.** Read. Considered.

LR 59 was adopted with 30 ayes, 0 nays, and 19 not voting.

## GENERAL FILE

**LEGISLATIVE BILL 662.** Title read. Considered.

Standing Committee amendments, AM0253, found in the Journal on page 650 for the Twenty-Sixth Day were considered.

Mr. Vickers renewed his first pending amendment, AM0421, to the Standing Committee amendments found in the Journal on page 813.

The first Vickers amendment was adopted with 24 ayes, 0 nays, 20 present and not voting, and 5 excused and not voting.

Mr. Vickers renewed his second pending amendment, AM0430, to the Standing Committee amendments found in the Journal on page 813.

The second Vickers amendment was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Mr. Lamb asked unanimous consent to withdraw his pending amendments (1), (2), and (3) found in the Journal on page 815. No objections. So ordered.

Mr. Lamb renewed his pending amendment (4), AM0381, found in the Journal on page 816.

Mrs. Higgins asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Haberman moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

The Lamb pending amendment was adopted with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

Mr. Vickers requested a division of the question on the Standing Committee amendments.

The Chair sustained the division of the question.

The first Standing Committee amendment is as follows:

1. Strike original sections 1 and 19
2. On page 2, line 22, strike "districts" and insert "district or become part of an existing Class VI school district"; and in line 27 strike "with" through "the" and insert "become part of an existing Class VI school district".

3. On page 3, strike beginning with "Class" in line 1 through "district" in line 2; in line 13 strike "6" and insert "5"; in line 15 strike "2" and insert "1"; in line 17 after "district" insert "or become or approved a plan to become part of an existing Class VI school district"; in line 20 after "district" insert "or make such district part of an existing Class VI school district"; and in line 27 after "district" insert "or become or approved a plan to become part of an existing Class VI school district".

4. On page 4, line 3, after "district" insert "or make such district part of an existing Class VI school district"; and in line 8 strike "4" and insert "3".

5. On page 5, line 2, after "attach" insert "or add"; in line 3 strike "3" and insert "2"; and in line 5 strike "2 to 4" and insert "1 to 3".

6. On page 6, line 5, strike "2 to 6" and insert "1 to 5"; and in line 21 after "districts" insert "or make it part of an existing Class VI school district".

7. On page 7, line 24, after "proposed" insert "or of a Class VI district to which an addition is proposed".

8. On page 9, lines 13 and 17, strike "or" and show as stricken, and after "V" insert ", or VI".

9. On page 10, line 6, strike "or" and show as stricken and after "V" insert ", or VI".

10. On page 15, line 10, after "years" insert "and which is within fifteen miles, on a reasonably improved highway, of another high school"; and in line 14 strike "districts" and insert "district or made a part of an existing Class VI school district".

11. On page 16, line 7, strike "7" and insert "6".

12. On page 17 strike beginning with "Sections" in line 2 through the period in line 3; and in line 3 strike "7, 9 to 14," and insert "6, 8 to 18,".

13. Renumber original sections 2 to 15 as sections 1 to 14 respectively.

The first Standing Committee amendment was adopted with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

The second Standing Committee amendment is as follows:

insert the following new section:

"Sec. 15. Notwithstanding any other provision of sections 1 to 6 of this act or Chapter 79, after the effective date of this section, whenever the question of closing an elementary school attendance site is raised following a reorganization governed by section 79-402, the Reorganization of School Districts Act, or sections 79-426.23 to 426.26 in which a school district has attached itself as a whole to a Class II, III, IV, or V school district or has become part of a Class VI school district, such elementary school attendance site shall not be closed unless a majority of the qualified electors of such school district, as it existed prior to reorganization, vote pursuant to subsections (2) to (4) of section 79-426.15 to close such site. Approval of a proposition to close an elementary school attendance site shall require a majority of all qualified electors voting at a special election called for such purpose.".

Mr. Vickers offered the following amendment to the second Standing Committee amendment:

To amend the Committee amendments #2 to LB 662; page 1, line 14, strike beginning with "of" through the comma and insert "who, on the date of the election prescribed in this section, reside within the boundaries of such district"

The Vickers amendment was adopted with 22 ayes, 12 nays, 13 present and not voting, and 2 excused and not voting.

Pending.

## UNANIMOUS CONSENT - Print in Journal

Mr. Wesely asked unanimous consent to print the following amendment to LB 324 in the Journal. No objections. So ordered.

AM0369

1. Strike original sections 1 to 5 and insert the following new sections:

"Sec. 2. That section 48-1114, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

48-1114. It shall be an unlawful employment practice for an employer to discriminate against any of his or her employees or applicants for employment, for

an employment agency to discriminate against any individual, or for a labor organization to discriminate against any member thereof or applicant for membership, because he or she (1) has opposed any practice made an unlawful employment practice by sections 48-1101 to 48-1125, ~~or because he~~ (2) has made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under sections 48-1101 to 48-1125, or (3) has opposed any practice or refused to carry out any action which is unlawful under the laws of the United States or this state.

Sec. 3. That original sections 48-1102 and 48-1114, Reissue Revised Statutes of Nebraska, 1943, are repealed.".

2. In the Standing Committee amendments, AMO244, found on pages 628 and 629 of the Journal, strike amendments 2 and 3.

## STANDING COMMITTEE REPORTS
### Miscellaneous Subjects

**LEGISLATIVE BILL 33.** Placed on General File.
**LEGISLATIVE BILL 265.** Placed on General File.

**LEGISLATIVE BILL 106.** Indefinitely postponed.
**LEGISLATIVE BILL 141.** Indefinitely postponed.
**LEGISLATIVE BILL 203.** Indefinitely postponed.

(Signed) Elroy M. Hefner, Chairperson

## BILLS ON FIRST READING

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

**LEGISLATIVE BILL 248A.** By Wesely, 26th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 248, Eighty-ninth Legislature, First Session, 1985.

**LEGISLATIVE BILL 250A.** By Wesely, 26th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 250, Eighty-ninth Legislature, First Session, 1985.

## GENERAL FILE

**LEGISLATIVE BILL 662.** Mr. V. Johnson offered the following amendment to the second Standing Committee amendment:

to amend the LB 662 Standing Committee Amendments #2 as follows:

1. On Page 1, Line 19, after the underscored period insert:

"If such school district divides and the various portions join more than one district pursuant to this act, such elementary school attendance site shall not be closed unless a majority of the voters who, on the date of the election provided in this section, reside in the portion of such district, as the boundaries of such district existed prior to the reorganization, which contains such elementary school attendance site, vote to close such site."

The V. Johnson amendment was adopted with 24 ayes, 9 nays, 14 present and not voting, and 2 excused and not voting.

The second Standing Committee amendment, as amended, was adopted with 25 ayes, 0 nays, 22 present and not voting, and 2 excused and not voting.

Messrs. V. Johnson, Hoagland, and Landis asked unanimous consent to withdraw their pending amendments, AM0074, found in the Journal on page 456 and AM0152, found in the Journal on page 554. No objections. So ordered.

Mr. DeCamp asked unanimous consent to withdraw his pending amendment, AM0319, found in the Journal on page 688. No objections. So ordered.

Mr. R. Johnson moved to indefinitely postpone LB 662.

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

Mr. Hoagland moved the previous question. The question is, "Shall the debate now close?"

Mr. Hoagland 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, 12 nays, and 12 not voting.

Mr. R. Johnson requested a roll call vote on his motion to indefinitely postpone LB 662.

Voting in the affirmative, 16:

| | | | | |
|---|---|---|---|---|
| Barrett | Hefner | Lamb | Remmers | Sieck |
| Chronister | Johnson, L. | Peterson | Rupp | Smith |
| Eret | Johnson, R. | Pirsch | Scofield | Warner |
| Goll | | | | |

Voting in the negative, 30:

| | | | | |
|---|---|---|---|---|
| Baack | Conway | Harris | Landis | Nelson |
| Beutler | DeCamp | Hartnett | Lundy | Nichol |
| Beyer | Goodrich | Higgins | Lynch | Pappas |
| Carsten | Haberman | Hoagland | Marsh | Vickers |
| Chambers | Hall | Johnson, V. | Miller | Wesely |
| Chizek | Hannibal | Labedz | Morehead | Withem |

Present and not voting, 1:

Abboud

Excused and not voting, 2:

Rogers Schmit

The R. Johnson motion to indefinitely postpone lost with 16 ayes, 30 nays, 1 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Mrs. Labedz moved that LB 662 be referred to the Education, Revenue and Executive Board Committees for an Interim Study.

Mrs. Marsh moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 5 nays, and 19 not voting.

The Labedz motion to refer lost with 21 ayes, 25 nays, 1 present and not voting, and 2 excused and not voting.

Mr. DeCamp asked unanimous consent to withdraw his pending amendment, AM0433, found in the Journal on page 812. No

objections. So ordered.

Mrs. Smith offered the following amendment:
AM0457

1. Insert the following new section:

"Sec. 16. When any Class I district subject to this act has merged with an existing Class II, III, IV, or V school district or has been added to a Class VI school district, the parents who have children of high school age shall have a choice of which high school their children shall attend.

The school district with which the Class I district has merged shall compensate the serving district not to exceed the per pupil cost as shown by the average daily attendance figure under the secondary column on the annual financial report filed with the State Department of Education pursuant to Nebraska law for the preceding school year by the school district with which the Class I district has merged.

The total amount of compensation paid shall not exceed the amount generated by the local property taxes in the merged or added Class I district.".

2. Renumber remaining sections and change internal references accordingly.

Mr. Beyer asked unanimous consent to be excused. No objections. So ordered.

The Smith amendment was adopted with 37 ayes, 0 nays, 9 present and not voting, and 3 excused and not voting.

Mr. DeCamp requested a record vote on the advancement of the bill.

Voting in the affirmative, 26:

| | | | | |
|---|---|---|---|---|
| Baack | Haberman | Higgins | Lynch | Pappas |
| Beutler | Hall | Hoagland | Marsh | Smith |
| Chambers | Hannibal | Johnson, V. | Morehead | Vickers |
| Chizek | Harris | Landis | Nelson | Wesely |
| Conway | Hartnett | Lundy | Nichol | Withem |
| Goodrich | | | | |

Voting in the negative, 20:

| | | | | |
|---|---|---|---|---|
| Abboud | Barrett | Carsten | Chronister | DeCamp |

| | | | | |
|---|---|---|---|---|
| Eret | Johnson, L. | Lamb | Pirsch | Scofield |
| Goll | Johnson, R. | Miller | Remmers | Sieck |
| Hefner | Labedz | Peterson | Rupp | Warner |

Excused and not voting, 3:

| | | |
|---|---|---|
| Beyer | Rogers | Schmit |

Advanced to E & R for Review with 26 ayes, 20 nays, and 3 excused and not voting.

**MOTION - Place LB 360 on General File**

Messrs. Wesely and Hoagland moved that pursuant to Rule 3, section 17, LB 360 be placed on General File not withstanding the action of the Public Works Committee.

Laid over.

## SELECT COMMITTEE REPORTS
### Enrollment and Review

**LEGISLATIVE BILL 292.** Placed on Select File as amended.
E & R amendment to LB 292:
AM5063

1. On page 1, strike beginning with the second "to" in line 8 through the semicolon in line 9.

**LEGISLATIVE BILL 293.** Placed on Select File as amended.
E & R amendment to LB 293:
AM5064

1. On page 6, line 18, strike "30-2314(1)" and insert "30-2314(a)(1)".

**LEGISLATIVE BILL 40.** Placed on Select File.

**LEGISLATIVE BILL 114.** Placed on Select File as amended.
E & R amendment to LB 114:
AM5065

1. In lieu of the Withem amendment adopted March 4, 1985, on page 2, strike beginning with the first "any" in line 17 through "thereof" in line 18 and insert "twenty feet of the entrance of any polling place room or, if inside the polling place building, within one hundred feet of any voting booth".

(Signed) Timothy Hall, Chairperson

## UNANIMOUS CONSENT - Print in Journal

Mr. Warner asked unanimous consent to print the following amendment to LB 190 in the Journal. No objections. So ordered.

AM0444

(Amendments to Standing Committee Amendments)

1. On page 3, line 21, before "General" insert "(1) Cash Reserve Fund from October 1, 1985, through June 30, 1986, and (2) on and after July 1, 1986, to the" and after the semicolon insert "after line 9 insert the following new paragraph:

'The revenue placed in the Cash Reserve Fund pursuant to this section shall be transferred by the State Treasurer on July 1, 1986, to the General Fund notwithstanding the provisions of section 84-612.';".

## STANDING COMMITTEE REPORTS
### Public Works

**LEGISLATIVE BILL 395.** Placed on General File as amended.
Standing Committee amendments to LB 395:
AM0256

1. On page 11, line 26, strike "said" and insert "such".

2. On page 13, line 1, after "maintain," insert "provide," and strike "operate", show as stricken, and insert "contract with the Nebraska State Patrol for the operation of weighing stations and provide the funding for the same. The Nebraska State Patrol shall operate the"; strike beginning with the comma in line 5 through the period in line 7, show the old matter as stricken, and insert an underscored period; in line 18 strike "have", show as stricken, and insert "be advised by the officer operating the portable scale that he or she has"; in line 21 strike "substantial" and show as stricken; and in line 27 strike "agency".

3. On page 14, line 1, strike "designated" through the second "the"; strike beginning with "or" in line 2 through "duties" in line 4; in line 6 strike the new matter; strike beginning with "or" in line 7 through

"duties" in line 9; strike beginning with "Governor" in line 19 through the first "the" in line 20 and show as stricken; and strike beginning with "or" in line 20 through "Roads" in line 21, show as stricken, and insert "is hereby designated as the agency".

4. On page 15, strike beginning with "agency" in line 3 through the second "the" in line 4; strike beginning with "or" in line 4 through "are" in line 5; in line 8 after "a" insert "separate" and strike "such agency" and insert "the Nebraska State Patrol"; and strike beginning with "If" in line 22 through "the" in line 25 and insert "The".

5. On page 16, line 8, strike "or contracts" and insert "as long as such funds are used only to finance those activities directly involved with the duties specified in sections 60-1301 to 60-1309"; strike beginning with "agency" in line 9 through the first "the" in line 10; strike beginning with "or" in line 10 through "duties" in line 12; and in line 13 strike "not".

6. Strike original section 6.

7. On page 17, strike beginning with "chief" in line 5 through the first "the" in line 6 and show the old matter as stricken; in line 14 after "officers" insert "solely"; in line 19 after "vehicles," insert "and when in uniform, to require the driver thereof to stop and exhibit his or her operator's license and registration issued for the vehicle and submit to an inspection of such vehicle, the plates, and registration thereon"; and in line 21 after "section" insert "and section 60-1309".

8. On page 18, line 3, strike "carrier enforcement"; and in line 22 strike the new matter.

9. On page 19, line 3, strike "peace or carrier"; in line 4 strike "enforcement"; in lines 12 and 17 strike the new matter and reinstate the stricken matter; and in line 23 after "officer" insert "or".

10. On page 22, line 23, after "39-6,192" insert "; except all carrier enforcement officers assigned to the carrier enforcement division,".

11. On page 27, line 26, after "60-1303" insert ", 60-1305".

12. On page 28, line 2, after "1984," insert "and also section 60-1304, Reissue Revised Statutes of Nebraska, 1943,".

(Signed) Loran Schmit, Chairperson

**Constitutional Revision and Recreation**

**LEGISLATIVE RESOLUTION 18CA.** Placed on General File as amended.
Standing Committee amendment to LR 18CA:
AM0449
1. On page 2, line 14, strike "and related land".

**LEGISLATIVE RESOLUTION 26CA.** Placed on General File as amended.
Standing Committee amendment to LR 26CA:
AM0448
1. On page 2, line 18, after "passage" insert "to require that a thorough summary of the bill be read".

**LEGISLATIVE RESOLUTION 5CA.** Indefinitely postponed.
**LEGISLATIVE RESOLUTION 15CA.** Indefinitely postponed.
**LEGISLATIVE RESOLUTION 20CA.** Indefinitely postponed.
**LEGISLATIVE RESOLUTION 27CA.** Indefinitely postponed.

(Signed) Lee Rupp, Chairperson

**RESOLUTION**

**LEGISLATIVE RESOLUTION 61.**

Introduced by Lundy, 36th District.

WHEREAS, the Kearney Catholic Girls Basketball team is the champion of the 1985 Class C-2 Girls Basketball Tournament; and

WHEREAS, these young women have demonstrated athletic excellence which is deserving of statewide recognition having remained undefeated in forty-four consecutive games climaxing in their second straight Class C-2 title; and

WHEREAS, the coaching of Jerry Skrdla and the contribution of all team members is deserving of recognition.

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

1. That the members of the Legislature commend the Kearney

Catholic Girls Basketball Team and their coach, Jerry Skrdla.

2. That a copy of this resolution be sent to Coach Skrdla and the Kearney Catholic Girls Basketball Team.

Laid over.

## UNANIMOUS CONSENT - Print in Journal

Messrs. Carsten and DeCamp asked unanimous consent to print the following amendment to LB 662 in the Journal. No objections. So ordered.

AM0460

1. Strike the original sections and all amendments thereto and insert the following new section:

"Section 1. The Department of Revenue shall supervise a program for funding the primary and secondary education systems of this state. The amount of such funding shall be the total school budgets for the previous year. No more than one-third of the funding shall be obtained from local property taxation, no more than one-third from state sales tax revenue, and no more than one-third from the state income tax revenue. The department shall have the power to change the percentage of funding from each of the three sources and shall make such changes based upon changes in the state-wide average income and other economic factors. The Department of Revenue shall adopt and promulgate rules and regulations to implement this section.".

## SELECT COMMITTEE REPORTS
### Enrollment and Review

### Correctly Re-Engrossed

The following bill was correctly re-engrossed: 223.

(Signed) Timothy Hall, Chairperson

## SELECT FILE

**LEGISLATIVE BILL 104.** E & R amendments, AM5046, found in the Journal on page 637 for the Twenty-Sixth Day were adopted.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 446.** E & R amendments, AM5048, found in the Journal on page 675 for the Twenty-Seventh Day were adopted.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 391.** E & R amendments, AM5049, found in the Journal on page 675 for the Twenty-Seventh Day were adopted.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 67.** E & R amendment, AM5050, found in the Journal on page 675 for the Twenty-Seventh Day was adopted.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 94.** E & R amendments, AM5051, found in the Journal on page 676 for the Twenty-Seventh Day were adopted.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 165.** Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 299.** E & R amendments, AM5058, found in the Journal on page 683 for the Twenty-Eighth Day were adopted.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 498.** E & R amendment, AM5053, found in the Journal on page 683 for the Twenty-Eighth Day was adopted.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 244.** Advanced to E & R for Engrossment.

## VISITORS

Visitors to the Chamber were Joann Thietje and Roger Larson from Fremont; 300 students and sponsors from Omaha; Jerrey Persinger, Duane Obermeier, Eric Endolm, and Ron Dreiling; Marvin and Monica Zuloff and Bill Fulcher from Sutherland; Mr. Howard Lichemann from Hildreth; and 30 students and teacher from Memphis, Nebraska.

## ADJOURNMENT

At 12:11 p.m., on a motion by Mr. Hall, the Legislature adjourned until 9:00 a.m., Wednesday, March 6, 1985.

Patrick J. O'Donnell
Clerk of the Legislature

# THIRTY-FOURTH DAY - MARCH 6, 1985

# LEGISLATIVE JOURNAL

# THIRTY-FOURTH DAY - MARCH 6, 1985

## LEGISLATIVE JOURNAL

## EIGHTY-NINTH LEGISLATURE
## FIRST SESSION

## THIRTY-FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 6, 1985

Pursuant to adjournment, the Legislature met at 9:01 a.m., President McGinley presiding.

### PRAYER

The prayer was offered by Pastor Daniel Casey, Central Church of the Nazarene, Omaha, Nebraska.

### ROLL CALL

The roll was called and all members were present except Mr. Rogers who was excused; and Messrs. Chambers, Haberman, Hannibal, Hartnett, R. Johnson, Lamb, Sieck, Vickers, Mesdames Higgins, and Nelson who were excused until they arrive.

### CORRECTIONS FOR THE JOURNAL

The Journal for the Thirty-Third Day was approved.

### ANNOUNCEMENT

Mr. R. Johnson announced the Standing Committee on Agriculture and Environment will hold an Executive Session Thursday, March 7 at 8:30 a.m. in room 1520.

### UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendment to LB 183 in the Journal. No objections. So ordered.

AM0419

(Amendments to Standing Committee Amendments)

1. On page 1, line 9, strike "to" and insert "and".

2. On page 10, line 26, strike "3" and insert "4".

3. On page 11, line 11, strike "4" and insert "5".

4. On page 13, line 11, strike "5" and insert "Sec. 7"; in line 12 strike "and" and after the third comma insert "and 53-179,"; and after the first period in line 15 insert the following new section:

"Sec. 8. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

## STANDING COMMITTEE REPORTS
### Agriculture and Environment

**LEGISLATIVE BILL 456.** Indefinitely postponed.

(Signed) Rod Johnson, Chairperson

### Government, Military and Veterans Affairs

**LEGISLATIVE BILL 664.** Placed on General File as amended.
Standing Committee amendment to LB 664:
AM0427

1. On page 2, in lines 21 through 23 reinstate the stricken matter.

**LEGISLATIVE BILL 401.** Placed on General File.

(Signed) David Landis, Chairperson

### Public Works

**LEGISLATIVE BILL 553.** Placed on General File as amended.
Standing Committee amendments to LB 553:
AM0416

1. On page 2, strike beginning with the comma in line 7 through "street" in line 8; in line 15 after "hour" insert "when carrying loads which are in excess of the maximum gross weight specified by law by more than twenty-five per cent"; in line 16 strike "or

county" and strike "or city street"; and in line 27 strike ",roads, or".

2. On page 3, line 1, strike "streets".

**LEGISLATIVE BILL 575.** Placed on General File as amended.
Standing Committee amendment to LB 575:
AM0417

1. Strike the original section and insert the following new sections:

"Section 1. That section 60-406.04, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-406.04. (1) All motor vehicle operators' licenses, except limited, special, and learners' permits, temporary licenses and permits as provided by subsections (3) and (4) of section 60-415, and licenses issued pursuant to subsection (2) of this section, shall have a color photograph of the licensee affixed thereto. Such license shall be issued by the county treasurer. The Director of Motor Vehicles shall negotiate and enter into a contract to provide the necessary equipment, supplies, and forms for the photographs. All costs incurred by the department under this section shall be paid by the state out of appropriations made to the Department of Motor Vehicles. All costs of taking and affixing the photographs shall be paid by the county from the fees provided pursuant to section 60-409.

(2) Any person who, at the time of renewal of his or her motor vehicle operator's license, is out of the state may be issued, after proper application, a license without an affixed photograph upon payment of a fee as provided in section 60-409. Such application shall be made to the county treasurer of the county in which the applicant resides.

(3) Any motor vehicle operator's license requiring an affixed color photograph of the licensee issued to a minor as defined in section 53-103, as such definition may be amended from time to time by the Legislature, shall have a different background color in such photograph than the background color used in the photograph affixed to the motor vehicle operator's license of a person who is not a minor. When a person is no longer a minor, he or she may apply for a replacement license with a photograph having the background color used for persons who are not minors.

The fee for such replacement license shall be the same as the fee for a replacement license issued for a change of address pursuant to subsection (2) of section 60-415.

Sec. 2. That section 60-415, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-415. (1) Except as provided in subsection (4) of this section for persons temporarily out of the state, any person duly licensed under ~~the provisions of~~ this act who loses his or her license or permit may obtain a duplicate upon filing with the county treasurer an application and affidavit showing such loss and furnishing proof of identification in accordance with subsection (3) of section 60-407. Upon the officer being satisfied that the loss is genuine, the officer shall cause to be issued, upon the payment of a fee of ~~two~~ five dollars, a duplicate license or permit. No more than two duplicates of a license may be issued in this manner. Upon the issuance of any duplicate or replacement license or permit, the license or permit from which the duplicate or replacement license or permit is issued shall be void. The ~~two-dollar~~ five-dollar fee shall be handled by the treasurers in the same manner as original or renewal license fees, except that such duplicate license or permit fee in each instance shall be credited, allocated, and accounted for by the county treasurer as in the cases of original and renewal motor vehicle operators' license fees as provided in section 60-409.

(2) If any person changes his or her name because of marriage, divorce, by court order, or a common law name change, he or she shall apply to the county treasurer for a replacement motor vehicle operator's license and furnish proof of identification in accordance with subsection (3) of section 60-407. Such license shall be issued upon payment of a fee of ~~two~~ five dollars. Such application shall be made within thirty days after the change of name. If any person changes his or her address, the person shall apply to the county treasurer for a replacement motor vehicle operator's license and furnish satisfactory evidence of such change. Such license shall be issued upon payment of a fee of ~~two~~ five dollars.

(3) In the event a mutilated and unreadable license or permit is held by any person duly licensed

under ~~the provisions of~~ this act, such person may obtain a replacement license or permit upon showing the original mutilated or unreadable license or permit to the county treasurer. A replacement license may be issued, without an affixed photograph, to any person who is out of the state at the time of application for the replacement license. Such license or permit shall state on its face that it shall become invalid thirty days after such person resumes residence in the state. If the county treasurer is satisfied that the license or permit is mutilated or unreadable, the county treasurer shall cause to be issued, upon the payment of a fee of ~~two~~ five dollars, a replacement license or permit. The fee shall be handled by the treasurer in the same manner as the original or renewal license fee, except that the replacement license or permit fee in each instance shall be credited, allocated, and accounted for by the county treasurer as in the cases of original and renewal motor vehicle operators' license fees as provided in section 60-409.

(4) If any person duly licensed under ~~the provisions of~~ sections 60-401 to 60-440 loses his or her license while temporarily out of the state, he or she may apply for a duplicate operator's license without an affixed photograph by filing with the county treasurer an application and affidavit showing such loss. Upon the officer being satisfied that the loss is genuine, the officer shall cause to be issued, upon the payment of a fee of ~~two~~ five dollars, a duplicate operator's license without an affixed photograph. Upon the issuance of the duplicate license, the original license shall be void.

(5) Any person holding a valid operator's license without an affixed photograph shall surrender such license to the treasurer of his or her county of residence within thirty days of resuming residency in this state. After the thirty-day period, such license shall be considered invalid. Upon the timely surrender of the license and payment of a fee of ~~two~~ five dollars, such person shall be issued an operator's license with a color photograph of the licensee affixed to it.

Sec. 3. That original sections 60-406.04 and 60-415, Reissue Revised Statutes of Nebraska, 1943, are repealed.".

**LEGISLATIVE BILL 584.** Placed on General File as amended.
Standing Committee amendments to LB 584:
AM0410

1. Insert the following new section:

"Sec. 2. That section 60-311.14, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-311.14. (1) The Department of Motor Vehicles shall, without the payment of any fee except the fees required by section 60-311, issue license plates for one motor vehicle not used for hire, which plates shall carry the internationally accepted wheelchair symbol, which symbol is a representation of a person seated in a wheelchair surrounded by a border six units wide by seven units high, and such other letters or numbers as the Director of Motor Vehicles may prescribe, to any person who applies for such plates and proves that he or she is a disabled person. Such plates shall be used by such person in lieu of the usual license plates. For purposes of this section, disabled person shall mean a person who has permanently lost the use of ~~two~~ one or more extremities so as to require physical or mechanical modification of the vehicle to accommodate the disability and provide for safe operation of the vehicle.

(2) Any person who is not disabled but is physically handicapped as defined in section 18-1738 may receive license plates, as described in subsection (1) of this section, if he or she applies for such plates, furnishes proof that he or she is physically handicapped as defined in section 18-1738, and pays the fees required in Chapter 60, article 3.".

2. On page 3, line 2, strike "section" and insert "sections", after "60-311.11" insert "and 60-311.14", and in line 3 strike "is" and insert "are".

3. Renumber remaining section accordingly.

**LEGISLATIVE BILL 640.** Placed on General File as amended.
Standing Committee amendments to LB 640:
AM0408

1. On page 2, line 9, after the period insert "If more than three commissioners are appointed by the governing body, the fourth and fifth commissioners shall hold office until the expiration of four and six years, respectively, from the date or dates of their

appointments.", and after "each" insert "commissioner"; and strike beginning with "Not" in line 13 through the period in line 15 and show the old matter as stricken.

2. Insert a new section as follows:

"Sec. 3. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

(Signed) Loran Schmit, Chairperson

## RESOLUTIONS

**LEGISLATIVE RESOLUTION 62.**

Introduced by Lundy, 36th District; Chronister, 18th District.

PURPOSE: Since the number and use of instruments known as martial arts weapons has increased substantially and become increasingly popular in Nebraska and since these instruments can be extremely dangerous to persons whether they are used properly or not, a study should be undertaken to determine:

1) The extent and use of such instruments in Nebraska:

2) The instances in which persons have been injured and property has been damaged by such instruments;

3) Whether the use of such instruments represents a legitimate art form;

4) Whether existing laws are adequate to protect against the improper use of such weapons;

5) Whether additional laws are needed to protect against misuses of such weapons; and

6) Whether there should be exceptions to any laws to allow the use of such weapons by art form practitioners.

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

1) That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2) That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 60.** Read. Considered.

LR 60 was adopted with 29 ayes, 0 nays, and 20 not voting.

**LEGISLATIVE RESOLUTION 61.** Read. Considered.

LR 61 was adopted with 29 ayes, 0 nays, and 20 not voting.

**UNANIMOUS CONSENT - Add Co-Introducer**

Mr. Miller asked unanimous consent to have his name added as co-introducer to LR 61. No objections. So ordered.

**MOTION - Approve Appointments**

Mr. Hefner moved the adoption of the report of the Miscellaneous Subjects Committee for the following Governor appointment found in the Journal on page 746: Lucy M. Buntain - Nebraska Arts Council.

Voting in the affirmative, 30:

| | | | | |
|---|---|---|---|---|
| Abboud | DeCamp | Hefner | Lynch | Rupp |
| Barrett | Eret | Hoagland | Marsh | Schmit |
| Beyer | Goodrich | Johnson, L. | Morehead | Scofield |
| Carsten | Haberman | Labedz | Nichol | Smith |
| Chronister | Hall | Landis | Peterson | Warner |
| Conway | Harris | Lundy | Remmers | Withem |

Voting in the negative, 0.

Present and not voting, 11:

| | | | | |
|---|---|---|---|---|
| Baack | Goll | Miller | Pirsch | Vickers |
| Beutler | Johnson, V. | Pappas | Rogers | Wesely |
| Chizek | | | | |

Excused and not voting, 8:

| | | | | |
|---|---|---|---|---|
| Chambers | Hartnett | Johnson, R. | Nelson | Sieck |
| Hannibal | Higgins | Lamb | | |

The appointment was confirmed with 30 ayes, 0 nays, 11 present and not voting, and 8 excused and not voting.

Mr. Hefner moved the adoption of the report of the 1984

Miscellaneous Subjects Committee for the following Governor appointments found in the Journal on page 746: Ronald R. Volkmer and Gary L. Tesar - Nebraska Accountability and Disclosure Commission.

Voting in the affirmative, 31:

| | | | | |
|---|---|---|---|---|
| Abboud | DeCamp | Johnson, L. | Marsh | Schmit |
| Baack | Eret | Johnson, V. | Morehead | Scofield |
| Barrett | Goodrich | Labedz | Nichol | Smith |
| Beutler | Hall | Lamb | Pappas | Warner |
| Beyer | Hefner | Lundy | Peterson | Wesely |
| Carsten | Hoagland | Lynch | Remmers | Withem |
| Conway | | | | |

Voting in the negative, 0.

Present and not voting, 11:

| | | | | |
|---|---|---|---|---|
| Chizek | Haberman | Landis | Pirsch | Rupp |
| Chronister | Harris | Miller | Rogers | Vickers |
| Goll | | | | |

Excused and not voting, 7:

| | | | | |
|---|---|---|---|---|
| Chambers | Hartnett | Johnson, R. | Nelson | Sieck |
| Hannibal | Higgins | | | |

The appointments were confirmed with 31 ayes, 0 nays, 11 present and not voting, and 7 excused and not voting.

## GENERAL FILE

**LEGISLATIVE BILL 313A.** 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 391A.** Title read. Considered.

Advanced to E & R for Review with 31 ayes, 0 nays, 11 present and not voting, and 7 excused and not voting.

## UNANIMOUS CONSENT - Print in Journal

Mr. Landis asked unanimous consent to print the following amendment to LB 548 in the Journal. No objections. So ordered.

AM0418

1. On page 3, line 2, strike "sections" and insert "section"; in lines 4, 5, and 8 strike "his or her parent, spouse, or child" and insert "an immediate family member"; in line 6 strike "as"; in line 7 strike "provided by this act" and insert "on the record to the governing body or a written disclosure to the person in charge of keeping records for the governing body"; in line 10 after the period insert "Except for making a full disclosure provided by sections 1 to 7 of this act, this section shall not apply to an immediate family member of a public official or public employee who (1) was previously employed to a position subject to this section prior to the election or appointment of the public official or public employee or (2) was employed to a position subject to this section prior to the effective date of this act. Any newly elected or appointed public official or employee shall make a full disclosure of any immediate family member employed in a position subject to this section, prior to or as soon as reasonably possible after the official date of taking office."; and in line 24 after "70-624.04" insert "and section 1 of this act".

2. On page 4, line 6, after the first "the" insert "county attorney," and after "body" insert an underscored comma; and strike beginning with "an" in line 15 through "business" in line 16 and insert "a business association as defined in section 49-1408".

3. On page 5, line 7, strike "(a) Is" and insert "An officer who (a) is"; in line 8 strike "ownership interest" and insert "business association as defined in section 49-1408"; and in line 26 strike "government" and insert "governing".

4. On page 9, in lines 14 and 18 strike "2" and insert "1"; and in lines 14 and 19 strike "12" and insert "13".

5. Insert the following new sections:

"Sec. 8. Individuals required to make disclosures pursuant to sections 1 to 7 of this act shall not be required to file potential conflict of interest statements pursuant to section 49-1499.

Sec. 11. That section 49-1408, Reissue

Revised Statutes of Nebraska, 1943, be amended to read as follows:

49-1408. Business with which the individual is associated or business association shall mean a business: (1) In which the individual is a partner, director, or officer; ~~, or employee;~~ or (2) in which the individual or a member of the individual's immediate family is a stockholder of closed corporation stock worth one thousand dollars or more at fair market value or which represents more than a five per cent equity interest, or is a stockholder of publicly traded stock worth ten thousand dollars or more at fair market value or which represents more than ten per cent equity interest. ~~For purposes of this section, employee shall not include an individual retained or otherwise employed by a client when the employment creates a confidential professional relationship protected by law, unless that individual is a regularly salaried employee for whom the business withholds income tax or pays social security tax.~~ A partnership or professional corporation whose officers~~,~~ or directors ~~or employees~~ occupy a confidential professional relationship protected by law ~~is also~~ shall be exempt from this section. This section shall not apply to publicly traded stock under a trading account if the filer reports the name and address of the stockbroker.".

5. On page 11, strike beginning with "his" in line 7 through the underscored comma in line 8; in line 9 after "filed" insert "or will be filed" and strike the first underscored comma; and in line 15, after the comma insert "49-1408,".

6. Renumber remaining sections accordingly.

## UNANIMOUS CONSENT - Member Excused

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

## UNANIMOUS CONSENT - Withdraw Amendment to LB 101

Mrs. Higgins asked unanimous consent to withdraw her pending amendment, AM0249, found in the Journal on page 624 to LB 101. No objections. So ordered.

## BILLS ON FINAL READING

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 101.** With Emergency.

A BILL FOR AN ACT relating to real estate; to amend sections 81-198, 81-199, and 81-885.47, Revised Statutes Supplement, 1984; to provide for the reestablishment of the State Real Estate Commission; to define terms; to provide education requirements for real estate brokers and salespersons; to provide duties for the State Real Estate Commission; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 40:

| | | | | |
|---|---|---|---|---|
| Abboud | DeCamp | Hefner | Marsh | Schmit |
| Baack | Eret | Johnson, L. | Miller | Scofield |
| Barrett | Goll | Johnson, R. | Morehead | Sieck |
| Beyer | Haberman | Labedz | Nichol | Smith |
| Carsten | Hall | Lamb | Peterson | Vickers |
| Chizek | Hannibal | Landis | Pirsch | Warner |
| Chronister | Harris | Lundy | Remmers | Wesely |
| Conway | Hartnett | Lynch | Rupp | Withem |

Voting in the negative, 1:

Higgins

Present and not voting, 4:

| | | | |
|---|---|---|---|
| Beutler | Goodrich | Hoagland | Johnson, V. |

Excused and not voting, 4:

| | | | |
|---|---|---|---|
| Chambers | Nelson | Pappas | Rogers |

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**LEGISLATIVE BILL 101A.** With Emergency.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 101, Eighty-ninth Legislature, First Session, 1985; and to declare an emergency.

Whereupon the President stated: "All provisions of 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 | DeCamp | Hefner | Marsh | Schmit |
| Baack | Eret | Johnson, L. | Miller | Scofield |
| Barrett | Goll | Johnson, R. | Morehead | Sieck |
| Beyer | Haberman | Labedz | Nichol | Smith |
| Carsten | Hall | Lamb | Peterson | Vickers |
| Chizek | Hannibal | Landis | Pirsch | Warner |
| Chronister | Harris | Lundy | Remmers | Wesely |
| Conway | Hartnett | Lynch | Rupp | Withem |

Voting in the negative, 1:

Higgins

Present and not voting, 4:

| | | | |
|---|---|---|---|
| Beutler | Goodrich | Hoagland | Johnson, V. |

Excused and not voting, 4:

| | | | |
|---|---|---|---|
| Chambers | Nelson | Pappas | Rogers |

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**LEGISLATIVE BILL 113.**

A BILL FOR AN ACT relating to juries; to amend sections 25-1628, 25-1629, and 25-1637, Reissue Revised Statutes of Nebraska, 1943, and section 25-1601, Revised Statutes Supplement, 1984; to change provisions relating to juror qualifications and preparation of proposed juror lists; to harmonize provisions; to provide an operative date; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 26:

| | | | | |
|---|---|---|---|---|
| Abboud | Conway | Hartnett | Landis | Pirsch |
| Baack | Goll | Higgins | Lundy | Rupp |
| Beutler | Hall | Hoagland | Lynch | Schmit |
| Beyer | Hannibal | Johnson, L. | Marsh | Vickers |
| Chizek | Harris | Labedz | Miller | Withem |
| Chronister | | | | |

Voting in the negative, 17:

| | | | | |
|---|---|---|---|---|
| Barrett | Haberman | Morehead | Remmers | Smith |
| Carsten | Hefner | Nichol | Scofield | Warner |
| DeCamp | Johnson, R. | Peterson | Sieck | Wesely |
| Eret | Lamb | | | |

Present and not voting, 2:

Goodrich Johnson, V.

Excused and not voting, 4:

Chambers Nelson Pappas Rogers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

## MOTHERS OF THE YEAR

Messrs. Nichol and Hoagland escorted the Mother of the Year, Louise Monaco Cimino from Omaha, Nebraska, and the Young Mother of the Year, Cynthia K. Lebruska from Mitchell, Nebraska.

Mrs. Cimino and Mrs. Lebruska spoke to the members briefly.

## MR. DECAMP PRESIDING

## BILLS ON FINAL READING

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 323.**

A BILL FOR AN ACT relating to controlled substances; to amend sections 28-406, 28-408, and 28-409, Reissue Revised Statutes of Nebraska, 1943, and sections 28-401 and 28-405, Revised Statutes Supplement, 1984; to define a term; to change schedules of controlled substances; to increase registration fees; to delete an obsolete provision; to provide additional cause for revocation of registration; to clarify hearing procedures; 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 | Eret | Hoagland | Marsh | Rupp |
| Baack | Goll | Johnson, L. | Miller | Schmit |
| Barrett | Goodrich | Johnson, R. | Morehead | Scofield |
| Beutler | Haberman | Johnson, V. | Nelson | Sieck |
| Beyer | Hall | Labedz | Nichol | Smith |
| Carsten | Hannibal | Lamb | Pappas | Vickers |
| Chizek | Harris | Landis | Peterson | Warner |
| Chronister | Hartnett | Lundy | Pirsch | Wesely |
| Conway | Hefner | Lynch | Remmers | Withem |
| DeCamp | Higgins | | | |

Voting in the negative, 0.

Excused and not voting, 2:

Chambers Rogers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 323A.**

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 323, Eighty-ninth Legislature, First Session, 1985.

Whereupon the 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 | Eret | Hoagland | Marsh | Rupp |
| Baack | Goll | Johnson, L. | Miller | Schmit |
| Barrett | Goodrich | Johnson, R. | Morehead | Scofield |
| Beutler | Haberman | Johnson, V. | Nelson | Sieck |
| Beyer | Hall | Labedz | Nichol | Smith |
| Carsten | Hannibal | Lamb | Pappas | Vickers |
| Chizek | Harris | Landis | Peterson | Warner |
| Chronister | Hartnett | Lundy | Pirsch | Wesely |
| Conway | Hefner | Lynch | Remmers | Withem |
| DeCamp | Higgins | | | |

Voting in the negative, 0.

Excused and not voting, 2:

Chambers Rogers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 371.**

A BILL FOR AN ACT relating to crimes and penalties; to amend section 28-101, Revised Statutes Supplement, 1984; to define terms; to prohibit certain actions relating to computers as prescribed; to provide penalties; to harmonize provisions; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

| | | | | |
|---|---|---|---|---|
| Abboud | Conway | Harris | Labedz | Nelson |
| Baack | DeCamp | Hartnett | Lamb | Nichol |
| Barrett | Eret | Hefner | Landis | Pappas |
| Beutler | Goll | Higgins | Lundy | Peterson |
| Beyer | Goodrich | Hoagland | Lynch | Pirsch |
| Carsten | Haberman | Johnson, L. | Marsh | Remmers |
| Chizek | Hall | Johnson, R. | Miller | Rupp |
| Chronister | Hannibal | Johnson, V. | Morehead | Schmit |

Scofield Smith Warner Wesely Withem
Sieck Vickers

Voting in the negative, 0.

Excused and not voting, 2:

Chambers Rogers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**SPEAKER NICHOL PRESIDING**

## GENERAL FILE

**LEGISLATIVE BILL 43.** Title read. Considered.

Standing Committee amendments, AM0251, found in the Journal on page 617 for the Twenty-Fifth Day were considered.

Mr. Landis renewed his pending amendment, AM0335, to the Standing Committee amendments found in the Journal on page 816.

The Landis amendment was adopted with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

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

Pending.

## SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 101, 101A, 113, 323, 323A, and 371.

## GENERAL FILE

**LEGISLATIVE BILL 43.** The Standing Committee amendments, AM0251, as amended, were adopted with 28 ayes, 5 nays, 14 present and not voting, and 2 excused and not voting.

Mr. Hefner moved to bracket LB 43 until Jan. 20, 1986.

Mr. Haberman moved for a call of the house. The motion prevailed with 12 ayes, 2 nays, and 35 not voting.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

Mr. Haberman requested a roll call vote on the Hefner motion to bracket.

Voting in the affirmative, 17:

| | | | | |
|---|---|---|---|---|
| Abboud | Haberman | Lamb | Peterson | Rupp |
| Barrett | Harris | Miller | Pirsch | Sieck |
| Eret | Hefner | Nichol | Remmers | Smith |
| Goll | Higgins | | | |

Voting in the negative, 26:

| | | | | |
|---|---|---|---|---|
| Beutler | Goodrich | Johnson, R. | Lynch | Scofield |
| Beyer | Hall | Johnson, V. | Marsh | Vickers |
| Carsten | Hannibal | Labedz | Morehead | Warner |
| Chizek | Hoagland | Landis | Nelson | Wesely |
| Conway | Johnson, L. | Lundy | Schmit | Withem |
| DeCamp | | | | |

Present and not voting, 3:

| | | |
|---|---|---|
| Baack | Chronister | Hartnett |

Absent and not voting, 1:

Chambers

Excused and not voting, 2:

Pappas Rogers

The Hefner motion lost with 17 ayes, 26 nays, 3 present and not voting, 1 absent and not voting, and 2 excused and not voting.

Laid over.

The Chair declared the call raised.

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

**LEGISLATIVE BILL 269.** Title read. Considered.

Standing Committee amendment, AM0247, found in the Journal on page 622 for the Twenty-Fifth Day was adopted with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

Mr. V. Johnson renewed his pending amendment, AM0350, found in the Journal on page 754.

The V. Johnson amendment was adopted with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

## PRESENTED TO THE GOVERNOR

Presented to the Governor on March 6, 1985, at 11:20 a.m., were the following bills: 101, 101A, 113, 323, 323A, and 371.

(Signed) Pam Moravec, Enrolling Clerk

## UNANIMOUS CONSENT - Add Co-Introducer

Mr. DeCamp asked unanimous consent to have his name added as co-introducer to LB 38. No objections. So ordered.

## SELECT COMMITTEE REPORTS
### Enrollment and Review

### Correctly Re-Engrossed

The following bill was correctly re-engrossed: 191.

(Signed) Timothy Hall, Chairperson

### Enrollment and Review Change to LB 191

The following changes, required to be reported for publication in the Journal, have been made:
ER0021
1. In lieu of the Vickers amendment adopted March 4, 1985:
a. On page 2, line 9, "the" has been struck and "any" inserted and "by" has been struck and "pursuant to" inserted; and

b. On page 5, line 8, "any required" has been inserted after "and"; and in line 14 "Each" has been struck and "If a city, village, or county chooses to enact an occupation tax, each" inserted.

2. On page 1, the matter beginning with "require" in line 6 through "require" in line 7 has been struck and "provide for a local occupation tax; to provide for" inserted.

(Signed) Mary Sommermeyer
E & R Attorney

## UNANIMOUS CONSENT - Print in Journal

Mr. V. Johnson asked unanimous consent to print the following amendment to LB 273 in the Journal. No objections. So ordered.

AM0465

1. On page 94, line 7, strike ", semiannual," and show as stricken; in line 11 strike "sixty", show as stricken, and insert "three hundred"; and strike beginning with the comma in line 11 through "forty" in line 13, show as stricken, and insert "or nine hundred".

## NOTICE OF COMMITTEE HEARING
### Banking, Commerce and Insurance

Governor Appointment Tuesday, March 12, 1985 1:30 p.m.
James A. Beltzer - State Investment Council

(Signed) John DeCamp, Chairperson

## UNANIMOUS CONSENT - Member Excused

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

## GENERAL FILE

**LEGISLATIVE BILL 552.** Title read. Considered.

Standing Committee amendment, AM0200, found in the Journal on page 622 for the Twenty-Fifth Day was considered.

Messrs. V. Johnson and Hefner renewed their pending amendment, AM0292, to the Standing Committee amendment found in the Journal on page 673.

The V. Johnson-Hefner amendment was adopted with 24 ayes, 0 nays, 21 present and not voting, and 4 excused and not voting.

The Standing Committee amendments, as amended, were adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

## STANDING COMMITTEE REPORTS
### Public Works

**LEGISLATIVE BILL 436.** Placed on General File as amended.
Standing Committee amendment to LB 436:
AM0411

1. On page 6, line 7, strike "Class III misdemeanor" and insert "traffic infraction".

**LEGISLATIVE BILL 437.** Placed on General File as amended.
Standing Committee amendment to LB 437:
AM0409

1. On page 3, after line 12 insert the following new paragraph:
"This subsection shall not prevent another vehicle from overtaking and passing any like vehicle or other vehicle.".

**LEGISLATIVE BILL 488.** Placed on General File as amended.
Standing Committee amendments to LB 488:
AM0412

1. Insert the following new sections:
"Sec. 2. That section 46-226.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:
46-226.01. Any person having an approved perfected appropriation may file with the department an application for recognition of incidental underground water storage associated with such appropriation~~, and for recovery of such water~~, on a form prescribed and furnished by the department without cost. Upon receipt of an application, the department shall proceed in accordance with rules and regulations adopted and promulgated by the department.

Sec. 4. That section 46-240, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

46-240. Whenever any person shall desire to divert any of the unappropriated waters of any natural lake or reservoir, or any person shall desire to recover any unappropriated water intentionally ~~or incidentally~~ stored underground, for irrigation or any other beneficial purpose, for which water has already been appropriated, but for which in times of scarcity no water can be obtained from the appropriation already made therefor, such person may make application therefor and proceed as in cases of original application for appropriation.

An application for recovery of water intentionally stored underground may be made only by an appropriator of record who shows, by documentary evidence, sufficient interest in the underground water storage facility to entitle the applicant to the water requested.

Sec. 5. That section 46-241, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

46-241. (1) Every person~~,~~ intending to construct and maintain a storage reservoir for irrigation or any other beneficial purpose or intending to construct and maintain a facility for intentional underground water storage and recovery~~,~~ shall make an application to the Department of Water Resources upon a form prescribed and furnished to the applicant without cost. Such application shall be filed and proceedings had thereunder in the same manner and under the same rules and regulations as other applications. Upon the approval of such application, the applicant shall have the right to impound in such reservoir, or store in and recover from such facility, all waters not otherwise appropriated and any appropriated water not needed for immediate use, to construct and maintain necessary ditches for the purpose of conducting water to such storage reservoir or facility, and to condemn land for such reservoir, ditches, or other facility. The procedure to condemn property shall be exercised in the manner set forth in sections 76-704 to 76-724.

(2) The owner of a storage reservoir or facility shall be liable for all damages arising from

leakage or overflow of the water therefrom~~,~~ or from the breaking of the embankment of such reservoir. The owner or possessor of a reservoir or intentional underground water storage facility shall not have the right to store any water whatever in such reservoir or facility during the time that such water is required in ditches for direct irrigation or for any reservoir or facility holding a senior right. Every person who owns, controls, or operates a reservoir or intentional underground water storage facility, except political subdivisions of this state, shall be required to pass through the outlets of such reservoir or facility, whether presently existing or hereafter constructed, a portion of the measured inflows to furnish water for livestock in such amounts and at such times as directed by the Department of Water Resources to meet the requirements for such purposes as determined by the department, except that a reservoir or facility owner shall not be required to release water for this purpose which has been legally stored. Any dam shall be constructed in accordance with ~~the provisions of~~ section 46-257, and the outlet works shall be installed in such a manner that water may be released in compliance with ~~the provisions of~~ this section. Whenever any person shall divert water from a public stream and return it into the same stream, he or she may take out the same amount of water, less a reasonable deduction for losses in transit, to be determined by the department, providing no prior appropriator for beneficial use shall be prejudiced by such diversion.

(3) An application for recovery of water intentionally stored underground may be made only by an appropriator of record who shall show, by documentary evidence, sufficient interest in the underground water storage facility to entitle the applicant to the water requested.".

2. On page 3, line 16, strike "or"; and in line 17 strike "modified fees".

3. On page 5, line 3, strike the second "and" and show as stricken; and in line 5 after "appropriation" insert ";and

(d) When the application is for recognition of incidental underground water storage, such stored water is being withdrawn or is otherwise being used for beneficial purposes".

4. On page 6, line 4, after "sharing" insert an underscored comma; in line 5 strike "actual" and insert "measurable", and after "benefit" insert "from incidental underground water storage or for potential benefit from intentional underground water storage,"; in lines 23 and 25 after "storage" insert an underscored comma; strike beginning with "as" in line 23 through the last comma in line 24 and show as stricken; and strike beginning with "as" in line 25 through the last comma in line 26 and show as stricken.

5. On page 8, line 22, after "of" insert "the initial", and after "assessment" insert "or at the time of modification of the assessment"; and in line 23 after "the" insert "landowner's".

6. On page 9, strike beginning with "results" in line 14 through "to" in line 15 and insert "data or reference studies used by the applicant to determine"; and in line 25 strike the second comma and insert "and", and strike ", and description".

7. On page 10, line 2, strike "originally" and after "applicant" insert "within the last five years"; strike beginning with "cost" in line 7 through "fees" in line 8 and insert "reasonable and necessary costs associated with securing all approvals under section 46-298 and this section"; in line 10 strike "actual" and insert "measurable"; in line 23 after "eliminated" insert ", except that if the adopted schedules have been pledged to repayment of financing for the project, the department shall only review after repayment is completed"; in line 24 after the comma insert "46-226.01,"; and in line 25 after the first comma insert "46-240, 46-241,".

8. Renumber the remaining sections accordingly.

(Signed) Loran Schmit, Chairperson

## UNANIMOUS CONSENT - Print in Journal

Mrs. Marsh asked unanimous consent to print the following amendment to LB 89 in the Journal. No objections. So ordered.

AM0479

1. On page 2, line 8, strike "a" and insert "his or her".

2. Insert the following new section:
"Sec. 3. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

Mr. Vickers asked unanimous consent to print the following amendment to LB 326 in the Journal. No objections. So ordered.

Page 3, line 22, after "cited" insert:
or by a personal check bearing proper identification on its face and drawn on a Nebraska financial institution, and on
Page 3, line 26, after the period, insert the following sentence:
Any check returned for insufficient funds shall be an automatic revocation of any waiver privileges and notice of court appearance mailed to the person cited.

## BILL ON FIRST READING

The following bill was read for the first time by title:

**LEGISLATIVE BILL 269A.** By V. Johnson, 8th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 269, Eighty-ninth Legislature, First Session, 1985.

## VISITORS

Visitors to the Chamber were 35 students and teachers from Lincoln Lutheran Junior High, Lincoln; 6 students and teacher from Wilcox Public School; 31 students and teacher from West Point High School; 18 students and teacher from Norris High School; Sara Donovan from Lincoln; and Dr. and Mrs. Darrell Wininger from Peru.

## ADJOURNMENT

At 12:00 noon, on a motion by Mr. Miller, the Legislature adjourned until 9:00 a.m., Thursday, March 7, 1985.

Patrick J. O'Donnell
Clerk of the Legislature

# THIRTY-FIFTH DAY - MARCH 7, 1985

## LEGISLATIVE JOURNAL

## EIGHTY-NINTH LEGISLATURE
## FIRST SESSION

## THIRTY-FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, March 7, 1985

Pursuant to adjournment, the Legislature met at 9:00 a.m., President McGinley presiding.

## PRAYER

The prayer was offered by Dr. Robert Palmer, Westminster Presbyterian Church, Lincoln, Nebraska.

## ROLL CALL

The roll was called and all members were present except Mr. Rogers who was excused; and Messrs. Barrett, Chambers, Eret, Goodrich, R. Johnson, V. Johnson, Lynch, Rupp, and Withem who were excused until they arrive.

## CORRECTIONS FOR THE JOURNAL

The Journal for the Thirty-Fourth Day was approved.

## PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolutions: LR 59, LR 60, and LR 61.

## STANDING COMMITTEE REPORT
### Agriculture and Environment

**LEGISLATIVE BILL 444.** Indefinitely postponed.

(Signed) Rod Johnson, Chairperson

## MOTION - Introduce New Bill

Mr. Hoagland renewed his pending motion found in the Journal on page 728 to suspend the rules to allow the Judiciary Committee to introduce a bill after the time for introduction and allow the Committee another bill for introduction.

The motion prevailed with 30 ayes, 5 nays, 5 present and not voting, and 9 excused and not voting.

## BILL ON FIRST READING

The following bill was read for the first time by title:

**LEGISLATIVE BILL 716.** By Judiciary Committee: Hoagland, 6th District, Chairperson; Abboud, 12th District; Conway, 17th District; Remmers, 1st District; Rupp, 22nd District.

A BILL FOR AN ACT relating to procedure; to amend sections 8-1401 and 29-302.03, Reissue Revised Statutes of Nebraska, 1943, and sections 24-541.01 to 24-541.03, 25-1912, 25-1916, and 29-611, Revised Statutes Supplement, 1984; to change a provision relating to disclosure of certain information; to change provisions relating to appeals as prescribed; to provide for venue in transitory actions; to provide for residence of corporations, partnerships, and associations for purposes of venue; to harmonize provisions; to eliminate certain provisions relating to commencement of actions and minor offenses; to provide operative dates; and to repeal the original sections, and also sections 25-404, 25-405, 25-407, 25-408, 25-409, and 29-612, Reissue Revised Statutes of Nebraska, 1943, and sections 25-406, 29-613, and 29-614, Revised Statutes Supplement, 1984.

## NOTICE OF COMMITTEE HEARINGS

**Revenue**

| | | |
|---|---|---|
| LB 140 | Monday, March 18, 1985 | 1:30 p.m. |
| LB 222 | Monday, March 18, 1985 | 1:30 p.m. |
| LB 682 | Monday, March 18, 1985 | 1:30 p.m. |
| LB 329 | Monday, March 18, 1985 | 1:30 p.m. |
| LB 616 | Tuesday, March 19, 1985 | 1:30 p.m. |

| | | |
|---|---|---|
| LB 629 | Tuesday, March 19, 1985 | 1:30 p.m. |
| LB 677 | Tuesday, March 19, 1985 | 1:30 p.m. |
| LB 294 | Tuesday, March 19, 1985 | 1:30 p.m. |
| LB 88 | Monday, March 25, 1985 | 1:30 p.m. |
| LB 111 | Monday, March 25, 1985 | 1:30 p.m. |
| LB 188 | Monday, March 25, 1985 | 1:30 p.m. |
| LB 219 | Monday, March 25, 1985 | 1:30 p.m. |
| LB 220 | Monday, March 25, 1985 | 1:30 p.m. |
| LB 319 | Tuesday, March 26, 1985 | 1:30 p.m. |
| LB 400 | Tuesday, March 26, 1985 | 1:30 p.m. |
| LB 561 | Tuesday, March 26, 1985 | 1:30 p.m. |
| LB 583 | Tuesday, March 26, 1985 | 1:30 p.m. |
| LB 54 | Tuesday, March 26, 1985 | 1:30 p.m. |
| LB 539 | Wednesday, March 27, 1985 | 1:30 p.m. |

(Signed) Vard Johnson, Chairperson

## UNANIMOUS CONSENT - Print in Journal

Mr. Vickers asked unanimous consent to print the following amendment to LB 217 in the Journal. No objections. So ordered.

AM0486

1. On page 9, line 3, after "(3)" insert "(a)"; in line 6 after "operator" insert "if the owner or operator of such tank failed to comply with the registration law or failed to report a suspected release of a regulated substance. If the owner reports the leak and has secured the proper registration permit the following provisions shall apply:

(i) Owners or operators of tanks registered under subdivision (2)(a) of section 4 of this act shall be able to recover the cost of the clean-up and recovery in an amount not greater than two thousand five hundred dollars plus fifty per cent of the costs greater than two thousand five hundred dollars from the Petroleum Products and Hazardous Substances Storage and Handling Fund; and

(ii) Owners or operators of tanks registered under subdivision (5)(a) of section 4 of this act shall be eligible to recover fifty per cent of the cost of clean-up and recovery from the Petroleum Products and

Hazardous Substances Storage and Handling Fund"; and in line 7 before "The insert "(b)".

## ANNOUNCEMENT

The Chair announced today is Senator Vickers' birthday.

## SELECT FILE

**LEGISLATIVE BILL 486.** E & R amendment, AM5044, found in the Journal on page 637 for the Twenty-Sixth Day was adopted.

Mrs. Labedz renewed her pending amendment, AM0305, found in the Journal on page 676.

The Labedz amendment was adopted with 29 ayes, 0 nays, 12 present and not voting, and 8 excused and not voting.

**MR. LAMB PRESIDING**

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 508.** E & R amendments, AM5052, found in the Journal on page 674 for the Twenty-Seventh Day were adopted.

Mr. Landis renewed his pending amendment, AM0278, found in the Journal on page 668.

Mr. Beyer requested a ruling of the Chair on whether the Landis amendment is germane to the bill.

The Chair ruled the amendment not germane to the bill.

Mr. Landis challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

Messrs. DeCamp and Nichol asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Landis moved for a call of the house. The motion prevailed with 9 ayes, 0 nays, and 40 not voting.

Mr. Landis requested a roll call vote on his motion to challenge the Chair.

Voting in the affirmative, 20:

| | | | | |
|---|---|---|---|---|
| Beutler | Harris | Lundy | Pappas | Smith |
| Conway | Higgins | Lynch | Rupp | Vickers |
| Eret | Johnson, R. | Miller | Schmit | Warner |
| Hannibal | Landis | Morehead | Scofield | Wesely |

Voting in the negative, 18:

| | | | | |
|---|---|---|---|---|
| Abboud | Chizek | Hefner | Lamb | Pirsch |
| Baack | Goll | Hoagland | Nelson | Remmers |
| Beyer | Haberman | Johnson, L. | Peterson | Sieck |
| Carsten | Hall | Labedz | | |

Present and not voting, 4:

| | | | |
|---|---|---|---|
| Barrett | Chronister | Hartnett | Marsh |

Excused and not voting, 7:

| | | | | |
|---|---|---|---|---|
| Chambers | Goodrich | Nichol | Rogers | Withem |
| DeCamp | Johnson, V. | | | |

The Landis motion to challenge the Chair lost with 20 ayes, 18 nays, 4 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

**PRESIDENT MCGINLEY PRESIDING**

Mr. Landis offered the following amendment:

Pg. 28 line 18 after the word "State" insert "except the Premium Tax contained in section 77-908 and 77-909.

Pg. 28 line 20 add the following new sentence:

"Such Premium Tax shall be paid by fraternals under the jurisdiction of this act."

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

The Landis amendment lost with 6 ayes, 21 nays, 16 present and not voting, and 6 excused and not voting.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 233.** E & R amendments, AM5054, found in the Journal on page 683 for the Twenty-Eighth Day were adopted.

Messrs. Beutler and Hartnett offered the following amendment:

1. On page 2, after line 20 insert the following new paragraph:

"For purposes of this section, volunteer firefighters and rescue squad members testifying in that capacity alone shall not be deemed employees of the State of Nebraska or of any political subdivision of this state.".

The Beutler-Hartnett 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.

## STANDING COMMITTEE REPORTS
### Banking, Commerce and Insurance

**LEGISLATIVE BILL 625.** Placed on General File.

**LEGISLATIVE BILL 453.** Placed on General File as amended.
Standing Committee amendments to LB 453:
AM0470

1. On page 2, line 8, after "accepts" insert ",generates, or solicits"; in line 9 after "insured" insert "or that are eligible for insurance;" ; and in line 15 after the first comma insert "national banking association,".

2. Insert the following new sections:

"Section 1. That section 8-101, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

8-101. As used in sections 8-101 to 8-1,129, unless the context otherwise requires:

(1) Capital or capital stock shall mean capital stock;

(2) Department shall mean the Department of Banking and Finance;

(3) Director shall mean the Director of Banking and Finance;

(4) Bank or banking corporation shall be construed to mean any incorporated banking institution which shall have been incorporated under the laws of this state as they existed prior to May 9, 1933, and any corporation duly organized under the laws of this state

for the purpose of conducting a bank within this state under the provisions of sections 8-101 to 8-1,129. Bank shall be construed to mean any such banking institution as shall be, in addition to the exercise of other powers, following the practice of repaying deposits upon check, draft, or order, and of making loans, including commercial loans;

(5) Order shall include orders transmitted by electronic transmission;

(6) Electronic satellite facility shall mean an off-premises unmanned facility or terminal through which banking transactions are transmitted to a bank or banks by means of an electronic impulse;

(7) Manned electronic satellite facility shall mean an off-premises facility, terminal, or place at which banking transactions are brought about with the assistance of one or more persons and transmitted to a bank or banks by means of an electronic impulse. Such person or persons shall not be employees of the bank or banks involved with such transmissions;

(8) Making loans shall include advances or credits that are initiated by means of credit card or other transaction card. Transaction card and other transactions, including transactions made pursuant to prior agreements, may be brought about and transmitted by means of an electronic impulse. Such loan transactions including transactions made pursuant to prior agreements shall be subject to sections 8-815 to 8-829, and shall be deemed loans made at the place of business of the bank;

(9) Establishing bank shall mean any bank establishing an electronic satellite facility or a manned electronic satellite facility;

(10) User bank shall mean any bank which desires to avail itself and its customers of an electronic satellite facility or manned electronic satellite facility services;

(11) Bank employees shall include bank holding company and affiliate employees;

(12) Switch shall mean an installation where a transaction impulse is received and the transaction message is immediately routed and electronically transmitted to a processing center. A switch may be a processing center;

(13) Impulse shall mean an electronic impulse;

(14) A processing center shall mean a place, designated by a user bank, capable of receiving and processing electronic impulse transactions; and

(15) Insolvent shall mean a condition in which (a) the actual cash market value of the assets of a bank is insufficient to pay its liabilities to its depositors, ~~or~~ (b) a bank is unable to meet the demands of its creditors in the usual and customary manner, ~~or~~ (c) a bank, after demand in writing by the Director of Banking and Finance, fails to make good any deficiency in its reserves as required by law, or (d) the stockholders of a bank, after written demand by the Director of Banking and Finance, fail to make good an impairment of its capital or surplus.

Sec. 4. That section 8-1202, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

8-1202. As used in sections 8-1201 to 8-1207, unless the context otherwise requires:

(1) Bank shall mean any ~~national bank doing business in this state or any bank which is chartered to conduct a bank in this state as provided by sections 8-101 to 8-1,129~~ company that accepts, generates, or solicits deposits in Nebraska that are insured or that are eligible for insurance under the provisions of the Federal Deposit Insurance Act, 12 U.S.C. 1811 et seq., but shall not include a trust company chartered under Chapter 8, article 2, or an industrial loan and investment company licensed under Chapter 8, article 4;

(2) Company shall mean any corporation, business trust, association, national banking association, or similar organization, but shall not include:

(a) An individual;

(b) Any partnership; or

(c) Any corporation the majority of shares of which are owned by the United States or any state;

(3) One bank holding company shall mean any company:

(a) Which directly or indirectly owns or controls twenty-five per cent or more of the voting shares of no more than one bank;

(b) Which controls in any manner the election of the majority of the directors of no more than one bank; or

(c) For the benefit of whose shareholders or members twenty-five per cent or more of the voting shares of no more than one bank or a one bank holding company is held by trustees; and

(4) Notwithstanding the foregoing:

(a) No estate, trust, guardianship, or conservatorship or fiduciary thereof shall be a one bank holding company by virtue of its ownership or control of shares of stock of a bank unless such trust is a business or voting trust;

(b) No company shall be a one bank holding company by virtue of its ownership or control of shares acquired by it in connection with its underwriting of bank shares and which are held only for such period of time as will permit the sale thereof on a reasonable basis; and

(c) No company shall be a one bank holding company by virtue of its ownership or control of shares acquired and held in the ordinary course of securing or collecting a debt previously contracted in good faith.

Sec. 5. No one bank holding company as defined in section 8-1202 shall control a bank unless the bank is a bank which (1) accepts deposits that the depositor has a legal right to withdraw on demand and (2) engages in the business of making commercial loans.".

3. On page 3, line 24, after "company" insert "as defined in section 8-902".

4. On page 4, line 1, strike "section 8-902" and insert "sections 8-101, 8-902, and 8-1202"; and in line 2 strike "is" and insert "are".

5. Renumber remaining sections accordingly.

(Signed) John DeCamp, Chairperson

**Agriculture and Environment**

**LEGISLATIVE BILL 458.** Indefinitely postponed.

(Signed) Rod Johnson, Chairperson

## BILL ON FIRST READING

The following bill was read for the first time by title:

**LEGISLATIVE BILL 132A.** By Conway, 17th District; L. Johnson, 15th District; Schmit, 23rd District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 132, Eighty-ninth Legislature, First Session, 1985.

## UNANIMOUS CONSENT - Print in Journal

Mr. Rupp asked unanimous consent to print the following amendment to LB 94 in the Journal. No objections. So ordered.

AM0481

1. Insert the following new section:

"Sec. 3. That section 60-303, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-303. In registering motor vehicles, the county treasurer shall neither receive nor accept such application nor registration fee nor issue any registration certificate for any motor vehicle, unless the applicant shall first exhibit proof by tax receipt or otherwise that he or she has paid all personal taxes upon such motor vehicle or, if applicable, has furnished proof of payment, in the form prescribed by the United States Secretary of the Treasury, of the federal heavy vehicle use tax imposed by the Internal Revenue Code, 26 U.S.C. section 4481.".

2. On page 6, line 10, before "60-505" insert "60-303,".

3. Renumber remaining sections accordingly.

## STANDING COMMITTEE REPORTS
### Urban Affiars

**LEGISLATIVE BILL 494.** Placed on General File as amended.
Standing Committee amendment to LB 494:
AM0203

1. On page 2, line 13, strike the new matter and reinstate the stricken matter; and strike beginning with "Nothing" in line 19 through "gas" in line 26, show the old matter as stricken, and insert "Such rate shall remain in effect".

**LEGISLATIVE BILL 482.** Indefinitely postponed.

**LEGISLATIVE BILL 673.** Indefinitely postponed.

(Signed) Ron Withem, Chairperson

## SELECT FILE

**LEGISLATIVE BILL 36.** E & R amendment, AM5055, found in the Journal on page 683 for the Twenty-Eighth Day was adopted.

Mr. Warner offered the following amendment:
AM0467
1. Strike the Warner amendment adopted February 19, 1985.
2. In the Standing Committee amendments on page 1, line 8, after the period insert "The condemner may submit to the court any preferences or suggestions it may have as to the manner and place of such deposit.".

The Warner amendment was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 353.** E & R amendments, AM5056, found in the Journal on page 683 for the Twenty-Eighth Day were adopted.

Mr. Harris renewed his pending amendment, AM0314, found in the Journal on page 744.

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

The Harris amendment was adopted with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

Mr. Harris renewed his pending amendment, AM0276, found in the Journal on page 744.

The amendment was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 89.** E & R amendments, AM5057, found in

the Journal on page 684 for the Twenty-Eighth Day were adopted.

Mrs. Marsh renewed her pending amendment, AM0479, found in the Journal on page 861.

The Marsh 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 315.** Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 47.** E & R amendments, AM5059, found in the Journal on page 702 for the Twenty-Ninth Day were adopted.

Mr. Beutler offered the following amendment:
AM0286

1. On page 10, line 10, reinstate the stricken "and"; in line 11 strike the comma and insert an underscored period; and in line 12 strike "and shall be prepared to" and insert "Each applicant for registration shall".

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

The Beutler amendment was adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Mrs. Morehead offered the following amendment:
AM0280

1. In the E and R amendment on page 1, line 5, after "policy" insert "or information or opinions given by a register of deeds in response to inquiries from the public".

The Morehead 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:
AM0287

1. On page 12, line 5, after the period insert "The board shall give the examination at least twice a year.".

The Beutler 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:
AM0285
1. On page 7, line 17, after "public" insert
"who is knowledgeable in real estate transactions".

Ms. Scofield asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Beutler moved for a call of the house. The motion prevailed with 10 ayes, 0 nays, and 39 not voting.

Mr. Beutler requested a roll call vote on his amendment.

Voting in the affirmative, 21:

| | | | | |
|---|---|---|---|---|
| Abboud | Chronister | Johnson, R. | Morehead | Schmit |
| Baack | Goll | Landis | Nelson | Sieck |
| Barrett | Hoagland | Lundy | Pirsch | Vickers |
| Beutler | Johnson, L. | Miller | Rupp | Withem |
| Beyer | | | | |

Voting in the negative, 19:

| | | | | |
|---|---|---|---|---|
| Carsten | Haberman | Hefner | Lynch | Smith |
| Conway | Hannibal | Higgins | Nichol | Warner |
| DeCamp | Harris | Labedz | Pappas | Wesely |
| Eret | Hartnett | Lamb | Remmers | |

Present and not voting, 3:

| | | |
|---|---|---|
| Chambers | Chizek | Marsh |

Excused and not voting, 6:

| | | | | |
|---|---|---|---|---|
| Goodrich | Johnson, V. | Peterson | Rogers | Scofield |
| Hall | | | | |

The Beutler amendment lost with 21 ayes, 19 nays, 3 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Mr. Beutler offered the following amendment:
AM0284

1. On page 7, strike beginning with "an" in line 15 through "law" in line 16 and insert "a lawyer experienced in the area of real estate law".

Mr. Beutler moved for a call of the house. The motion prevailed with 9 ayes, 0 nays, and 40 not voting.

Mr. DeCamp requested a roll call vote on the Beutler amendment.

Voting in the affirmative, 26:

| | | | | |
|---|---|---|---|---|
| Baack | Goll | Johnson, L. | Morehead | Sieck |
| Barrett | Hannibal | Johnson, R. | Nelson | Smith |
| Beutler | Hartnett | Johnson, V. | Remmers | Vickers |
| Beyer | Higgins | Landis | Rupp | Wesely |
| Chambers | Hoagland | Miller | Schmit | Withem |
| Chronister | | | | |

Voting in the negative, 14:

| | | | | |
|---|---|---|---|---|
| Abboud | Haberman | Lamb | Marsh | Pirsch |
| Carsten | Hefner | Lundy | Nichol | Warner |
| DeCamp | Labedz | Lynch | Pappas | |

Present and not voting, 4:

| | | | |
|---|---|---|---|
| Chizek | Conway | Eret | Harris |

Excused and not voting, 5:

| | | | | |
|---|---|---|---|---|
| Goodrich | Hall | Peterson | Rogers | Scofield |

The Beutler amendment was adopted with 26 ayes, 14 nays, 4 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Mr. Beutler offered the following amendment:
AM0282

1. On page 6, strike beginning with "attests" in line 15 through "land" in line 16 and insert "prepares reports of title".

The Beutler amendment was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Mr. Warner offered the following amendment:
AM0478

1. Insert the following new section:

"Sec. 7. That section 76-509, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~76-509.~~ Any person, firm, partnership, association, or corporation engaged in the business of abstracting shall be required to be licensed as required by ~~sections 25-1292 and 76-509 to 76-528~~ the Abstracters Act.".

2. On page 4, line 24, strike "23" and insert "24".

3. On page 6, after line 4, insert the following new subdivision:

"(6) Certificate of registration shall mean the authorization to prepare abstracts of title to real property in any county within the State of Nebraska which is granted to an individual under the provisions of section 13 of this act;"; in line 5 strike "(6)" and insert "(7)"; and in line 10 strike "(7)" and insert "(8)".

4. On page 8, line 7, after the period insert "The first attorney member of the board whose term expires after the effective date of this act shall be succeeded by the representative of the public.".

5. On page 9, line 1, strike "or" and insert "and".

6. On page 10, line 13, strike "12" and insert "13"; and in line 21 after the period insert "The board shall establish such fees based on the administrative costs of the board.".

7. On page 11, line 26, strike "11" and insert "12".

8. On page 13, line 10, after the period insert "The board shall establish such fee based on the administrative costs of the board.".

9. On page 14, line 8, after the period insert "The board shall establish such fee based on the administrative costs of the board."; and in line 21 strike "12 and 14" and insert "13 and 15".

10. On page 15, line 8, after the period insert "The board shall establish such fee based on the administrative costs of the board."; and in line 19 strike "13" and insert "14".

11. On page 17, line 4, after "thereof" insert "the application is late".

12. On page 19, line 7, strike "21" and insert "22".

13. On page 20, line 9, strike "21" and insert "22".

14. On page 26, line 17, strike "76-510" and insert "76-509".

15. In the Standing Committee amendments, AM0198 on pages 593 and 594 of the Journal:

(a) On page 1, line 2, strike "or" and insert "and"; in line 7 strike "(8)" and insert "(9)"; and in line 14 strike "28" and insert "29";

(b) On page 2, line 11, strike "29" and insert "30"; and

(c) On page 3, line 14, strike "30" and insert "31"; in line 17 strike "32" and insert "33"; and in line 24 strike "31" and insert "32".

16. Renumber the remaining sections accordingly.

The Warner amendment was adopted with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

Pending.

## NOTICE OF COMMITTEE HEARINGS
### Public Health and Welfare

Governor Appointments March 18, 1985 1:00 p.m.
Dr. Richard Powell - State Board of Health
Dr. Norman R. Schneider - State Board of Health
Bruce Gilmore - State Board of Health
Dr. Robert J. Hilkeman - State Board of Health
Janet Coleman - State Board of Health

Governor Appointment March 19, 1985 1:30 p.m.
Burrell Williams - Foster Care Review Board

(Signed) Don Wesely, Chairperson

## STANDING COMMITTEE REPORTS
### Public Works

**LEGISLATIVE BILL 501.** Placed on General File as amended.
Standing Committee amendments to LB 501:
AM0413

1. Strike section 1.
2. On page 4, strike the new matter and reinstate the stricken matter.
3. On page 6, strike beginning with "and" in line 25 through "are" in line 26 and insert "is".
4. Renumber remaining sections accordingly.

(Signed) Loran Schmit, Chairperson

### Urban Affairs

**LEGISLATIVE BILL 532.** Placed on General File as amended.
Standing Committee amendments to LB 532:
AM0494

1. Strike sections 1 and 3.
2. Renumber remaining section.

(Signed) Ron Withem, Chairperson

### Constitutional Revision and Recreation

**LEGISLATIVE BILL 558.** Placed on General File as amended.
Standing Committee amendment to LB 558:
AM0482

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. That section 37-713, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

37-713. (1) No person ~~in this state~~ shall keep in captivity in this state any wild birds or animals without first having obtained a permit to do so as provided by section 37-714 or 37-715.

(2) For purposes of this section and section 37-714 wild birds or animals shall mean (a) any crows, game animals, fur-bearing animals, game birds and upland game birds, as defined in section 37-101, (b) any nongame wildlife in need of conservation as determined

by the Game and Parks Commission under section 37-433, and (c) any wildlife determined to be an endangered or threatened species under the federal Endangered Species Act of 1973 or section 37-434.

(3) Except as provided in subsection (4) of this section and in section 37-717, no person shall keep in captivity in this state any wolf, skunk, or any member of the families Felidae and Ursidae. This subsection shall not apply to (a) the species Felis domesticus, (b) any municipal, state, or federal zoo, park, refuge, or wildlife area, or (c) any bona fide circus or animal exhibit.

(4) Any person legally holding in captivity, on the effective date of this act, any animal subject to the prohibition contained in subsection (3) of this section, shall be allowed to keep the animal for the duration of its life. Such animal shall not be traded, sold, or otherwise disposed of without written permission from the Game and Parks Commission.

(5) The Game and Parks Commission shall adopt and promulgate rules and regulations governing the keeping of wild birds or animals in captivity under this section. ~~and sections 37-720 to 37-726.~~

Sec. 2. That section 37-714, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

37-714. A permit, to be known as a Game Fancier or Pet Permit, may be issued to any citizen of this state authorizing the keeping of not more than fifty wild birds and animals which have been, or which shall be, acquired without violation of any provision of law or any regulation duly promulgated by the Game and Parks Commission. ~~The commission shall by rule exempt from the provisions of this section the keeping of such birds or animals as are ordinarily kept as household pets when such exemptions would involve no danger to the efficient management of game in this state.~~ The fee for such permit shall be seven dollars and fifty cents per year.

Sec. 3. That section 37-717, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

37-717. Sections 37-713 to 37-718 shall not be construed to require the obtaining of a permit by (1) any municipal, state, or federal zoo, park, refuge, or

wildlife area or (2) any bona fide circus or animal exhibit for the purpose of keeping ~~to keep~~ in captivity ~~thereon birds, fish, or mammals~~ wild birds or animals, ~~nor to sell, trade~~ or for the purpose of selling, trading, or otherwise ~~dispose~~ disposing of any ~~surplus birds, fish, or mammals,~~ wild birds or animals. ~~produced on any such public area.~~

Sec. 4. That original sections 37-713, 37-714, and 37-717, Reissue Revised Statutes of Nebraska, 1943, are repealed.".

Sec. 5. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.

**LEGISLATIVE RESOLUTION 32CA.** Placed on General File as amended.

Standing Committee amendment to LR 32CA:
AM0487

1. Strike original section 1 and insert the following new section:

"Section 1. That at the general election in November 1986 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article VII, section 10, of the Constitution of Nebraska, which is hereby proposed by the Legislature:

'Sec. 10. The general government of the University of Nebraska shall, under the direction of the Legislature, be vested in a board of ~~not less than six nor more than eight~~ regents to be designated the Board of Regents of the University of Nebraska. Until 1988, the Board of Regents shall be comprised of not less than six nor more than eight regents ~~,~~ who shall be elected from and by districts as herein provided. Commencing in 1988, the Board of Regents shall consist of seven or nine members, as provided by the Legislature, who shall be appointed by the Governor, with the approval of the Legislature, from districts as herein provided. The terms of the elected members of the board shall terminate when the appointed members take office. The Legislature shall provide for staggered terms of office of up to six years for the members to be appointed in 1988. ~~and three~~ Three students of the University of Nebraska ~~who~~ shall serve as nonvoting members of the Board of Regents. Such nonvoting student members shall

consist of the student body president of the University of Nebraska at Lincoln, the student body president of the University of Nebraska at Omaha, and the student body president of the University of Nebraska Medical Center. ~~The~~ Except as otherwise provided, the terms of office of ~~elected~~ voting members shall be for six years each. The terms of office of student members shall be for the period of service as student body president. ~~Their~~ The duties and powers of members of the Board of Regents shall be prescribed by law; and they shall receive no compensation, but may be reimbursed their actual expenses incurred in the discharge of their duties.

The Legislature shall divide the state~~, along county lines,~~ into as many compact regent districts~~,~~ as there are regents provided by the Legislature, of approximately equal population, which shall be numbered consecutively. Such districts shall be established along county lines whenever practicable, but other established lines may be followed at the discretion of the Legislature.

The Legislature shall redistrict the state after each federal decennial census. Such districts shall not be changed except upon the concurrence of a majority of the members of the Legislature. In any such redistricting, county lines shall be followed whenever practicable, but other established lines may be followed at the discretion of the Legislature. Whenever the state is so redistricted the members ~~elected prior to~~ serving at the time of 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.'".

**LEGISLATIVE RESOLUTION 38CA.** Indefinitely postponed.

(Signed) Lee Rupp, Chairperson

**UNANIMOUS CONSENT - Print in Journal**

Mr. DeCamp asked unanimous consent to print the following amendments to LB 38 in the Journal. No objections. So ordered.

(1)

AM0472

1. In the Standing Committee amendments beginning on page 620 of the Journal on page 2, line 3, strike "each" and insert "the"; and in line 4 after "rebate" insert ", not to exceed four hundred dollars,".

(2)

AM0473

1. In the Standing Committee amendments beginning on page 620 of the Journal on page 2, line 3, strike "each" and insert "the"; and in line 4 strike "ten" and insert "twenty" and after "rebate" insert ", not to exceed four hundred dollars,".

(3)

AM0474

1. In the Standing Committee amendments beginning on page 620 of the Journal on page 2, line 3, strike "each" and insert "the"; and in line 4 strike "ten" and insert "thirty" and after "rebate" insert ", not to exceed three hundred dollars,".

## SELECT FILE

**LEGISLATIVE BILL 47.** Mr. Beutler offered the following amendment:

On page 7, strike the new matter in lines 1 and 2 and substitute the language "or prepare reports of title"

Mr. Sieck asked unanimous consent to be excused. No objections. So ordered.

The Beutler amendment was adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 614.** E & R amendments, AM5060, found in the Journal on page 742 for the Thirtieth Day were adopted.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 76.** E & R amendments, AM5061, found in the Journal on page 742 for the Thirtieth Day were adopted.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 307.** E & R amendments, AM5062, found in the Journal on page 742 for the Thirtieth Day were adopted.

Mr. Beutler offered the following amendment:

(Amendments to the Standing Committee Amendments)

1. On page 1, lines 3, 8, and 13, strike "an underscored period" and insert "'the total estimated cost of the project for which the notes are to be issued including issuance expenses.'"

The Beutler amendment was adopted with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 487.** Mrs. Labedz renewed her pending amendment, AM0398, found in the Journal on page 785.

The Labedz amendment was adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 40.** Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 114.** E & R amendment, AM5065, found in the Journal on page 831 for the Thirty-Third Day was adopted.

Advanced to E & R for Engrossment.

## UNANIMOUS CONSENT - Announcement

Mr. Warner asked unanimous consent to have the public hearings scheduled for the following dates to be held in the Supreme Court Hearing Room: Monday, March 11, 1985, 1:30 p.m. and Monday, March 18, 1985, 1:30 p.m. No objections. So ordered.

## NOTICE OF COMMITTEE HEARINGS
### Appropriations

| | |
|---|---|
| Agency 72 - Department of Economic Development | |
| Wednesday, March 13, 1985 (Cancelled) | 1:30 p.m. |
| Wednesday, March 13, 1985 (Reset) | 12:30 p.m. |

(Signed) Jerome Warner, Chairperson

**Revenue**

| | | |
|---|---|---|
| LB 329 | Monday, March 18, 1985 | 1:30 p.m. (Cancelled) |
| LB 616 | Tuesday, March 19, 1985 | 1:30 p.m. (Cancelled) |
| LB 616 | Monday, March 18, 1985 | 1:30 p.m. (Reset) |
| LB 329 | Tuesday, March 19, 1985 | 1:30 p.m. (Reset) |

(Signed) Vard Johnson, Chairperson

## RESOLUTION

**LEGISLATIVE RESOLUTION 63.**

Introduced by Vickers, 38th District; Schmit, 23rd District.

WHEREAS, This is a time for the Nation to choose what kind of agriculture it wants;

WHEREAS, the health and stability of American agriculture affects all Americans and citizens of other nations as well;

WHEREAS, 15 states, comprising the farm-belt heartland of the United States, recently joined together to send state legislative delegations to Washington, D.C., to impress upon federal policy makers the severity of the current agricultural crisis;

WHEREAS, this action on the part of the 15 states follows the best traditions of Federalism, that unique experiment put into operation in a new Nation more than 200 years ago;

WHEREAS, these 15 state legislative delegations urged immediate steps to deal with the current farm crisis, and offered to work with federal policy makers for long-term solutions to put agriculture on a stable and profitable path for the benefit of all Americans;

WHEREAS, the Nebraska Legislature will continue to work with her sister farm-belt legislatures to fashion long-range agricultural policies;

WHEREAS, the Nebraska Legislature recognizes that 'a little bit more or less' of the same agricultural policies will doom the family farmer and wreak undesirable and unacceptable harm on the landscape of rural America;

WHEREAS, the policies of the Federal government play, and will continue to play, a pervasive and critical role in agriculture;

WHEREAS, the present debate about agriculture's future tends to be narrowly focused and to revolve around unrealistic extremes;

WHEREAS, the farm-belt states can play a significant role in

developing long-range Federal agricultural policies;

WHEREAS, the future health and stability of agriculture requires that the states and the Federal government work in a partnership;

THEREFORE BE IT RESOLVED THAT

The Administration and the Congress work closely with Nebraska and her farm-belt sister states in developing measures that help rather than hinder the long-run stability and health of agriculture;

This resolution be delivered to President Reagan.

Laid over.

## VISITORS

Visitors to the Chamber were Senator Baack's wife, Susan, sons, Aaron and Matthew, Janie O'Neil and daughters, Erin and Maura; 20 seniors and teacher from Exeter High School, Exeter; 60 eighth grade students and teachers from Mary Our Queen School, Omaha; and Lyndia Capbella from Chappell.

## ADJOURNMENT

At 11:53 a.m., on a motion by Mr. Conway, the Legislature adjourned until 9:00 a.m., Friday, March 8, 1985.

Patrick J. O'Donnell
Clerk of the Legislature

# THIRTY-SIXTH DAY - MARCH 8, 1985

## LEGISLATIVE JOURNAL

## EIGHTY-NINTH LEGISLATURE
## FIRST SESSION

## THIRTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, March 8, 1985

Pursuant to adjournment, the Legislature met at 9:04 a.m., Senator Beutler presiding.

## PRAYER

The prayer was offered by Dr. Robert Palmer, Westminster Presbyterian Church, Lincoln, Nebraska.

## ROLL CALL

The roll was called and all members were present except Mr. Nichol and Mrs. Marsh who were excused; and Messrs. Goodrich, Hannibal, R. Johnson, V. Johnson, Landis, Lynch, Miller, Rupp, Warner, Withem, and Mrs. Morehead who were excused until they arrive.

## CORRECTIONS FOR THE JOURNAL

The Journal for the Thirty-Fifth Day was approved.

## MESSAGES FROM THE GOVERNOR

March 7, 1985

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 101, 101A, 323, 323A and 371 were received in my office on March 6, 1985.

These bills were signed by me on March 7, 1985 and delivered to the Secretary of State.

Sincerely,
(Signed) ROBERT KERREY
Governor

RK/jm

March 7, 1985

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 249, 345, 405, 587, 49, 134, 263 and 327 were received in my office on March 4, 1985.

These bills were signed by me on March 7, 1985 and delivered to the Secretary of State.

Sincerely,
(Signed) ROBERT KERREY
Governor

RK/jm

**UNANIMOUS CONSENT - Print in Journal**

Mr. Landis asked unanimous consent to print the following amendment to LB 157 in the Journal. No objections. So ordered.

AM0475

1. Strike original section 1 and all amendments thereto and insert new sections as follows:

"Section 1. That section 45-103, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

45-103. (1) Interest on all decrees and judgments for the payment of money, except as provided in subsections (2) to (4) of this section and except

when the state or any of its political subdivisions are party thereto, shall be from thirty days after the date the summons is served ~~the date of the rendition thereof~~ at the rate specified in section 45-104.01, as such rate may from time to time be adjusted by the Legislature until the same shall be paid. If ~~; PROVIDED, if~~ such judgment or decree shall be founded upon any contract, either verbal or written, by the terms of which a greater rate of interest, not exceeding the amount allowed by law, than the rate specified in section 45-104.01, as such rate may from time to time be adjusted by the Legislature, shall have been agreed upon, the rate of interest upon such judgment or decree shall be the same as provided for by the terms of the contract upon which the same was founded. Interest on a judgment appealed to the district court shall be determined in accordance with subsection (3) of section 24-541.06.

(2) Interest prior to judgment shall only accrue on lost wages and special damages if no compensation was previously received for such lost wages or special damages.

(3) If a plaintiff has refused to accept an offer by defendant to confess judgment pursuant to section 25-906 or 25-907 or sections 25-1309 to 25-1312 and if the judgment is for an amount equal to or less than the amount confessed, no interest shall accrue between the time of the offer to confess judgment and the time of rendition of the judgement.

(4) This section shall not apply to any action arising under Chapter 42 or to any action arising under Nebraska law in which judgment interest rates are otherwise specifically provided.

Sec. 2. (1) If the Nebraska Supreme Court establishes standards or guidelines for the progression of civil cases, no prejudgment interest or defense expenses shall be allowed under section 3 or 4 of this act on any tort action which is completed within the time specified by the standards or guidelines.

(2) A delay, under section 3 or 4 of this act, which is caused by a party's counsel or insurer shall be deemed a delay by the party.

Sec. 3. (1) In a tort action in which a judgment has been entered for the payment of money, any party, by appropriate motion within thirty days of entry

of judgment, may allege to the court that any other party caused unreasonable delay in the progress and final disposition of the action.

(2) If the court, upon notice and hearing, finds that there was such delay by a party against whom a judgment was entered, the court shall assess interest on the total judgment at a rate specified in section 45-104.01, as such rate may from time to time be adjusted by the Legislature, against the dilatory party for the period of the delay. Such period of interest shall not commence prior to the date on which service of process was accomplished on the dilatory party in the action nor subsequent to the date of entry of judgment. The prejudgment interest, if awarded pursuant to this section, shall be in lieu of any prejudgment interest provided for in section 45-103 and shall be in addition to the post-judgment interest provided for in section 45-103.

(3) If the court, upon notice and hearing, finds that there was such delay by the party in whose favor the judgment was entered, the court shall award the moving party that portion of his or her total defense expenses as are reasonably attributable to the delay.

Sec. 4. In a tort action seeking payment of money which results in a judgment that no money is owed, or which is dismissed or otherwise disposed of without settlement or trial, any defendant may allege by appropriate motion filed within thirty days of such judgment or other disposition that any other party caused unreasonable delay in the progress and final disposition of the action. If the court, upon notice and hearing, finds that there was such delay, it may order the dilatory party to pay such portion of defense expenses as are reasonably attributable to the delay. Such amounts shall be in addition to any taxable court costs otherwise allowed by law.

Sec. 5. If a tort action is tried by a jury, the jury shall be instructed by the court that it is not to include in an award of damages any sums for prejudgment interest, as such interest will be added by the court in those instances where it is allowed by law.

Sec. 6. This act shall be operative for all cause of action filed on or after April 1, 1986.".

2. Renumber original section 2 as section 7.

## ANNOUNCEMENT

Mrs. Higgins designates LB 668 as her priority bill.

## SELECT COMMITTEE REPORTS
### Enrollment and Review

**LEGISLATIVE BILL 662.** Placed on Select File as amended.
(E & R amendments printed separate from the Journal and on file in the Clerk's Office - Room 1102 - AM5066).

**LEGISLATIVE BILL 313A.** Placed on Select File.
**LEGISLATIVE BILL 391A.** Placed on Select File.

(Signed) Timothy Hall, Chairperson

### Correctly Engrossed

The following bills were correctly engrossed: 67, 94, 104, 165, 244, 299, 391, 446, and 498.

(Signed) Timothy Hall, Chairperson

## RESOLUTION

**LEGISLATIVE RESOLUTION 63.** Read. Considered.

Mr. Hefner and Ms. Scofield asked unanimous consent to have their names added as co-introducers to LR 63. No objections. So ordered.

Mr. DeCamp offered the following amendment:
In the 9th WHEREAS paragraph, change "Narrowly" to "Broadly" and change "unrealistic" to "contrasting"

Mr. Wesely moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. DeCamp requested a record vote on his amendment.

Voting in the affirmative, 9:

Barrett DeCamp Haberman Johnson, L. Johnson, R.

| | | | | |
|---|---|---|---|---|
| Johnson, V. | Labedz | Pirsch | Remmers | |

Voting in the negative, 22:

| | | | | |
|---|---|---|---|---|
| Baack | Conway | Hefner | Miller | Scofield |
| Beutler | Eret | Hoagland | Morehead | Sieck |
| Carsten | Hall | Landis | Nelson | Vickers |
| Chambers | Harris | Lundy | Schmit | Wesely |
| Chizek | Hartnett | | | |

Present and not voting, 14:

| | | | | |
|---|---|---|---|---|
| Abboud | Goll | Lamb | Peterson | Warner |
| Beyer | Goodrich | Lynch | Rogers | Withem |
| Chronister | Higgins | Pappas | Smith | |

Excused and not voting, 4:

| | | | |
|---|---|---|---|
| Hannibal | Marsh | Nichol | Rupp |

The DeCamp amendment lost with 9 ayes, 22 nays, 14 present and not voting, and 4 excused and not voting.

Mr. Vickers offered the following amendment:

Adding a new Whereas to read as follows: Whereas, future farm policy debate should include a consideration of a broad range of farm program alternatives as such policies and programs may effect both farmers as well as consumers;

Mr. Hoagland moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 1 nay, and 20 not voting.

The Vickers amendment was adopted with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

Mr. Pappas 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 30 ayes, 0 nays, and 19 not voting.

LR 63 was adopted with 38 ayes, 0 nays, 9 present and not voting, and 2 excused and not voting.

## UNANIMOUS CONSENT - Print in Journal

Mr. Miller asked unanimous consent to print the following amendment to LB 496 in the Journal. No objections. So ordered.

AM0504
1. On page 2, strike beginning with "and" in line 22 through "violation" in line 23.

## STANDING COMMITTEE REPORTS
### Business and Labor

**LEGISLATIVE BILL 216.** Placed on General File.

**LEGISLATIVE BILL 343.** Placed on General File as amended.
Standing Committee amendment to LB 343:
AM0496
1. On page 2, line 9, strike "periodic" and insert "quarterly".

(Signed) Bill Barrett, Chairperson

### Education

**LEGISLATIVE BILL 28.** Placed on General File.

(Signed) Tom Vickers, Chairperson

## ANNOUNCEMENT

The Chair announced today is Senator Hall's birthday.

## GENERAL FILE

**LEGISLATIVE BILL 324.** Title read. Considered.

Standing Committee amendments, AM0244, found in the Journal on page 628 for the Twenty-Fifth Day were considered.

Mr. Wesely renewed his pending amendment, AM0298, found in the Journal on page 785 to the Standing Committee amendments.

The Wesely amendment to the Standing Committee amendments were adopted with 25 ayes, 0 nays, 20 present and not voting, and 4

excused and not voting.

The Standing Committee amendments, as amended, were adopted with 28 ayes, 0 nays, 17 present and not voting, 4 excused and not voting.

Mr. Wesely asked unanimous consent to withdraw his pending amendment, AM0369, found in the Journal on page 826. No objections. So ordered.

Mr. Wesely offered the following amendment:
AM0511

1. Strike original sections 1 to 5 and insert the following new sections:

"Sec. 2. That section 48-1114, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

48-1114. It shall be an unlawful employment practice for an employer to discriminate against any of his or her employees or applicants for employment, for an employment agency to discriminate against any individual, or for a labor organization to discriminate against any member thereof or applicant for membership, because he or she (1) has opposed any practice made an unlawful employment practice by sections 48-1101 to 48-1125, ~~or because he~~ (2) has made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under sections 48-1101 to 48-1125, or (3) has opposed any practice or refused to carry out any action unlawful under the laws of the United States or this state.

Sec. 3. That original sections 48-1102 and 48-1114, Reissue Revised Statutes of Nebraska, 1943, are repealed.".

2. In the Standing Committee amendments, AMO244, found on pages 628 and 629 of the Journal, strike amendments 2 and 3.

The Wesely amendment was adopted with 25 ayes, 0 nays, 20 present and not voting, 4 excused and not voting.

Advanced to E & R for Review with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 350.** Title read. Considered.

Standing Committee amendments, AM0202, found in the Journal on page 630 for the Twenty-Fifth Day were adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Advanced to E & R for Review with 29 ayes, 0 nays, 17 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 326.** Title read. Considered.

Standing Committee amendments, AM0240, found in the Journal on page 644 for the Twenty-Sixth Day were adopted with 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

Mr. Vickers renewed his pending amendment found in the Journal on page 862.

Mr. Goodrich offered the following amendment to the Vickers pending amendment:
after the word "funds" insert "or credit card which is expired, cancelled, or invalid"

The Goodrich amendment was adopted with 22 ayes, 0 nays, 24 present and not voting, and 3 excused and not voting.

Mr. Vickers moved for a call of the house. The motion prevailed with 9 ayes, 0 nays, and 40 not voting.

Mr. Vickers requested a roll call vote on his amendment.

Voting in the affirmative, 22:

| | | | | |
|---|---|---|---|---|
| Chambers | Haberman | Higgins | Miller | Rupp |
| Chizek | Hall | Labedz | Nelson | Schmit |
| Conway | Harris | Landis | Pirsch | Vickers |
| DeCamp | Hartnett | Lundy | Rogers | Withem |
| Goodrich | Hefner | | | |

Voting in the negative, 17:

| | | | | |
|---|---|---|---|---|
| Abboud | Carsten | Johnson, R. | Morehead | Smith |
| Baack | Goll | Johnson, V. | Remmers | Warner |
| Barrett | Hannibal | Lamb | Sieck | Wesely |
| Beutler | Johnson, L. | | | |

Present and not voting, 7:

Beyer Eret Lynch Peterson Scofield
Chronister Hoagland

Excused and not voting, 3:

Marsh Nichol Pappas

The Vickers amendment, as amended, lost with 22 ayes, 17 nays, 7 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Advanced to E & R for Review with 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 344.** Title read. Considered.

Advanced to E & R for Review with 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

## UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendment to LB 517 in the Journal. No objections. So ordered.

On page 2, strike the material beginning with "The" on line 11 through "purposes" on line 15, and insert the following language: The conveyance may be used for other purposes only if such use is specifically approved by the legislature.

## STANDING COMMITTEE REPORTS
### Government, Military and Veterans Affairs

**LEGISLATIVE BILL 423.** Placed on General File.

**LEGISLATIVE BILL 512.** Placed on General File as amended.
Standing Committee amendments to LB 512:
AM0514

1. On page 4, line 15, after the period insert "In counties having a population of one hundred fifty thousand inhabitants or more, the county engineer shall appoint a full-time county surveyor. The county surveyor shall perform all the duties prescribed in

sections 23-1901 to 23-1913 and any other duties assigned to him or her by the county engineer. The county surveyor shall be a registered land surveyor as provided in sections 81-8,108 to 81-8,127.".

2. On page 5, line 1, after "county" insert "with a population of less than one hundred fifty inhabitants".

(Signed) David Landis, Chairperson

## BILL ON FIRST READING

The following bill was read for the first time by title:

**LEGISLATIVE BILL 415A.** By Vickers, 38th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 415, Eighty-ninth Legislature, First Session, 1985.

## REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of March 7, 1985. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Allan, Marilyn J. - Lincoln, National Fraternal Congress of America
Coughlin, J. Barry - Washington, D.C., Ford Motor Company
Erickson & Sederstrom
  Thone, Charles - Lincoln, DeHart & Darr Associates, Inc.
Folsom, Sallie - Lincoln, Nebraska Republican Party
Green, John K. - Omaha, MCI Telecommunications Corporation, Nucor Corporation
Nelson & Harding
  Alexander, Hugh - Lincoln, Nebraska Coalition of 202 Projects, Nucor Corporation
  Shultz, Jack L. - Lincoln, Nucor Corporation
Ryan, James E. - Lincoln, National Fraternal Congress of America
Wall, Sue Ellen - Lincoln, Coin Operated Industries of Nebraska

## GENERAL FILE

**LEGISLATIVE BILL 72.** Title read. Considered.

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

Messrs. Hoagland, Peterson, and Hefner moved to indefinitely postpone LB 72.

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

Pending.

## STANDING COMMITTEE REPORT
### Public Health and Welfare

**LEGISLATIVE BILL 201.** Placed on General File as amended.
Standing Committee amendments to LB 201:
AM0502

1. On page 2, line 5, strike "these"; and in line 6 strike "areas of".

2. On page 3, line 24, after the period insert "A formula for payment for special medical treatment shall be established by the Department of Health.".

3. On page 4, line 4, strike "section 3 of"; in line 7 strike "consultants for these high-risk pregnancies" and insert "consulting specialists"; in line 22 strike "fourteen" and insert "seven"; and in line 26 before "and" insert "nurse-midwives, public health workers,".

4. On page 5, line 1, strike "fifteen" and insert "forty-five"; after line 17 insert the following new subdivision:

"(2) Offer recommendations to and advise the Department of Health regarding the operation of the high-risk pregnancy support program;" ; in line 18 strike "(2)" and insert "(3)"; in line 20 strike "(3)" and insert "(4)"; in line 22 strike "(4)" and insert "(5)"; and in line 25 strike "(5)" and insert "(6)".

5. Strike original section 6.

6. On page 6, line 1, strike "(6)" and insert "(7)"; and in line 3 strike "(7)" and insert "(8)".

7. On page 7, line 10, strike "refer" and

insert "inform"; in line 15 strike "to" and insert "of the availability of"; in line 18 strike "referred to" and insert "informed of the availability of" and strike "or" and insert "and"; and in line 19 strike "or" and insert "and".

8. Renumber the remaining sections accordingly.

(Signed) Don Wesely, Chairperson

## SELECT COMMITTEE REPORTS
### Enrollment and Review

**LEGISLATIVE BILL 269.** Placed on Select File as amended.
E & R amendment to LB 269:
AM5067

1. On page 1, line 5, strike "and"; and in line 6 after "sections" insert "; and to declare an emergency".

**LEGISLATIVE BILL 552.** Placed on Select File as amended.
E & R amendments to LB 552:
AM5068

1. On page 1, line 1, strike "require" and insert "provide for use tax permits for certain sellers; to provide for"; in line 3 strike the first "and"; and in line 4 after "process" insert "; to prohibit certain court actions as prescribed; to provide an exception; and to provide an operative date".

2. In the Standing Committee amendments, AM0200:

(a) On page 1, line 7, after "state" insert a comma; and

(b) On page 2, line 8, after "state" insert a comma; in line 20 after "state" insert a comma and strike the comma after "permit"; in lines 21 and 23 strike the comma; and in line 22 after "or" insert a comma.

(Signed) Timothy Hall, Chairperson

## UNANIMOUS CONSENT - Add Co-Introducers

Mr. Wesely asked unanimous consent to have his name added as co-introducer to LB 201. No objections. So ordered.

Mr. Sieck asked unanimous consent to have his name added as co-introducer to LB 312. No objections. So ordered.

## UNANIMOUS CONSENT - Print in Journal

Messrs. DeCamp, Lundy, Hannibal, and Mrs. Labedz asked unanimous consent to print the following amendment to LB 157 in the Journal. No objections. So ordered.

AM0506

1. On page 2, line 5, strike "subsection" and insert "subsections" and after "(2)" insert "and (3)"; in line 9 strike "specified in section 45-104.01", show as stricken, and insert "of ten per cent"; and in line 11 before"Interest" insert "Interest on all decrees and judgments for the payment of money shall be from the date of the rendition thereof at the rate specified in section 45-104.01, as such rate may from time to time be adjusted by the Legislature, until the same shall be paid.".

2. On page 3, after line 4 insert:

"(3) If a plaintiff has refused to accept an offer by defendant to confess judgment pursuant to section 25-906 or 25-907 or sections 25-1309 to 25-1312 and if the judgment is for an amount equal to or less than the amount confessed, no interest shall accrue between the time of the offer to confess judgment and the time of rendition of the judgement.

Sec. 2. If a tort action is tried by a jury, the jury shall be instructed by the court that it is not to include in an award of damages any sums for prejudgment interest, as such interest will be added by the court in those instances where it is allowed by law.

Sec. 3. This act shall be operative for all causes of action on or after January 1, 1986.".

3. Renumber the remaining section accordingly.

## RESOLUTION

**LEGISLATIVE RESOLUTION 64.**

Introduced by Abboud, 12th District; Barrett, 39th District; Beutler, 28th District; Beyer, 3rd District; Carsten, 2nd District; Chronister,

18th District; Conway, 17th District; DeCamp, 40th District; Eret, 32nd District; Goll, 16th District; Goodrich, 20th District; Haberman, 44th District; Hall, 7th District; Hannibal, 4th District; Harris, 27th District; Hartnett, 45th District; Hefner, 19th District; Higgins, 9th District; Hoagland, 6th District; L. Johnson, 15th District; R. Johnson, 34th District; Labedz, 5th District; Lamb, 43rd District; Lundy, 36th District; Lynch, 13th District; Miller, 37th District; Morehead, 30th District; Nelson, 35th District; Peterson, 21st District; Pirsch, 10th District; Remmers, 1st District; Rogers, 41st District; Rupp, 22nd District; Scofield, 49th District; Sieck, 24th District; Smith, 33rd District; Vickers, 38th District; Warner, 25th District; Wesely, 26th District; Withem, 14th District.

WHEREAS, Marvin F. Kivett, Director of the Nebraska State Historical Society, has shown keen insight, high personal and professional integrity and exceptional comprehension as a professional archeologist; and

WHEREAS, Marvin F. Kivett, has displayed a deep attachment to the State of Nebraska as Director of the Nebraska State Historical Society, and has given of himself to state service for more than thirty-five years; and

WHEREAS, the tenure of Marvin F. Kivett as Director of the State of Nebraska Historical Society has seen a dramatic increase in acquisition of state archival materials resulting in the growth of the number of historical sites owned by the society from 3 in 1963 to 11 today; and

WHEREAS, Marvin F. Kivett's devotion to the heritage of Nebraska has produced one of the strongest state historical society museums in the country according to the American Association of Museums; and

WHEREAS, we as citizens of Nebraska wish to express our most sincere gratitude to Marvin F. Kivett for a lifetime of dedication, service and the pursuit of knowledge, and we wish to recognize him on this date, one day after his birthday, but primarily for his pending retirement;

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

1. That the members of the legislature on March 11, 1985, recognize the retirement of Marvin F. Kivett as Director of the Nebraska State Historical Society and congratulate him for his dedicated service to the state.

2. That the legislature encourages all citizens in the state to recognize and thank Marvin F. Kivett for his service to the state. Through his efforts our proud heritage has been made known to all

of us and his efforts have served to enhance the understanding of future generations.

Laid over.

## VISITORS

Visitors to the Chamber were Angela Janssen and Casey Drake from McCook; 20 students and sponsors from Dix; Judy Kucera and Becky Brooks from Dix; and 45 band members, pep club, basketball players, and sponsors from Elwood.

## ADJOURNMENT

At 12:02 p.m., on a motion by Mr. Chizek, the Legislature adjourned until 9:00 a.m., Monday, March 11, 1985.

Patrick J. O'Donnell
Clerk of the Legislature

# THIRTY-SEVENTH DAY - MARCH 11, 1985

## LEGISLATIVE JOURNAL

## EIGHTY-NINTH LEGISLATURE
## FIRST SESSION

## THIRTY-SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, March 11, 1985

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Nichol presiding.

### PRAYER

The prayer was offered by Reverend Paul Otte, St. Paul United Church of Christ, Lincoln, Nebraska.

### ROLL CALL

The roll was called and all members were present except Messrs. Haberman, Hefner, and Schmit who were excused; and Messrs. Abboud, Conway, Hannibal, Hartnett, Hoagland, R. Johnson, V. Johnson, Rupp, Sieck, Vickers, Mesdames Higgins, Pirsch, and Ms. Scofield who were excused until they arrive.

### CORRECTIONS FOR THE JOURNAL

The Journal for the Thirty-Sixth Day was approved.

### SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolution: LR 63.

### UNANIMOUS CONSENT - Add Co-Introducer

Mrs. Smith asked unanimous consent to have her name added as co-introducer to LB 333. No objections. So ordered.

## RESOLUTION

**LEGISLATIVE RESOLUTION 64.** Read. Considered.

LR 64 was adopted with 28 ayes, 1 nay, and 20 not voting.

## GENERAL FILE

**LEGISLATIVE BILL 72.** The Hoagland-Peterson-Hefner pending motion to indefinitely postpone was considered.

Mr. Hoagland moved for a call of the house. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

Mr. Hoagland requested a roll call vote on the motion to indefinitely postpone.

Voting in the affirmative, 24:

| | | | | |
|---|---|---|---|---|
| Abboud | Eret | Johnson, V. | Nelson | Sieck |
| Barrett | Goodrich | Lamb | Peterson | Warner |
| Carsten | Hoagland | Lundy | Pirsch | Wesely |
| Chronister | Johnson, L. | Marsh | Remmers | Withem |
| DeCamp | Johnson, R. | Miller | Rogers | |

Voting in the negative, 19:

| | | | | |
|---|---|---|---|---|
| Baack | Conway | Harris | Landis | Scofield |
| Beutler | Goll | Hartnett | Lynch | Smith |
| Beyer | Hall | Higgins | Morehead | Vickers |
| Chizek | Hannibal | Labedz | Pappas | |

Present and not voting, 2:

Chambers Nichol

Excused and not voting, 4:

Haberman Hefner Rupp Schmit

The motion to indefinitely postpone prevailed with 24 ayes, 19 nays, 2 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

## MOTION - Suspend Rules

Mr. Landis moved to suspend the rules, Rule 3, Section 13, to permit scheduling of LB 467 and 471, for public hearing.

The Landis motion prevailed with 31 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

## ANNOUNCEMENT

The Chair announced today is Senator V. Johnson's birthday.

## STANDING COMMITTEE REPORTS
### Revenue

**LEGISLATIVE BILL 121.** Indefinitely postponed.
**LEGISLATIVE BILL 473.** Indefinitely postponed.

(Signed) Vard Johnson, Chairperson

## MOTION - Place LB 360 on General File

Messrs. Wesely and Hoagland renewed their pending motion found in the Journal on page 831 to place LB 360 on General File notwithstanding the committee action.

Mr. Wesely requested a record vote on the motion.

Voting in the affirmative, 11:

| | | | | |
|---|---|---|---|---|
| Abboud | Goodrich | Hoagland | Landis | Rupp |
| Beutler | Hannibal | Johnson, V. | Pappas | Wesely |
| Chambers | | | | |

Voting in the negative, 27:

| | | | | |
|---|---|---|---|---|
| Baack | DeCamp | Johnson, L. | Nelson | Rogers |
| Barrett | Goll | Lamb | Nichol | Sieck |
| Beyer | Hall | Lundy | Peterson | Smith |
| Carsten | Harris | Miller | Pirsch | Warner |
| Chronister | Hartnett | Morehead | Remmers | Withem |
| Conway | Higgins | | | |

Present and not voting, 8:

| | | | | |
|---|---|---|---|---|
| Chizek | Johnson, R. | Lynch | Scofield | Vickers |
| Eret | Labedz | Marsh | | |

Excused and not voting, 3:

| | | |
|---|---|---|
| Haberman | Hefner | Schmit |

The Wesely-Hoagland motion lost with 11 ayes, 27 nays, 8 present and not voting, and 3 excused and not voting.

## STANDING COMMITTEE REPORT
### Agriculture and Environment

The Committee on Agriculture and Environment desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Fred E. Hlava, Jr. - Environmental Control Council

Voting aye: Senators Barrett, Chizek, Eret, R. Johnson and Remmers. Voting nay: None. Absent: Senators Pirsch, Sieck and Vickers.

(Signed) Rod Johnson, Chairperson

## MOTION - Reconsider Action on LB 72

Mr. DeCamp moved to reconsider their action on the motion to indefinitely postpone LB 72.

Laid over.

## NOTICE OF COMMITTEE HEARINGS
### Government, Military and Veterans Affairs

| | | |
|---|---|---|
| LB 467 | Thursday, March 14, 1985 | 1:30 p.m. |
| LB 471 | Thursday, March 14, 1985 | 1:30 p.m. |

(Signed) David Landis, Chairperson

## GENERAL FILE

**LEGISLATIVE BILL 712.** Title read. Considered.

Standing Committee amendments, AM0158, found in the Journal on page 565 for the Twenty-Second Day were considered.

Mr. Beutler requested a division of the question on the Standing Committee amendments.

The Chair sustained the division of the question.

The first Standing Committee amendment is all of the Standing Committee amendments except Sec. 5 found in the Journal on page 567.

Mrs. Labedz moved the previous question. The question is, "Shall the debate now close?"

Mrs. Labedz moved for a call of the house. The motion prevailed with 12 ayes, 0 nays, and 37 not voting.

The motion to cease debate prevailed with 25 ayes, 8 nays, and 16 not voting.

The Chair declared the call raised.

The first Standing Committee amendments lost with 18 ayes, 18 nays, 10 present and not voting, and 3 excused and not voting.

The second Standing Committee amendment is as follows:

Sec. 5. In addition to the sales tax imposed pursuant to section 77-2701.02, there is hereby imposed an additional one per cent sales and use tax to commence October 1, 1985. All proceeds from this additional tax shall be paid to the General Homestead Exemption Fund.

Mr. Vickers offered the following amendment to the second Standing Committee amendment:

which is Section 5 strike "General Homestead Exemption Fund" and insert "Property Tax Relief Fund" on Pg. 5 line 18 of the committee amendment.

The Vickers amendment lost with 3 ayes, 25 nays, 18 present and not voting, and 3 excused and not voting.

Mr. V. Johnson moved for a call of the house. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

Mr. V. Johnson requested a roll call vote on the second Standing Committee amendment.

Voting in the affirmative, 20:

| | | | | |
|---|---|---|---|---|
| Chizek | Hall | Hoagland | Lynch | Pirsch |
| Conway | Hannibal | Johnson, V. | Marsh | Smith |
| DeCamp | Hartnett | Labedz | Morehead | Vickers |
| Goodrich | Higgins | Landis | Pappas | Withem |

Voting in the negative, 25:

| | | | | |
|---|---|---|---|---|
| Abboud | Chambers | Johnson, L. | Nelson | Rupp |
| Baack | Chronister | Johnson, R. | Nichol | Scofield |
| Barrett | Eret | Lamb | Peterson | Sieck |
| Beutler | Goll | Lundy | Remmers | Warner |
| Carsten | Harris | Miller | Rogers | Wesely |

Present and not voting, 1:

Beyer

Excused and not voting, 3:

| | | |
|---|---|---|
| Haberman | Hefner | Schmit |

The second Standing Committee amendment lost with 20 ayes, 25 nays, 1 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Mr. V. Johnson offered the following amendment to LB 712:
to amend LB 712 by inserting the following new section:
1. "Sec. 2. This act shall become operative for all tax years beginning on or after January 1, 1986."
2. Renumber Sec. 2 as Sec. 3.

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

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. V. Johnson requested a record vote on the advancement of the

bill.

Voting in the affirmative, 20:

| | | | | |
|---|---|---|---|---|
| Beutler | Goodrich | Higgins | Landis | Pappas |
| Chizek | Hall | Hoagland | Lynch | Pirsch |
| Conway | Hannibal | Johnson, V. | Marsh | Wesely |
| DeCamp | Hartnett | Labedz | Morehead | Withem |

Voting in the negative, 25:

| | | | | |
|---|---|---|---|---|
| Abboud | Chronister | Johnson, R. | Nichol | Scofield |
| Baack | Eret | Lamb | Peterson | Sieck |
| Barrett | Goll | Lundy | Remmers | Smith |
| Beyer | Harris | Miller | Rogers | Vickers |
| Carsten | Johnson, L. | Nelson | Rupp | Warner |

Present and not voting, 1:

Chambers

Excused and not voting, 3:

Haberman Hefner Schmit

Failed to advance to E & R for Review with 20 ayes, 25 nays, 1 present and not voting, and 3 excused and not voting.

**UNANIMOUS CONSENT - Print in Journal**

Mr. Lamb asked unanimous consent to print the following amendment to LB 38 in the Journal. No objections. So ordered.

(Amendment to the Committee Amendment (AM0199)
On page 2, in line 2 after "act", insert "and to fund costs incurred by the Department of Revenue in carrying out the provisions of this act".

Mr. DeCamp asked unanimous consent to print the following amendment to LB 453 in the Journal. No objections. So ordered.

AM0528
(Amendments to Standing Committee Amendments)
1. On page 1, strike beginning with "line" in line 1 through "in" in line 2; and in line 2 after "9"

insert a comma.

2. On page 4, strike beginning with the first underscored comma in line 15 through "solicits" in line 16.

## NOTICE OF COMMITTEE HEARINGS
### Judiciary

| | | |
|---|---|---|
| LB 716 | Monday, March 18, 1985 | 1:15 p.m. |
| LB 590 | Monday, March 18, 1985 | 1:30 p.m. |
| LB 611 | Monday, March 18, 1985 | 1:30 p.m. |
| LB 370 | Monday, March 18, 1985 | 1:30 p.m. |
| LB 448 | Monday, March 18, 1985 | 1:30 p.m. |
| LB 509 | Monday, March 18, 1985 | 1:30 p.m. |
| LB 541 | Monday, March 18, 1985 | 1:30 p.m. |
| LB 464 | Tuesday, March 19, 1985 | 1:30 p.m. |
| LB 540 | Tuesday, March 19, 1985 | 1:30 p.m. |
| LB 79 | Tuesday, March 19, 1985 | 1:30 p.m. |
| LB 180 | Tuesday, March 19, 1985 | 1:30 p.m. |
| LB 504 | Tuesday, March 19, 1985 | 1:30 p.m. |
| LB 170 | Tuesday, March 19, 1985 | 1:30 p.m. |
| LB 570 | Tuesday, March 19, 1985 | 1:30 p.m. |
| LB 427 | Wednesday, March 20, 1985 | 1:30 p.m. |
| LB 481 | Wednesday, March 20, 1985 | 1:30 p.m. |
| LB 177 | Wednesday, March 20, 1985 | 1:30 p.m. |
| LB 237 | Wednesday, March 20, 1985 | 1:30 p.m. |
| LB 462 | Wednesday, March 20, 1985 | 1:30 p.m. |
| Governor Appointment<br>Kathy Seacrest - Crime Victim's Reparation Board | Monday, March 25, 1985 | 1:30 p.m. |
| LB 221 | Monday, March 25, 1985 | 1:30 p.m. |
| LB 73 | Monday, March 25, 1985 | 1:30 p.m. |
| LB 55 | Monday, March 25, 1985 | 1:30 p.m. |
| LB 612 | Monday, March 25, 1985 | 1:30 p.m. |
| LB 105 | Monday, March 25, 1985 | 1:30 p.m. |
| LB 634 | Monday, March 25, 1985 | 1:30 p.m. |
| LB 477 | Tuesday, March 26, 1985 | 1:30 p.m. |
| LB 639 | Tuesday, March 26, 1985 | 1:30 p.m. |
| LB 545 | Tuesday, March 26, 1985 | 1:30 p.m. |
| LB 576 | Tuesday, March 26, 1985 | 1:30 p.m. |

| | | |
|---|---|---|
| LB 376 | Tuesday, March 26, 1985 | 1:30 p.m. |
| LB 231 | Tuesday, March 26, 1985 | 1:30 p.m. |

(Signed) Peter Hoagland, Chairperson

## STANDING COMMITTEE REPORT
### Constitutional Revision and Recreation

The Committee on Constitutional Revision and Recreation desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Wayne Ziebarth - Nebraska Game and Parks Commission

Voting aye: Senators Baack, Hall, Labedz, Miller, and Rupp. Voting nay: None. Absent: Senators Beutler and Wesely.

The Committee on Constitutional Revision and Recreation desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

LaVern Schneider - Nebraska Game and Parks Commission

Voting aye: Senators Baack, Hall, Labedz, Miller, and Rupp. Voting nay: None. Absent: Senators Beutler and Wesely.

(Signed) Lee Rupp, Chairperson

## BILL ON FIRST READING

The following bill was read for the first time by title:

**LEGISLATIVE BILL 717.** By Speaker Nichol, 48th District, at the request of the Governor.

A BILL FOR AN ACT relating to revenue and taxation; to adopt the Financial Institutions Deposits Tax Act.

## STANDING COMMITTEE REPORTS
### Public Works

**LEGISLATIVE BILL 66.** Indefinitely postponed.
**LEGISLATIVE BILL 381.** Indefinitely postponed.

**LEGISLATIVE BILL 472.** Indefinitely postponed.
**LEGISLATIVE BILL 510.** Indefinitely postponed.
**LEGISLATIVE BILL 582.** Indefinitely postponed.
**LEGISLATIVE BILL 672.** Indefinitely postponed.

(Signed) Loran Schmit, Chairperson

**Agriculture and Environment**

**LEGISLATIVE BILL 383.** Placed on General File as amended.
Standing Committee amendments to LB 383:
AM0518

1. On page 2, line 1, strike "The" and insert "Commencing on January 1, 1986, the"; in line 2 after "all" insert "permanently located" and strike "stationary"; in line 11 strike "amount of the" and insert "registration"; in line 12 after "be" insert "in"; in line 14 after "act" insert ", except that such fee shall not exceed ten dollars" and after the period insert "All registration fees collected pursuant to this section shall be paid into the State Fire Marshal Cash Fund for the purpose of administering this act."; in line 24 after "regulated" insert "as a hazardous waste"; and in lines 24 and 25 strike "subtitles A, C, and D" and insert "subtitle C".

2. On page 3, line 22, after the second "tank" insert "having a storage capacity in excess of one thousand gallons"; and strike beginning with the comma in line 24 through "purposes" in line 26.

(Signed) Rod Johnson, Chairperson

**Public Health and Welfare**

**LEGISLATIVE BILL 654.** Placed on General File as amended.
Standing Committee amendments to LB 654:
AM0501

1. On page 7, strike beginning with "Licensees" in line 5 through the period in line 23, show the old matter as stricken, and insert "Licensees who have not complied with such requirement shall not be issued a renewal license unless granted a waiver by the board. The board may adopt and promulgate rules and regulations not inconsistent with any provision of law to waive continuing education requirements, in part or

in total, for any two-year licensing period when a licensee submits documentation that circumstances beyond his or her control prevented him or her from completing such requirements. Such circumstances shall include:

(a) That the licensee served in the regular armed forces of the United States during part of the twenty-four months immediately preceding the license renewal date;

(b) That the licensee has submitted proof that he or she was suffering from a serious or disabling illness or physical disability which prevented him or her from completing the required number of continuing education hours during the twenty-four months immediately preceding the license renewal date; or

(c) That the licensee was first licensed within the twenty-four months immediately preceding the license renewal date.".

2. On page 10, strike beginning with "After" in line 8 through the period in line 10 and insert "After two years a licensee on inactive status may have his or her license restored to active status by successfully passing both the national licensure examination and the state regulation examination, payment of the license renewal fee due for the license renewal period with payment of the special restoration fee specified in section 71-2045.05, and completion of the continuing education requirements described in section 71-2045.03 for such license renewal period.

After six years of inactive status, the license shall lapse. To continue on inactive status a licensee shall be required to successfully pass both the national licensure examination and the state regulation examination, pay the inactive status renewal fee, and complete the continuing education requirements described in section 71-2045.04 for the inactive license renewal period.

Until December 31, 1986, all nursing home administrators holding inactive status licenses on the effective date of this act shall be eligible for restoration of license to active status. Until December 31, 1990, all nursing home administrators holding inactive status licenses on the effective date of this act may renew their inactive license without examination. Commencing on January 1, 1991, all nursing home administrators holding inactive status licenses

shall be subject to the requirements of this subsection.".

3. Insert the following new section:

"Sec. 9. That section 71-2045.07, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-2045.07. The board may issue a license as an administrator of a home for the aged or infirm, after the passage of ~~a written or practical~~ the state regulation examination, to any person who holds a current license as an administrator of a home for the aged or infirm or to a nursing home administrator from another jurisdiction if the board finds that the standards for licensure in such other jurisdiction are at least the substantial equivalent of those prevailing in this state, and that the applicant is a person who has been in the active practice ~~of nursing home administration~~ for a minimum of one year as a nursing home administrator in some other state, territory, or the District of Columbia, as established by the certificate of the proper licensing authority of the state, territory, or the District of Columbia, certifying that the applicant is duly licensed, that his or her license has never been suspended or revoked, and that, so far as the records of such authority are concerned, the applicant is entitled to its endorsement. The applicant shall also present proof of the following: (1) That the state, territory, or the District of Columbia from which the applicant comes has and maintains standards regulating nursing home administration substantially equivalent to those maintained by Nebraska; (2) that his or her license was based upon a ~~written~~ national licensure examination and the grades given at such examination; (3) the date of his or her license; (4) that such licensee has been actively engaged in the practice under such license since it was issued or, if not so engaged, the time when he or she was out of practice; (5) the affidavit of at least two practitioners in that state, territory, or the District of Columbia, testifying to the applicant being of good moral character and standing as a nursing home administrator; ~~and (6) that the applicant has been in the active and continuous practice under license by examination in the state, territory, or the District of Columbia from which he or she comes for at least one~~

year completion of a six-month administrator-in-training program. Two years' experience as an administrator of a home for the aged or infirm or nursing home, immediately preceding application for Nebraska licensure, shall be considered substantially equivalent to completion of a structured administrator-in-training program; and (7) completion of twenty-five hours of continuing education within the twelve months prior to application for reciprocal registration. An applicant for reciprocal registration coming from any state may be licensed by reciprocity if his or her individual qualifications meet such requirements.".

4. On page 13, line 24, strike "71-2045.06" and insert "71-2045.07".

5. Renumber original section 9 as section 10.

(Signed) Don Wesely, Chairperson

**Revenue**

**LEGISLATIVE BILL 208.** Placed on General File as amended.
Standing Committee amendments to LB 208:
AM0480

1. On page 2, line 4, strike "fifty" and insert "seventy-five"; in line 5 strike "one" and insert "two"; in line 6 strike "fifty" and insert "seventy-five"; in line 8 after "blended" insert an underscored comma; and in line 9 after "dealer" insert "monthly".

2. Insert the following new section:

"Sec. 2. This act shall become operative for all motor vehicle fuels received or imported, produced, refined, manufactured, blended, or compounded on or after October 1, 1985.".

3. Renumber original section 2 as section 3.

**LEGISLATIVE BILL 715.** Placed on General File as amended.
(Standing Committee amendments printed separate from the Journal and on file in the Clerk's Office - Room 1102 - AM0523).

(Signed) Vard Johnson, Chairperson

**VISITORS**

Visitors to the Chamber were members of the River City Republican

Women's Club from Omaha; and members of WIFE, (Women Involved In Farm Economics.)

## ADJOURNMENT

At 12:17 p.m., on a motion by Mrs. Nelson, the Legislature adjourned until 9:00 a.m., Tuesday, March 12, 1985.

Patrick J. O'Donnell
Clerk of the Legislature

# THIRTY-EIGHTH DAY - MARCH 12, 1985

## LEGISLATIVE JOURNAL

## EIGHTY-NINTH LEGISLATURE
## FIRST SESSION

## THIRTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 12, 1985

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

## PRAYER

The prayer was offered by Reverend Kenneth Baker, Fellowship Baptist Church, Lincoln, Nebraska.

## ROLL CALL

The roll was called and all members were present except Messrs. Baack, Beutler, Chambers, Hannibal, Harris, Hoagland, V. Johnson, Lynch, Schmit, Sieck, Withem, and Mrs. Higgins who were excused until they arrive.

## CORRECTIONS FOR THE JOURNAL

The Journal for the Thirty-Seventh Day was approved.

## PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolution: LR 64.

## SELECT COMMITTEE REPORTS
### Enrollment and Review

### Correctly Engrossed

The following bills were correctly engrossed: 36, 89, 233, 315, 353,

486, and 508.

(Signed) Timothy Hall, Chairperson

**Enrollment and Review Change to LB 36**

The following changes, required to be reported for publication in the Journal, have been made:
ER0022
1. On page 1, the matter beginning with "in" in line 5 through "condemner" in line 6 has been struck and "as prescribed" inserted.

**Enrollment and Review Change to LB 89**

The following changes, required to be reported for publication in the Journal, have been made:
ER0023
1. On page 1, line 4, "and" has been struck; and in line 5 "; and to declare an emergency" has been inserted after "section".

**Enrollment and Review Change to LB 233**

The following changes, required to be reported for publication in the Journal, have been made:
ER0025
1. On page 1, the matter beginning with "a" in line 3 through "employees" in line 4 has been struck and "provisions relating to witness and other fees and expenses" inserted.
2. E & R amendment 2 has been struck.

**Enrollment and Review Change to LB 486**

The following changes, required to be reported for publication in the Journal, have been made:
ER0024
1. In the Labedz amendment adopted March 7, 1985, on page 1, line 1, "the second" has been inserted after "with".
2. On page 1, line 4, "raffles and" has been inserted after "certain".

**Enrollment and Review Change to LB 508**

The following changes, required to be reported for publication in the Journal, have been made:
ER0029

1. In the E & R amendment, on page 1, line 20, "31" has been struck and "33" inserted.
2. On page 29, line 5, "The" has been struck and "the" inserted.

(Signed) Mary Sommermeyer
E & R Attorney

## REPORT

Received the Draft Plan of the JTPA Programs for legislative review supplied to us by the Office of Employment Resources for the city of Omaha.

## STANDING COMMITTEE REPORTS
### Miscellaneous Subjects

**LEGISLATIVE BILL 420.** Placed on General File.

**LEGISLATIVE BILL 598.** Placed on General File as amended.
Standing Committee amendment to LB 598:
AM0512

1. Strike the original section and insert the following new section:

"Section 1. (1) No person shall knowingly transport any alcoholic liquors in any motor vehicle upon the public streets, alleys, parking areas, roads, or highways unless such liquor is:

(a) In the original unopened package or container, on which the seal has not been broken and the original cap, cork, or other means of closure has not been removed; or

(b) Located within a motor vehicle but is not accessible to the operator while the motor vehicle is in motion.

(2) Any person violating this section shall be guilty of a Class IV misdemeanor for the first offense and shall be guilty of a Class II misdemeanor for any subsequent offense.".

**LEGISLATIVE BILL 684.** Indefinitely postponed.

The Miscellaneous Subjects Committee reports favorably on the following appointment by the Governor to the State Electrical Board:

Jon McCafferty

The Committee recommends that the Legislature confirm the appointment with a record vote.

Voting yes: Senators Conway, Hartnett, Hefner, Higgins, V. Johnson and Morehead. Voting no: None. Abstain: None. Absent: Senators Haberman and Pappas.

(Signed) Elroy Hefner, Chairperson

**MOTION - Approve Appointments**

Mr. Rupp moved the adoption of the report of the Constitutional Revision and Recreation Committee for the following Governor appointments found in the Journal on page 911: Wayne Ziebarth - Nebraska Game and Parks Commission; LaVern Schneider - Nebraska Game and Parks Commission.

Voting in the affirmative, 31:

| | | | | |
|---|---|---|---|---|
| Abboud | DeCamp | Hefner | Marsh | Rogers |
| Barrett | Eret | Johnson, L. | Miller | Rupp |
| Beyer | Goll | Labedz | Morehead | Smith |
| Carsten | Goodrich | Lamb | Nichol | Vickers |
| Chizek | Hall | Landis | Peterson | Warner |
| Chronister | Hartnett | Lundy | Remmers | Wesely |
| Conway | | | | |

Voting in the negative, 0.

Present and not voting, 6:

| | | | | |
|---|---|---|---|---|
| Haberman | Nelson | Pappas | Pirsch | Scofield |
| Johnson, R. | | | | |

Excused and not voting, 12:

| | | | | |
|---|---|---|---|---|
| Baack | Hannibal | Hoagland | Lynch | Sieck |
| Beutler | Harris | Johnson, V. | Schmit | Withem |
| Chambers | Higgins | | | |

These appointments were confirmed with 31 ayes, 0 nays, 6 present and not voting, and 12 excused and not voting.

Mr. R. Johnson moved the adoption of the report of the Agriculture

and Environment Committee for the following Governor appointment found in the Journal on page 906: Fred E. Hlava, Jr. - Environmental Control Council.

Voting in the affirmative, 28:

| | | | | |
|---|---|---|---|---|
| Abboud | DeCamp | Hefner | Nelson | Rupp |
| Barrett | Eret | Johnson, L. | Nichol | Smith |
| Beyer | Goll | Johnson, R. | Pirsch | Vickers |
| Chizek | Goodrich | Landis | Remmers | Warner |
| Chronister | Hall | Lundy | Rogers | Wesely |
| Conway | Hartnett | Marsh | | |

Voting in the negative, 0.

Present and not voting, 9:

| | | | | |
|---|---|---|---|---|
| Carsten | Labedz | Miller | Pappas | Scofield |
| Haberman | Lamb | Morehead | Peterson | |

Excused and not voting, 12:

| | | | | |
|---|---|---|---|---|
| Baack | Hannibal | Hoagland | Lynch | Sieck |
| Beutler | Harris | Johnson, V. | Schmit | Withem |
| Chambers | Higgins | | | |

This appointment was confirmed with 28 ayes, 0 nays, 9 present and not voting, and 12 excused and not voting.

## SELECT FILE

**LEGISLATIVE BILL 126.** The Remmers pending motion to indefinitely postpone found in the Journal on page 496 and 563 was renewed.

Mr. Lynch moved the previous question. The question is, "Shall the debate now close?" The motion lost with 11 ayes, 12 nays, and 26 not voting.

Mr. Remmers moved for a call of the house. The motion prevailed with 13 ayes, 1 nay, and 35 not voting.

Mr. Remmers requested a roll call vote on his motion to indefinitely postpone.

Voting in the affirmative, 20:

| | | | | |
|---|---|---|---|---|
| Abboud | Hartnett | Lamb | Nichol | Remmers |
| Barrett | Hefner | Lundy | Pappas | Rogers |
| Carsten | Johnson, L. | Miller | Peterson | Rupp |
| Goll | Johnson, R. | Nelson | Pirsch | Warner |

Voting in the negative, 26:

| | | | | |
|---|---|---|---|---|
| Baack | DeCamp | Harris | Lynch | Sieck |
| Beutler | Eret | Higgins | Marsh | Smith |
| Beyer | Haberman | Johnson, V. | Morehead | Vickers |
| Chizek | Hall | Labedz | Schmit | Wesely |
| Chronister | Hannibal | Landis | Scofield | Withem |
| Conway | | | | |

Present and not voting, 1:

Goodrich

Excused and not voting, 2:

Chambers Hoagland

The Remmers motion lost with 20 ayes, 26 nays, 1 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Pending.

## STANDING COMMITTEE REPORTS
### Agriculture and Environment

**LEGISLATIVE BILL 60.** Placed on General File as amended.
Standing Committee amendments to LB 60:
AM0519

1. On page 2, line 5, after the underscored period insert "The board shall not expend more than twenty-five per cent of its annual budget to influence legislation.".

2. On page 3, line 17; page 5, line 8; page 6, line 23; and page 8, line 12, after "office" insert ". The board shall not expend more than twenty-five per cent of its annual budget to influence legislation".

(Signed) Rod Johnson, Chairperson

**Public Works**

**LEGISLATIVE BILL 161.** Placed on General File as amended.
Standing Committee amendment to LB 161:
AM0531

1. Strike the original sections and insert the following new section:

"Section 1. The Public Service Commission shall, in addition to those inspectors employed on the effective date of this act, employ a track inspector and a motive power and equipment inspector. Such employment shall be pursuant to Nebraska's agreement with the Federal Railroad Administration to participate in investigative and surveillance activities concerning federal railroad safety laws and regulations, as authorized in 49 CFR 212.".

**LEGISLATIVE BILL 301.** Placed on General File as amended.
Standing Committee amendments to LB 301:
AM0546

1. On page 2, line 7, strike "or" and insert "and"; in line 8 after "all" insert "vehicles of"; in line 9 after "pounds" insert ", all intrastate motor carriers in the operation of vehicles registered by such carriers for a gross weight over ten thousand pounds, and all drivers of such vehicles if the drivers are licensed pursuant to sections 60-403.06 to 60-403.10"; and in line 25 strike "registered" and after "trucks" insert "registered pursuant to section 60-330".

2. On page 3, line 11, after "carriers" insert ", drivers, and vehicles"; in line 22 strike "transportation" and insert "use"; in line 23 strike "being used"; and in line 25 strike beginning with "when" through "truck".

**LEGISLATIVE BILL 468.** Placed on General File as amended.
Standing Committee amendment to LB 468:
AM0532

1. On page 3, line 16, strike "one"; and in line 17 strike "million two hundred fifty" and insert "seventy-five".

**LEGISLATIVE BILL 476.** Placed on General File as amended.
Standing Committee amendments to LB 476:
AM0312

1. On page 2, lines 5, 7, and 8, strike the new matter; in line 11 after "available" insert "or their use is not practicable"; in line 12 after "walk" insert ", jog, or run"; in line 16 strike "or on or", after "along" insert "and upon", and after "highway" insert "or a shoulder"; in line 18 after "reflective" insert "clothing or" and strike "low beam" and insert "low-beam"; in lines 20 and 26 after "clothing" insert "or material"; and in line 23 after "violating" insert "subsection (3) or (4) of".

2. On page 3, line 3, after "of" insert "subsection (3) or (4) of".

**LEGISLATIVE BILL 378.** Indefinitely postponed.

(Signed) Loran Schmit, Chairperson

**Government, Military and Veterans Affairs**

**LEGISLATIVE BILL 547.** Placed on General File.

**LEGISLATIVE BILL 80.** Indefinitely postponed.
**LEGISLATIVE BILL 85.** Indefinitely postponed.
**LEGISLATIVE BILL 328.** Indefinitely postponed.
**LEGISLATIVE BILL 412.** Indefinitely postponed.
**LEGISLATIVE BILL 435.** Indefinitely postponed.

(Signed) David Landis, Chairperson

## NOTICE OF COMMITTEE HEARINGS
**Government, Military and Veterans Affairs**

| | | |
|---|---|---|
| LB 499 | Thursday, March 21, 1985 | 1:30 p.m. |
| LB 563 | Friday, March 22, 1985 | 1:30 p.m. |

(Signed) David Landis, Chairperson

## SELECT FILE

**LEGISLATIVE BILL 126.** Mr. Wesely renewed his pending amendment, AM0102, found in the Journal on page 564.

The Wesely amendment was adopted with 28 ayes, 0 nays, 19 present and not voting, and 2 excused and not voting.

Advanced to E & R for Engrossment.

## ANNOUNCEMENT

The Chair announced today is Speaker Nichol's birthday.

## SELECT FILE

**LEGISLATIVE RESOLUTION 23CA.** Considered.

Mr. Lamb renewed his pending amendment found in the Journal on page 586.

Mr. Lamb requested a record vote on his amendment.

Voting in the affirmative, 13:

| | | | | |
|---|---|---|---|---|
| Abboud | Eret | Johnson, L. | Nichol | Remmers |
| Beyer | Hannibal | Lamb | Peterson | Sieck |
| Chronister | Hefner | Lundy | | |

Voting in the negative, 18:

| | | | | |
|---|---|---|---|---|
| Baack | Hartnett | Labedz | Pappas | Warner |
| Chizek | Higgins | Landis | Pirsch | Wesely |
| Goodrich | Johnson, R. | Marsh | Smith | Withem |
| Hall | Johnson, V. | Nelson | | |

Present and not voting, 16:

| | | | | |
|---|---|---|---|---|
| Barrett | DeCamp | Harris | Morehead | Schmit |
| Beutler | Goll | Lynch | Rogers | Scofield |
| Carsten | Haberman | Miller | Rupp | Vickers |
| Conway | | | | |

Excused and not voting, 2:

Chambers Hoagland

The Lamb amendment lost with 13 ayes, 18 nays, 16 present and not voting, and 2 excused and not voting.

Mr. Wesely offered the following amendment:
AM0328
1. On page 1, line 14, strike "second Monday in December of" and insert "fifth Wednesday after the general election in".

Mr. Wesely moved for a call of the house. The motion prevailed with 9 ayes, 0 nays, and 40 not voting.

The Wesely amendment was adopted with 28 ayes, 9 nays, 10 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Mr. DeCamp offered the following amendment:
by inserting the contents of LR 4

Mr. Wesely requested a ruling of the Chair on whether the amendment is germane to the resolution.

The Chair ruled the amendment not germane to the resolution.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 592.** E & R amendment, AM5045, found in the Journal on page 637 for the Twenty-Sixth Day was adopted.

Ms. Scofield renewed her pending amendment, AM0308, found in the Journal on page 699.

The Scofield amendment was adopted with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 292.** E & R amendment, AM5063, found in the Journal on page 831 for the Thirty-Third Day was adopted.

Mr. Beutler offered the following amendment:
AM0440
1. On page 10, line 2, after "court" insert "and the district court"; and in line 3 after "have" insert "concurrent".

The Beutler amendment was adopted with 29 ayes, 0 nays, 19 present and not voting, and 1 excused and not voting.

Mr. Abboud offered the following amendment:
AM0459

1. On page 2, line 4, strike "This act", show as stricken, and insert "Sections 30-2201 to 30-2902", and strike "6" and insert "5".

2. Strike original section 5 and insert the following new sections:

"Sec. 5. Sections 5 to 13 of this act shall be known and may be cited as the Uniform Durable Power of Attorney Act.

Sec. 14. The Revisor of Statutes shall assign sections 5 to 13 of this act to Part 5 of Chapter 30, article 26.".

3. On page 10, line 10, after the first comma insert "and" and strike "and 30-2662,"; and in line 12 strike "section" and insert "sections 30-2662 and".

4. Renumber the remaining section accordingly.

The Abboud amendment was adopted with 25 ayes, 0 nays, 23 present and not voting, and 1 excused and not voting.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 293.** E & R amendment, AM5064, found in the Journal on page 831 for the Thirty-Third Day was adopted.

Mr. Abboud offered the following amendment:
AM0468

1. On page 9, strike beginning with "and" in line 9 through the second comma in line 10.

The Abboud amendment was adopted with 26 ayes, 0 nays, 22 present and not voting, and 1 excused and not voting.

Advanced to E & R for Engrossment.

## GENERAL FILE

**LEGISLATIVE BILL 38.** Title read. Considered.

Standing Committee amendment, AM0199, found in the Journal on

page 620 for the Twenty-Fifth Day was considered.

Mr. Lamb renewed his pending amendment found in the Journal on page 909 to the Standing Committee amendment.

The Lamb amendment was adopted with 27 ayes, 0 nays, 21 present and not voting, and 1 excused and not voting.

Mr. DeCamp renewed his pending amendment (3), AM0474, found in the Journal on page 883 to the Standing Committee amendment.

Mr. Sieck asked unanimous consent to be excused. No objections. So ordered.

Mr. V. Johnson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Lamb moved for a call of the house. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

Mr. Lamb requested a roll call vote on the DeCamp amendment.

Voting in the affirmative, 23:

| | | | | |
|---|---|---|---|---|
| Abboud | Conway | Higgins | Lynch | Smith |
| Beutler | DeCamp | Hoagland | Nelson | Vickers |
| Chambers | Hall | Johnson, V. | Pappas | Wesely |
| Chizek | Hannibal | Labedz | Rupp | Withem |
| Chronister | Hartnett | Landis | | |

Voting in the negative, 22:

| | | | | |
|---|---|---|---|---|
| Baack | Goodrich | Lamb | Morehead | Remmers |
| Beyer | Haberman | Lundy | Nichol | Schmit |
| Carsten | Hefner | Marsh | Peterson | Scofield |
| Eret | Johnson, L. | Miller | Pirsch | Warner |
| Goll | Johnson, R. | | | |

Present and not voting, 3:

| | | |
|---|---|---|
| Barrett | Harris | Rogers |

Excused and not voting, 1:

Sieck

The DeCamp amendment was adopted with 23 ayes, 22 nays, 3 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Mr. DeCamp asked unanimous consent to withdraw his pending amendments (1) and (2), AM0472 and AM0473, found in the Journal on pages 882 and 883. No objections. So ordered.

Mr. Warner offered the following amendment to the Standing Committee amendment:

to amend the committee amendment to LB 38 page 2, Section 9, sub-section (2) lines 12, 13, 14 and 15 by striking the new language.

Messrs. Rupp and Schmit asked unanimous consent to be excused. No objections. So ordered.

The Warner amendment lost with 13 ayes, 20 nays, 13 present and not voting, and 3 excused and not voting.

Mr. Lamb offered the following amendment to the Standing Committee amendment:

Strike 30%, insert 10%
Strike $300, insert $1000

Mr. Beutler moved the previous question. The question is, "Shall the debate now close?"

Mr. Beutler moved for a call of the house. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

The motion to cease debate prevailed with 26 ayes, 14 nays, and 9 not voting.

Mr. Lamb requested a roll call vote on his amendment.

Voting in the affirmative, 23:

| | | | | |
|---|---|---|---|---|
| Baack | Eret | Johnson, L. | Morehead | Rogers |
| Barrett | Goll | Johnson, R. | Nichol | Scofield |
| Beyer | Goodrich | Lamb | Peterson | Vickers |
| Carsten | Hefner | Landis | Remmers | Warner |
| Chronister | Hoagland | Miller | | |

Voting in the negative, 22:

| | | | | |
|---|---|---|---|---|
| Abboud | Haberman | Higgins | Lynch | Pirsch |
| Beutler | Hall | Johnson, V. | Marsh | Smith |
| Chizek | Hannibal | Labedz | Nelson | Wesely |
| Conway | Harris | Lundy | Pappas | Withem |
| DeCamp | Hartnett | | | |

Absent and not voting, 1:

Chambers

Excused and not voting, 3:

Rupp Schmit Sieck

The Lamb amendment was adopted with 23 ayes, 22 nays, 1 absent and not voting, and 3 excused and not voting.

Pending.

## UNANIMOUS CONSENT - Print in Journal

Mr. Vickers asked unanimous consent to print the following amendment to LB 60 in the Journal. No objections. So ordered.

AM0516

1. Insert the following new sections:

"Section 1. A grower who has sold wheat and has an assessment deducted from the sale price may, by written application to the board, secure a refund of the amount deducted. The refund shall be payable by the board upon application within sixty days after the deduction. Each application for refund by a grower shall have attached thereto proof of the assessment deducted. There shall be no refund for amounts collected prior to the effective date of this act.

Sec. 2. A grower who has sold corn and has an assessment deducted from the sale price may, by written application to the board, secure a refund of the amount deducted. The refund shall be payable by the board upon application within sixty days after the deduction. Each application for refund by a grower shall have attached thereto proof of the assessment deducted. There shall

be no refund for amounts collected prior to the effective date of this act.

Sec. 3. A grower who has sold grain sorghum and has an assessment deducted from the sale price may, by written application to the board, secure a refund of the amount deducted. The refund shall be payable by the board upon application within sixty days after the deduction. Each application for refund by a grower shall have attached thereto proof of the assessment deducted. There shall be no refund for amounts collected prior to the effective date of this act.

Sec. 4. A seller who has sold cattle and has an assessment deducted from the sale price may, by written application to the board, secure a refund of the amount deducted. The refund shall be payable by the board upon application within sixty days after the deduction. Each application for refund by a seller shall have attached thereto proof of the assessment deducted. There shall be no refund for the amounts collected prior to the effective date of this act.

Sec. 5. That section 2-2301, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-2301. Sections 2-2301 to 2-2319 and section 1 of this act may be cited as the Nebraska Wheat Resources Act.".

2. On page 3, after line 21 insert the following new section:

"Sec. 8. That section 2-3601, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-3601. Sections 2-3601 to 2-3635 and section 2 of this act shall be known and may be cited as the Nebraska Corn Resources Act.".

3. On page 5, after line 11 insert the following new section:

"Sec. 10. That section 2-4001, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-4001. Sections 2-4001 to 2-4020 and section 3 of this act shall be known and may be cited as the Grain Sorghum Resources Act.".

4. On page 7, before line 1 insert the following new section:

"Sec. 12. That section 54-2101, Reissue

Revised Statutes of Nebraska, 1943, be amended to read as follows:

54-2101. Sections 54-2101 to 54-2119 and section 4 of this act shall be known and may be cited as the Nebraska Beef Industry Development Act.".

5. On page 8, line 19, after "sections" insert "2-2301," and after the second comma insert "2-3601,"; and in line 20 after the first comma insert "2-4001," and after the second comma insert "54-2101,".

6. Renumber the remaining sections accordingly.

Mr. Vickers asked unanimous consent to print the following amendment to LB 60 in the Journal. No objections. So ordered.

AM0515

1. Strike original section 1.

2. On page 3, strike lines 15 through 17 and show the old matter as stricken; and in line 19 strike "(11)", show as stricken, and insert "(10)".

3. On page 5, strike lines 6 through 8 and show the old matter as stricken; and in line 10 strike "(11)", show as stricken, and insert "(10)".

4. On page 6, strike lines 21 through 23 and show the old matter as stricken; and in line 25 strike "(11)", show as stricken, and insert "(10)".

5. On page 8, strike lines 10 through 12 and show the old matter as stricken; in line 14 strike "(13)", show as stricken, and insert "(12)"; in line 17 strike "(14)", show as stricken, and insert "(13)"; in line 19 strike "2-2321,"; and in line 21 after the second comma insert "and also section 2-2321, Reissue Revised Statutes of Nebraska, 1943,".

6. Renumber remaining sections accordingly.

## RESOLUTIONS

### LEGISLATIVE RESOLUTION 65.

Introduced by Pirsch, 10th District; Lynch, 13th District.

WHEREAS, the winning of a state high school championship demonstrates the willingness of a team, and its coach to work, concentrate, and cooperate as a team; and

WHEREAS, the Marian High School Basketball team topped off

another excellent season by winning the Class A division of the Nebraska Girls State Basketball Tournament; and

WHEREAS, their dedicated efforts, as well as the efforts of their coach, Jim Miller, are deserving of special recognition.

Now, therefore, be it resolved by the members of the Eighty-Ninth Legislature of Nebraska, First Session:

1. That the members of the Legislature extend their congratulations to Coach Jim Miller and all members of Marian High's girls basketball team.

2. That a copy of this resolution be sent to Coach Jim Miller and the Marian High Girls Basketball Team.

Laid over.

**LEGISLATIVE RESOLUTION 66.**

Introduced by Pirsch, 10th District; Lynch, 13th District.

WHEREAS, basketball is an uniquely American sport, originating from a peach basket game in 1891 to a team contest of skill, agility, keenness of mind and sight; and

WHEREAS, Omaha Northwest High School boy's basketball team has added to those skills--tenacity, courage, and exceptional team spirit in winning the Class A Boys State Basketball Tournament by one point in overtime play; and

WHEREAS, Northwest Huskies' Coach Dick Koch has added this latest impressive win to his 200 plus string of Northwest victories; and

Now, therefore, be it resolved by the members of the eighty-ninth Legislature of Nebraska, First Session:

1. That the members of the Legislature recognize the spirit of sportsmanship and team resolve demonstrated by the Northwest Huskies, and congratulate them for their individual and team success.

2. That the Legislature commend and extend congratulations to Coach Koch and staff for consistently fostering that outstanding spirit of sportsmanship and team play.

3. That a copy of this resolution be sent to Coach Koch and the Northwest Boys Basketball Team.

Laid over.

**LEGISLATIVE RESOLUTION 67.**

Introduced by Haberman, 44th District.

WHEREAS, the Grant boys basketball team is the champion of the 1985 Class C-2 boys basketball state tournament; and

WHEREAS, these young men have demonstrated athletic excellence which is deserving of statewide recognition having won the Class C-2 title three times in the last five years; and

WHEREAS, the coaching of Don Bartholomew and the contribution of all team members is deserving of recognition.

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

1. That the members of the Legislature commend the Grant boys basketball team and their coach, Don Bartholomew.

2. That a copy of this resolution be sent to Coach Bartholomew and the Grant boys basketball team.

Laid over.

**LEGISLATIVE RESOLUTION 68.**

Introduced by Haberman, 44th District.

WHEREAS, the Hayes Center girls basketball team is the champion of the Class D-2 girls state basketball tournament; and

WHEREAS, these young women have demonstrated athletic excellence which is deserving of statewide recognition having closed their season with eighteen consecutive wins climaxing in the Class D-2 title; and

WHEREAS, the coaching of Clint Livingsten and the contribution of all team members is deserving of recognition.

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

1. That the members of the Legislature commend the Hayes Center girls basketball team and their coach, Clint Livingsten.

2. That a copy of this resolution be sent to Coach Livingsten and the Hayes Center girls basketball team.

Laid over.

## NOTICE OF COMMITTEE HEARINGS
### Constitutional Revision and Recreation

| | | |
|---|---|---|
| LR 9CA | Friday, March 22, 1985 (Cancelled) | 1:30 p.m. |
| LR19CA | Friday, March 22, 1985 (Cancelled) | 1:30 p.m. |

(Signed) Lee Rupp, Chairperson

## SELECT COMMITTEE REPORTS
### Enrollment and Review

**LEGISLATIVE BILL 324.** Placed on Select File as amended.
E & R amendment to LB 324:
AM5069

1. On page 1, strike beginning with "48-1104" in line 1 through "48-1107" in line 2 and insert "48-1102 and 48-1114"; in line 3 after the semicolon insert "to define a term;" and in line 4 strike "to harmonize provisions;".

**LEGISLATIVE BILL 350.** Placed on Select File as amended.
E & R amendments to LB 350:
AM5070

1. In the Standing Committee amendments AM0202:

a. On page 1, line 8, after "79-1557" insert "and sections 2 and 3 of this act"; and

b. On page 2, line 2, strike the second comma; in line 3 strike the comma; in line 4 strike the first comma; and in line 19 strike both commas.

2. On page 1, strike beginning with "provide" in line 3 through "computing" in line 4 and insert "change provisions relating to"; in line 6 strike "and"; and in line 7 after "section" insert "; and to declare an emergency".

3. On page 7, lines 18 and 20; and page 8, line 1, strike "life only" and insert "life-only".

**LEGISLATIVE BILL 326.** Placed on Select File as amended.
E & R amendments to LB 326:
AM5072

1. On page 1, line 6, after the semicolon insert "to harmonize provisions;".

2. On page 2, line 7, strike the comma.

3. On page 3, line 8, insert paragraphing before "At"; in line 13 strike the comma and show as stricken; in line 15 strike "his or her", show the old matter as stricken, and insert "the"; and in line 20 insert paragraphing before "Anyone".

**LEGISLATIVE BILL 344.** Placed on Select File as amended.
E & R amendment to LB 344:
AM5071

1. On page 4, line 18; and page 12, line 1, strike the comma and show as stricken.

(Signed) Timothy Hall, Chairperson

## MOTION - Reconsider Action on LB 72

Mr. Chambers moved to reconsider the motion to indefinitely postpone LB 72.

Laid over.

## UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendment to LR 23 in the Journal. No objections. So ordered.

AM0569

1. On page 1, line 2, strike "section 10" and insert "sections 6 and 10" and strike lines 5 through 16; strike page 2; and on page 3, strike lines 1 through 19.

2. Insert the following:

"Section 1. That at the general election in November 1986 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article III, sections 6 and 10, of the Constitution of Nebraska, which is hereby proposed by the Legislature:

"Sec. 6. The Legislature shall consist of not more than fifty members and not less than thirty members. The sessions of the Legislature shall be ~~annual~~ biennial except as otherwise provided by this constitution or as may be otherwise provided by law.

Sec. 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.~~ Beginning with the year 1987, the Legislature shall meet in regular session at 10 a.m. on the first Wednesday after the first Monday in January in odd-numbered years. Such session shall not exceed one hundred days. 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 Article XVI, section 1, of the Constitution of Nebraska. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

"A constitutional amendment to provide for biennial legislative sessions to be held in odd-numbered years.

For

Against".".

3. Strike the Standing Committee amendments.

## STANDING COMMITTEE REPORT
### Government, Military and Veterans Affairs

**LEGISLATIVE BILL 644.** Placed on General File as amended.
Standing Committee amendment to LB 644:
AM0533

1. On page 4, strike lines 6 through 18 and insert the following new subsection:

"(5) Any registered voter may make application to the election commissioner or county clerk to be appointed as a deputy registrar for the purpose of registering voters. The application form shall be prescribed by the election commissioner or county clerk and shall include the fixed site at which such registration shall take place and the dates and times of the proposed registration.

Any person applying to become a deputy registrar shall first attend a training session conducted by the election commissioner or county clerk of the county in which he or she proposes to register voters. The training session may vary in length, but shall not exceed four hours in total duration. The Secretary of State shall periodically review all training programs and tests to assure they relate to the position of deputy registrar and his or her duties.

All such registrations done by deputy registrars shall be done in teams of at least two persons, one of whom is not a member of the same political party as the other or others.

No materials advocating or advertising any political issue, candidate, or party shall be displayed or distributed within fifty feet of the registration site. The registration procedure shall be conducted in a neutral manner and shall not be connected with anything unrelated to the object of registering voters. All registration forms shall be returned to the election commissioner's or county clerk's office no later than the end of the next business day after the registrations are taken. Any deputy registrar who violates any registration procedure, rule, or guideline may have his or her status as a deputy registrar revoked.

Notice of the times and places of registration shall be given by publication in at least one of the leading newspapers of general circulation in the county. Publication costs shall be paid by the election commissioner or county clerk.

All registration done by such deputy registrars shall be completed by 6:00 p.m. on the third

Friday preceding any election, including school elections.

This subsection shall not apply to any registration done by the employees of the election commissioner's or county clerk's office.".

(Signed) David Landis, Chairperson

## BILL ON FIRST READING

The following bill was read for the first time by title:

**LEGISLATIVE BILL 280A.** By Nelson, 35th District; Sieck, 24th District; V. Johnson, 8th District; Lundy, 36th District; Pirsch, 10th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 280, Eighty-ninth Legislature, First Session, 1985.

## REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative bills 716 and 717.

| LB | Committee |
|---|---|
| 716 | Judiciary |
| 717 | Revenue |

(Signed) Chris Beutler, Chairperson
Legislative Council
Executive Board

## VISITORS

Visitors to the Chamber were Alice Butt, Jane Hubka, and Kayln Majerus from Central City; Gordon Keeler and Dale D. Anderson from McCook; Ray Rempe from Milligan; Ra Nae Smith from St. Paul, Nebraska; 50 fourth grade students and teacher from North Park Elementary School, Columbus; Mr. LIAO Dong - Second Secretary, and Mr. ZHU Shanqing - Deputy Secretary-General from People's Republic of China, and Mr. Alfred Harding, U.S. Department of State Escort; and Tom Trusty and Alton Mumm.

## ADJOURNMENT

At 12:13 p.m., on a motion by Mr. Hall, the Legislature adjourned until 9:00 a.m., Wednesday, March 13, 1985.

Patrick J. O'Donnell
Clerk of the Legislature

# THIRTY-NINTH DAY - MARCH 13, 1985

## LEGISLATIVE JOURNAL

## EIGHTY-NINTH LEGISLATURE
## FIRST SESSION

## THIRTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 13, 1985

Pursuant to adjournment, the Legislature met at 9:04 a.m., Speaker Nichol presiding.

## PRAYER

The prayer was offered by Rev. Jim Keyser, South Gate United Methodist Church, Lincoln, Nebraska.

## ROLL CALL

The roll was called and all members were present except Messrs. Chambers, DeCamp, Haberman, R. Johnson, Lamb, Schmit, Vickers, Mesdames Higgins, Labedz, Pirsch, and Ms. Scofield who were excused until they arrive.

## CORRECTIONS FOR THE JOURNAL

The Journal for the Thirty-Eighth Day was approved.

## MESSAGE FROM THE GOVERNOR

March 7, 1985

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

I am herewith returning LB 113 without my signature and with my objections.

LB 113 requires licensed operators of motor vehicles to be part of the pool of potential jury members. Since the list of licensed operators is much broader than those legally eligible to serve on a jury, the bill would result in an inefficient use of public resources in the jury selection process. Additionally, I am uncomfortable in requiring a citizen too apathetic to vote to participate in our judicial system. Civic responsibility among citizens ought to be cultivated not mandated.

I urge you to sustain my veto.

Sincerely,
(Signed) ROBERT KERREY
Governor

RK/lp

## SELECT COMMITTEE REPORTS
### Enrollment and Review

### Correctly Engrossed

The following bills were correctly engrossed: 40, 47, 76, 114, 307, 487, and 614.

(Signed) Timothy Hall, Chairperson

### Enrollment and Review Changes to LB 47

The following changes, required to be reported for publication in the Journal, have been made:
ER0027

1. In the Beutler amendment on page 883 of the Journal which was adopted March 7, 1985, underscoring has been added to all matter in quotation marks and an underscored period has been inserted after "title".
2. In the Warner amendment (AM0478) adopted March 7, 1985, on page 1, line 2, "7" has been struck and "8" inserted; in line 11 "24" has been struck and "28" inserted; in line 17 "the provisions" has been struck; and in line 18 "of" has been struck.
3. On page 1, line 2, "76-510" has been struck and "76-509" inserted.
4. On page 6, line 2, the stricken "a" has been reinstated.
5. On page 7, line 7, "of" has been inserted after "purposes"; and

paragraphing has been inserted before "No" in line 17 and before "Each" in line 24.

6. On page 8, line 7, paragraphing has been inserted before "Vacancies".

7. On page 9, lines 7, 16, and 27, paragraphing has been inserted before "The".

8. On page 10, paragraphing has been inserted before "Such" in line 13 and before "Upon" in line 21.

9. On page 11, line 1, paragraphing has been inserted before "The".

10. On page 17, line 1, "16" has been struck and "17" inserted; and in line 4 "that" has been inserted after "thereof".

11. On page 19, paragraphing has been inserted before "Such" in line 6 and before "Unfair" in line 17.

12. On page 20, line 8, paragraphing has been inserted before "The".

**Enrollment and Review Change to LB 114**

The following changes, required to be reported for publication in the Journal, have been made:
ER0031

1. In the E & R amendments, on page 1, line 1, "Standing Committee amendments as amended by the" has been inserted after "the".

**Enrollment and Review Change to LB 307**

The following changes, required to be reported for publication in the Journal, have been made:
ER0028

1. Because of the Beutler amendment adopted on March 7, 1985, in the Standing Committee Amendments on page 1, in lines 1, 7, and 12, "first" has been struck and "second" inserted.

**Enrollment and Review Change to LB 487**

The following changes, required to be reported for publication in the Journal, have been made:
ER0026

1. Because the Standing Committee Amendments read on February 21, 1985, lost, Labedz amendment 2 adopted on March 7, 1985, has been struck.

**Enrollment and Review Changes to LB 614**

The following changes, required to be reported for publication in the Journal, have been made:
ER0030

1. On page 2, line 25, after "costs" an underscored comma has been inserted.

2. On page 3, line 11, the stricken comma has been reinstated.

(Signed) Mary Sommermeyer
E & R Attorney

## ATTORNEY GENERAL'S OPINION

Opinion No. 32
March 8, 1985

Dear Senator Lundy:

This is in response to your letter of February 15, 1985, in which you ask several questions about the constitutionality of LB 691. Your questions concern the proposed amendment to Neb.Rev.Stat. §8-1,102 (Reissue 1983) which would purport to vest both legal and equitable title of the assets of an insolvent bank in the Banking Department, where the department acts as the receiver and liquidating agent, and would further provide that:

> All taxes and assessments on the real estate owned by the bank which are unpaid upon the declaration of insolvency, all unpaid taxes or assessments on real estate subsequently received by the department as receiver of the bank, and all such taxes and assessments which accrue during the receivership shall be void, and the property affected by the tax or assessment shall be wholly discharged and released therefrom.

Your first question is whether Article VIII, Section 4, of the Nebraska Constitution grants the Legislature the power "(1) to provide for the cancellation of delinquent taxes and special assessments by the authority which imposes the taxes only, or (2) may the State be allowed to forgive any delinquent taxes or assessments on its property without due process or compensation requirements?"

Article VIII, Section 4, of the Constitution provides as follows:

> 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, 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.

Before proceeding further to answer your question, we should clarify the meaning of this section. Upon first glance, it might appear that this prohibition against the release of taxes applies only to taxes levied for "state purposes" or due any municipal corporation. If this were the case, it would not include the taxes levied by counties and other governmental subdivisions of the state. Of course, the state government itself has not received revenue from property taxes since the adoption of the Sales and Income Tax Act in 1967. We believe, however, that a proper reading of the language in this section "for state purposes" means those taxes levied by the state or any of its political subdivisions of government. A comprehensive review of the cases interpreting this provision, all of which occurred during the period prior to 1967 in which property taxes were levied by both the state and political subdivisions of government, convinces us of this fact. In those cases the court, while not dealing directly with this issue, uniformly applied this prohibition against the release of taxes to all taxes levied by the state and its political subdivisions, regardless of whether those taxes were ultimately used for the purpose of running state government or to support local governmental functions. In this regard see, County of Lancaster v. Trimble, 33 Neb. 121, 49 N.W.938 (1891); Steinacher v. Swanson, 131 Neb. 439, 268 N.W. 317 (1936); Peterson v. Hancock, 155 Neb. 801, 54 N.W.2d 85 (1952); and State ex rel. Meyer v. Story, 173 Neb. 741, 114 N.W.2d 769 (1962). Thus, we do not believe that this interpretation by the courts would change merely because the state government no longer receives revenue from property taxes. The political subdivisions nevertheless remain solely creatures of the state and taxes levied by them are in effect taxes for "state purposes" in the general sense, and as used in this section of the Constitution.

As we understand your first question, you wish to know whether the Legislature may cancel taxes on state owned property only by granting this power of cancellation to the particular governmental authorities which levied the taxes in the first place, or whether the Legislature itself may pass laws directly canceling such taxes. As we read this constitutional provision, and particularly the last sentence, the Legislature itself may pass legislation directly canceling delinquent taxes which have been levied on property owned by the state or its governmental subdivisions. There are simply no

requirements that the discretionary authority to cancel such taxes be provided to the local subdivisions which originally levied such taxes. In fact, this constitutional provision is the basis for existing legislation which permits the state or other governmental subdivisions to cancel delinquent taxes on its property where those taxes exceed the value of that property. See, Neb.Rev.Stat. §77-2801, et seq. (Reissue 1981). Likewise, there are simply no requirements under the Constitution for compensation to be paid to governmental subdivisions where such taxes have been canceled.

Your second question is as follows:

> Does LB 691, which vests all legal and equitable title of the assets of an insolvent institution in the Banking Department, represent an unconstitutional taking of the property of (1) an insolvent bank, or (2) possible third-party creditors or lien holders of such assets, without meeting due process requirements or providing just compensation?

The Department of Banking, according to the overall statutory scheme, is acting as a receiver and liquidating agent for an insolvent bank, Neb.Rev.Stat. §8-198 (Reissue 1983). It does so with the same powers, and thus has the same general limitations of its authority as any other receiver under the laws of the state, Neb.Rev.Stat. §8-199 (Reissue 1983). Likewise, the Banking Department as receiver may be subject to the jurisdiction of the district court in the exercise of its powers. None of these other statutes pertaining to this aspect of the Banking Department's fiduciary role as a receiver are repealed by LB 691, and the amendment to Neb.Rev.Stat. §8-1,102 contained in the bill must be construed within the framework of this existing statutory scheme. Even the amended version of §8-1,102 would contain the following language, "the department shall become the receiver and liquidating agent to wind up the business of that bank, . . ."

Normally a receiver is only considered to have equitable title to the property which it supervises. The bill here purports to give both legal and equitable title to the Banking Department as receiver. We do not believe that this destroys the basic nature and fiduciary capacity of the Banking Department as a receiver. Consequently, whatever the nature of the title the statute purports to give to the Banking Department, it can be exercised only within the limited capacity of the Banking Department as receiver and liquidating agent. In this sense the Banking Department is not a true owner of such property because it has substantially less than full control over such property. Whatever powers of ownership the Banking Department may exercise as receiver, it does so only in its limited fiduciary capacity on behalf of the depositors of the insolvent bank and not as an outright owner of that property. To construe this statute otherwise, and suggest that

the Banking Department thus would have full control and authority over such property, and that the state would be the outright owner of such property, would clearly render this amendment unconstitutional as a taking of property without due process of law and just compensation.

Your third question is whether "LB 691 represent(s) an unconstitutional taking of the vested rights of a political subdivision in the collection of its delinquent taxes or special assessments?"

We do not believe that political subdivisions have a vested right in the collection of taxes other than as provided by statute and the State Constitution. "The revenues of the county do not become the property of the county in the sense of private ownership, . . ." Peterson v. Hancock, supra, at 814. Here the Constitution provides a mechanism whereby delinquent taxes on state owned land may be canceled by subsequent legislation. If that procedure is followed, the requirements of the law have been complied with.

Your fourth question is whether

> LB 691 unconstitutionally impair(s) the contract rights (1) of political subdivisions in the collection of delinquent taxes or special assessments, or (2) of private individuals holding mortgages or liens against assets of an insolvent bank coming under LB 691?

As indicated above, the right of political subdivisions to levy and collect taxes is governed solely by the Constitution and statutes of the state. There are no contractural rights involved. We furthermore fail to see how the contractural rights of individuals holding mortgages or liens on such property would be affected by the cancellation of delinquent taxes owed on the property. LB 691 would apparently not affect the status of the lien and mortgage holders, and those liens and mortgages will remain on the property regardless of the passage of LB 691.

Your fifth question is:

> Does LB 691 represent special legislation since it will effect (sic) only Commonwealth and the other insolvent financial institutions throughout the state will not be treated in a like manner because the receivers of those institutions will not be the Banking Department:

We do not read LB 691 to apply only to one financial institution, but rather it would apply to all banks or financial institutions subject to receivership by the Banking Department. This appears to be a reasonable classification based on actual differences in situations or circumstances. The Legislature may make reasonable classification of persons, corporations, and property for purposes of legislation concerning them, but such classification must rest upon real differences of situations and circumstances surrounding members of a class relative to the subject of the legislation. Prendergast v.

Nelson, 199 Neb. 97, 256 N.W.2d 657 (1977). Legislative classifications will be upheld against constitutional attack if they bear some reasonable relationship to the legitimate purposes of the legislation. Pegasus of Omaha, Inc. v. State, 203 Neb. 755, 280 N.W.2d 64 (1979).

Your sixth question is, "Would a delegation by the State to give political subdivisions discretionary authorization to forgive taxes and special assessments be constitutional?"

Of course, Article VIII, Section 4, of the Constitution is a general prohibition which forbids the Legislature from releasing any taxes except as permitted by this provision. We think this provision is clear, and the Legislature cannot pass legislation which would allow the forgiveness of taxes in any form, including the mechanism of granting discretionary authority to political subdivisions. In any event, the Legislature could not do indirectly what it cannot do directly. Peterson v. Hancock, supra, at 821. Again, this answer must be understood to be qualified by the last sentence of the constitutional provision which does permit the Legislature to pass laws releasing taxes on property owned by the state or political subdivisions.

Your seventh question is as follows:

> If taxes and special assessments are forgiven, would that violate the constitutional prohibition against the impairment of the obligation of contracts, as applied to holders of bonds for which taxes and special assessments have been pledged for repayment thereof?

Such bondholders would have no contractural right to repayment of taxes levied against specific property, only to the repayment of the bonds by revenues in general. There would thus be no such impairment of contract under the proposed legislation.

Your final question is simply whether LB 691 is constitutional. Article VIII, Section 4, of the Constitution, as we have indicated, is a general prohibition against the cancellation of property taxes by the Legislature. The exception to this is for property owned or acquired by the state or its political subdivisions. The apparent intent of LB 691 is to fall within this exception. The underlying question which must be addressed is whether or not it achieves this result, or in other words, does the property of insolvent banks to which the Banking Department acquires title as receiver pursuant to statute come within this exception pertaining to property owned or acquired by the state. We think this is a very doubtful result.

As we have previously indicated, whatever title the Banking Department has, it has only in its limited fiduciary capacity as receiver and only for those very limited purposes. This property is not owned by the state in the true sense of that term, since it is held only for the limited period of the receivership and cannot be used by the

state for its own purposes. The state simply does not have the full powers incident to outright ownership of such property. Thus, we do not believe it likely that a court would find that the state, through the Banking Department as receiver, is a true owner of such property for the purpose of the exception to Article VIII, Section 4, of the Constitution. A review of the legislative history of this constitutional amendment suggests that the intent of this exception was to apply only to property owned by the state as that term is generally understood. There is absolutely nothing to suggest that it was meant to apply to those circumstances in which the state might acquire some limited and temporary power or title to property. In this regard, the subsequent attempt by LB 691 to cancel the taxes on such property would most likely be held to be unconstitutional and in violation of Article VIII, Section 4, of the Constitution.

Sincerely,
ROBERT M. SPIRE
Attorney General
(Signed) John Boehm
Assistant Attorney General

JB:ejg
cc: Patrick J. O'Donnell
Clerk of the Legislature

## NOTICE OF COMMITTEE HEARING
**Miscellaneous Subjects**

Governor Appointment Thursday, March 21, 1985 2:15 p.m.
Hod Kosman - Nebraska Arts Council

(Signed) Elroy M. Hefner, Chairperson

## RESOLUTIONS

**LEGISLATIVE RESOLUTION 69.**

Introduced by Chizek, 31st District.

WHEREAS, the Millard North boys basketball team participated in the 1985 Class A boys basketball tournament losing to the eventual champions; and

WHEREAS, the Millard North boys basketball team has demonstrated athletic excellence; and

WHEREAS, Coach Gerald Johnette and all the members of the team are deserving of recognition.

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

1. That the Legislature congratulates the Millard North boys basketball team on a fine season.

2. That a copy of this resolution be sent to Coach Johnette and the Millard North boys basketball team.

Laid over.

**LEGISLATIVE RESOLUTION 70.**

Introduced by Chizek, 31st District; Beyer, 3rd District.

WHEREAS, the Elkhorn Mt. Michael basketball team captured the Class B basketball championship for the second time in three years; and

WHEREAS, these young men have demonstrated athletic excellence as well as a willingness to endure hard work and sacrifice; and

WHEREAS, the coaching of Jim Kane and all of the team members is deserving of statewide recognition.

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

1. That the Legislature commends the Elkhorn Mt. Michael basketball team and their coach, Jim Kane.

2. That a copy of this resolution be sent to Coach Kane and the Elkhorn Mt. Michael basketball team.

Laid over.

**LEGISLATIVE RESOLUTION 71.**

Introduced by Chizek, 31st District.

WHEREAS, the Millard North girls basketball team has just completed a successful season advancing to the semifinals of the 1985 Class A girls basketball tournament; and

WHEREAS, these young women have demonstrated a willingness to sacrifice in order to achieve athletic excellence; and

WHEREAS, Coach Jeff Ritz and all members of the Mustang team are deserving of recognition.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA,

FIRST SESSION:

1. That the Legislature extends congratulations to the Millard North girls basketball team and their coach, Jeff Ritz.

2. That a copy of this resolution be sent to Coach Ritz and the Millard North girls basketball team.

Laid over.

**LEGISLATIVE RESOLUTION 72.**

Introduced by Sieck, 24th District.

WHEREAS, the McCool Junction boys basketball team is the champion of the 1985 Class D-1 boys basketball state tournament; and

WHEREAS, the number one ranked Mustangs have just completed a perfect 24-0 season; and

WHEREAS, the winning of such a championship and the completion of a perfect season is a demonstration of the willingness to endure hard work, sacrifice, and struggle associated with significant accomplishments; and

WHEREAS, the coaching of Lonny Neiderhouse and the contribution of all team members is deserving of recognition.

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

1. That the members of the Legislature commend the McCool Junction boys basketball team and their coach, Lonny Neiderhouse.

2. That a copy of this resolution be sent to Coach Neiderhouse and the McCool Junction boys basketball team.

Laid over.

**MOTION - Approve Appointment**

Mr. Hefner moved the adoption of the report of the Miscellaneous Subjects Committee for the following Governor appointment found in the Journal on page 919: Jon McCafferty - State Electrical Board.

Voting in the affirmative, 31:

| | | | | |
|---|---|---|---|---|
| Abboud | Carsten | Goodrich | Hartnett | Johnson, V. |
| Baack | Chizek | Hall | Hefner | Landis |
| Barrett | Chronister | Hannibal | Hoagland | Lundy |
| Beutler | Conway | Harris | Johnson, L. | Lynch |

| | | | | |
|---|---|---|---|---|
| Marsh | Nichol | Rogers | Smith | Wesely |
| Morehead | Remmers | Rupp | Warner | Withem |
| Nelson | | | | |

Voting in the negative, 0.

Present and not voting, 10:

| | | | | |
|---|---|---|---|---|
| Beyer | Eret | Miller | Peterson | Scofield |
| DeCamp | Goll | Pappas | Schmit | Sieck |

Excused and not voting, 8:

| | | | | |
|---|---|---|---|---|
| Chambers | Higgins | Labedz | Pirsch | Vickers |
| Haberman | Johnson, R. | Lamb | | |

The appointment was confirmed with 31 ayes, 0 nays, 10 present and not voting, and 8 excused and not voting.

**PRESIDENT MCGINLEY PRESIDING**

## BILL ON FINAL READING

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 252.**

A BILL FOR AN ACT relating to mental health commitment; to amend sections 83-1006, 83-1009, 83-1019, 83-1041, and 83-1054, Reissue Revised Statutes of Nebraska, 1943; to define and redefine terms; to provide commitment procedures for drug abusers; to authorize continuances for voluntary treatment; to harmonize provisions; to eliminate certain provisions relating to the commitment of drug users; and to repeal the original sections, and also sections 83-701 to 83-707, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 35:

| | | | | |
|---|---|---|---|---|
| Baack | Beyer | Goll | Hall | Hefner |
| Barrett | Carsten | Goodrich | Hannibal | Hoagland |
| Beutler | Chronister | Haberman | Harris | Johnson, L. |

| | | | | |
|---|---|---|---|---|
| Johnson, R. | Lynch | Nichol | Rogers | Vickers |
| Lamb | Marsh | Pappas | Rupp | Warner |
| Landis | Miller | Peterson | Sieck | Wesely |
| Lundy | Nelson | Remmers | Smith | Withem |

Voting in the negative, 7:

| | | | | |
|---|---|---|---|---|
| Abboud | DeCamp | Higgins | Johnson, V. | Morehead |
| Conway | Hartnett | | | |

Present and not voting, 2:

Chizek Eret

Excused and not voting, 5:

| | | | | |
|---|---|---|---|---|
| Chambers | Labedz | Pirsch | Schmit | Scofield |

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

## UNANIMOUS CONSENT - Withdraw Amendment to LB 116

Mr. Haberman asked unanimous consent to withdraw his pending amendment, AM0237, found in the Journal on page 606 to LB 116. No objections. So ordered.

## BILL ON FINAL READING

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 116.** With Emergency.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-27,142 and 77-27,142.02, Reissue Revised Statutes of Nebraska, 1943; to authorize certain cities to increase their sales and use taxes as prescribed; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 33:

| | | | | |
|---|---|---|---|---|
| Baack | Eret | Higgins | Marsh | Rupp |
| Beutler | Goodrich | Hoagland | Morehead | Schmit |
| Beyer | Haberman | Johnson, L. | Nelson | Sieck |
| Carsten | Hall | Johnson, V. | Nichol | Smith |
| Chizek | Hannibal | Labedz | Pappas | Wesely |
| Chronister | Harris | Landis | Rogers | Withem |
| DeCamp | Hartnett | Lundy | | |

Voting in the negative, 10:

| | | | | |
|---|---|---|---|---|
| Abboud | Goll | Johnson, R. | Miller | Remmers |
| Barrett | Hefner | Lamb | Peterson | Vickers |

Present and not voting, 3:

| | | |
|---|---|---|
| Conway | Lynch | Warner |

Excused and not voting, 3:

| | | |
|---|---|---|
| Chambers | Pirsch | Scofield |

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

## UNANIMOUS CONSENT - Member Excused

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

## BILLS ON FINAL READING

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 223.**

A BILL FOR AN ACT relating to federal lands; to provide concurrent jurisdiction with the federal government over certain federal lands 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, 44:

| | | | | |
|---|---|---|---|---|
| Abboud | DeCamp | Hefner | Lynch | Rogers |
| Baack | Eret | Higgins | Marsh | Rupp |
| Barrett | Goll | Johnson, L. | Miller | Schmit |
| Beutler | Goodrich | Johnson, R. | Morehead | Sieck |
| Beyer | Haberman | Johnson, V. | Nelson | Smith |
| Carsten | Hall | Labedz | Nichol | Vickers |
| Chizek | Hannibal | Lamb | Pappas | Warner |
| Chronister | Harris | Landis | Peterson | Withem |
| Conway | Hartnett | Lundy | Remmers | |

Voting in the negative, 0.

Present and not voting, 1:

Hoagland

Excused and not voting, 4:

| | | | |
|---|---|---|---|
| Chambers | Pirsch | Scofield | Wesely |

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 191.**

A BILL FOR AN ACT relating to itinerant merchants; to amend sections 75-329, 75-332, 75-334, and 75-335, Reissue Revised Statutes of Nebraska, 1943, and sections 75-325 and 75-327, Revised Statutes Supplement, 1984; to increase the license fee and bond amount; to provide for a local occupation tax; to provide for the showing of certain documents; to eliminate the state occupation tax; to change a penalty; to harmonize provisions; and to repeal the original sections, and also section 75-328, Revised Statutes Supplement, 1984.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

| | | | | |
|---|---|---|---|---|
| Abboud | Chizek | Goodrich | Hartnett | Johnson, R. |
| Baack | Chronister | Haberman | Hefner | Johnson, V. |
| Barrett | Conway | Hall | Higgins | Labedz |
| Beyer | DeCamp | Hannibal | Hoagland | Lamb |
| Carsten | Goll | Harris | Johnson, L. | Landis |

| | | | | |
|---|---|---|---|---|
| Lundy | Morehead | Peterson | Rupp | Vickers |
| Lynch | Nichol | Remmers | Schmit | Warner |
| Marsh | Pappas | Rogers | Smith | Withem |
| Miller | | | | |

Voting in the negative, 1:

Sieck

Present and not voting, 3:

| | | |
|---|---|---|
| Beutler | Eret | Nelson |

Excused and not voting, 4:

| | | | |
|---|---|---|---|
| Chambers | Pirsch | Scofield | Wesely |

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 67.**

A BILL FOR AN ACT relating to musical compositions; to eliminate a provision relating to the unlawful disposition of a copyrighted musical composition; and to repeal section 59-1402, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

| | | | | |
|---|---|---|---|---|
| Abboud | DeCamp | Hefner | Lundy | Rogers |
| Baack | Eret | Higgins | Lynch | Rupp |
| Barrett | Goll | Hoagland | Marsh | Schmit |
| Beyer | Goodrich | Johnson, L. | Miller | Scofield |
| Carsten | Haberman | Johnson, R. | Morehead | Sieck |
| Chambers | Hall | Johnson, V. | Nelson | Smith |
| Chizek | Hannibal | Labedz | Nichol | Vickers |
| Chronister | Harris | Lamb | Peterson | Warner |
| Conway | Hartnett | Landis | Remmers | |

Voting in the negative, 0.

Present and not voting, 3:

Beutler Pappas Withem

Excused and not voting, 2:

Pirsch Wesely

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 104.**

A BILL FOR AN ACT relating to insurance; to amend section 44-1901, Reissue Revised Statutes of Nebraska, 1943; to redefine the term title insurance agent in order to change a reference to a repealed statute; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

| | | | | |
|---|---|---|---|---|
| Abboud | DeCamp | Hefner | Lundy | Remmers |
| Baack | Eret | Higgins | Lynch | Rogers |
| Barrett | Goll | Hoagland | Marsh | Rupp |
| Beutler | Goodrich | Johnson, L. | Miller | Schmit |
| Beyer | Haberman | Johnson, R. | Morehead | Scofield |
| Carsten | Hall | Johnson, V. | Nelson | Sieck |
| Chambers | Hannibal | Labedz | Nichol | Smith |
| Chizek | Harris | Lamb | Pappas | Vickers |
| Chronister | Hartnett | Landis | Peterson | Withem |
| Conway | | | | |

Voting in the negative, 0.

Present and not voting, 1:

Warner

Excused and not voting, 2:

Pirsch Wesely

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 165.** With Emergency.

A BILL FOR AN ACT relating to banks and banking; to amend section 8-148, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the ownership of certain stocks by banks; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 45:

| | | | | |
|---|---|---|---|---|
| Abboud | DeCamp | Hefner | Lundy | Rogers |
| Baack | Eret | Higgins | Lynch | Rupp |
| Barrett | Goll | Hoagland | Marsh | Schmit |
| Beyer | Goodrich | Johnson, L. | Morehead | Scofield |
| Carsten | Haberman | Johnson, R. | Nelson | Sieck |
| Chambers | Hall | Johnson, V. | Nichol | Smith |
| Chizek | Hannibal | Labedz | Pappas | Vickers |
| Chronister | Harris | Lamb | Peterson | Warner |
| Conway | Hartnett | Landis | Remmers | Withem |

Voting in the negative, 0.

Present and not voting, 2:

Beutler Miller

Excused and not voting, 2:

Pirsch Wesely

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 244.**

A BILL FOR AN ACT relating to schools; to amend section 79-438, Reissue Revised Statutes of Nebraska, 1943, and section 79-902.01, Revised Statutes Supplement, 1984; to specify in which school districts the county superintendent may be required to prepare an estimate of expenses; to increase the number of members on a Class IV school district board; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

| | | | | |
|---|---|---|---|---|
| Abboud | Conway | Higgins | Lynch | Rogers |
| Baack | DeCamp | Hoagland | Marsh | Rupp |
| Barrett | Eret | Johnson, L. | Miller | Schmit |
| Beutler | Goodrich | Johnson, R. | Morehead | Sieck |
| Beyer | Haberman | Johnson, V. | Nelson | Smith |
| Carsten | Hall | Labedz | Nichol | Vickers |
| Chambers | Hannibal | Lamb | Pappas | Warner |
| Chizek | Hartnett | Landis | Peterson | Wesely |
| Chronister | Hefner | Lundy | Remmers | Withem |

Voting in the negative, 0.

Present and not voting, 3:

| | | |
|---|---|---|
| Goll | Harris | Scofield |

Excused and not voting, 1:

Pirsch

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 insurance; to amend sections 44-107, 44-203.01, 44-401, 44-409, and 44-417, Reissue Revised Statutes of Nebraska, 1943; to provide for credit for reinsurance as prescribed; to harmonize provisions; to change the frequency of examinations of domestic companies; to eliminate provisions relating to reinsured risk deductions; and to repeal the original sections, and also sections 44-416 and 44-418, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

| | | | | |
|---|---|---|---|---|
| Abboud | Goll | Johnson, R. | Morehead | Schmit |
| Baack | Goodrich | Labedz | Nelson | Scofield |
| Barrett | Haberman | Lamb | Nichol | Sieck |
| Beyer | Hall | Landis | Pappas | Smith |
| Carsten | Hannibal | Lundy | Peterson | Vickers |
| Chizek | Harris | Lynch | Remmers | Warner |
| Chronister | Hartnett | Marsh | Rogers | Wesely |
| Conway | Hefner | Miller | Rupp | Withem |
| DeCamp | Johnson, L. | | | |

Voting in the negative, 6:

| | | | | |
|---|---|---|---|---|
| Beutler | Eret | Higgins | Hoagland | Johnson, V. |
| Chambers | | | | |

Excused and not voting, 1:

Pirsch

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 446.** With Emergency.

A BILL FOR AN ACT relating to game and parks; to amend section 37-905, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to controlled shooting areas; to provide for receipts; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 46:

| | | | | |
|---|---|---|---|---|
| Abboud | Conway | Harris | Labedz | Nichol |
| Baack | DeCamp | Hartnett | Lamb | Pappas |
| Barrett | Eret | Hefner | Landis | Peterson |
| Beutler | Goll | Higgins | Lundy | Remmers |
| Beyer | Goodrich | Hoagland | Lynch | Rogers |
| Carsten | Haberman | Johnson, L. | Miller | Rupp |
| Chizek | Hall | Johnson, R. | Morehead | Schmit |
| Chronister | Hannibal | Johnson, V. | Nelson | Scofield |

| | | | | |
|---|---|---|---|---|
| Sieck | Vickers | Warner | Wesely | Withem |
| Smith | | | | |

Voting in the negative, 1:

Chambers

Present and not voting, 1:

Marsh

Excused and not voting, 1:

Pirsch

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**LEGISLATIVE BILL 498.**

A BILL FOR AN ACT relating to publications; to amend section 49-617, Reissue Revised Statutes of Nebraska, 1943, and section 24-209, Revised Statutes Supplement, 1984; to change distribution as prescribed; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

| | | | | |
|---|---|---|---|---|
| Abboud | DeCamp | Higgins | Marsh | Rupp |
| Baack | Eret | Hoagland | Miller | Schmit |
| Barrett | Goll | Johnson, L. | Morehead | Scofield |
| Beutler | Goodrich | Johnson, R. | Nelson | Sieck |
| Beyer | Haberman | Johnson, V. | Nichol | Smith |
| Carsten | Hall | Lamb | Pappas | Vickers |
| Chambers | Hannibal | Landis | Peterson | Warner |
| Chizek | Harris | Lundy | Remmers | Wesely |
| Chronister | Hartnett | Lynch | Rogers | Withem |
| Conway | Hefner | | | |

Voting in the negative, 0.

Present and not voting, 1:

Labedz

Excused and not voting, 1:

Pirsch

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

## GENERAL FILE

**LEGISLATIVE BILL 407.** Title read. Considered.

Standing Committee amendments, AM0267, found in the Journal on page 757 for the Thirtieth Day were considered.

Mr. Wesely offered the following amendment to the Standing Committee amendments:
AM0554

(Amendments to Standing Committee Amendments)

1. Insert the following new amendment:

"7. On page 11, line 2, strike 'increase' and insert 'change'.".

2. On page 2, line 13, after the second comma insert "after 'The' insert 'director with the advice of the' and"; in line 14 after the semicolon insert "in line 15 strike 'referred by the director';"; and in line 19 after the comma insert "line 1, strike 'increase' and insert 'change';".

3. Renumber remaining amendments accordingly.

The Wesely amendment was adopted with 18 ayes, 0 nays, 30 present and not voting, and 1 excused and not voting.

Pending.

## PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 252, 116, 223, 191, 67, 104, 165, 244, 299, 446, and 498.

## GENERAL FILE

**LEGISLATIVE BILL 407.** The Standing Committee amendments, as amended, were adopted with 25 ayes, 4 nays, 19 present and not voting, and 1 excused and not voting.

Messrs. Rupp and Sieck asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. DeCamp asked unanimous consent to withdraw his pending amendment, AM0300, found in the Journal on page 771. No objections. So ordered.

Mrs. Higgins offered the following amendment:

that LB 407 be applied to the insurance industry; real estate industry; Banking industry; agriculture industry; construction industry.

Mrs. Higgins requested a record vote on her amendment.

Voting in the affirmative, 8:

| | | | | |
|---|---|---|---|---|
| Carsten | Higgins | Marsh | Pirsch | Remmers |
| Chambers | Labedz | Pappas | | |

Voting in the negative, 19:

| | | | | |
|---|---|---|---|---|
| Abboud | Haberman | Hefner | Lundy | Warner |
| Baack | Hall | Hoagland | Lynch | Wesely |
| Beyer | Hannibal | Johnson, L. | Morehead | Withem |
| Conway | Hartnett | Lamb | Smith | |

Present and not voting, 20:

| | | | | |
|---|---|---|---|---|
| Barrett | DeCamp | Harris | Miller | Rogers |
| Beutler | Eret | Johnson, R. | Nelson | Schmit |
| Chizek | Goll | Johnson, V. | Nichol | Scofield |
| Chronister | Goodrich | Landis | Peterson | Vickers |

Excused and not voting, 2:

| | |
|---|---|
| Rupp | Sieck |

The Higgins amendment lost with 8 ayes, 19 nays, 20 present and not voting, and 2 excused and not voting.

Mr. Hall 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 7 ayes, 0 nays, and 42 not voting.

The motion to cease debate prevailed with 25 ayes, 6 nays, and 18 not voting.

The Chair declared the call raised.

Mr. Chambers moved to indefinitely postpone LB 407.

Messrs. Barrett and R. Johnson asked unanimous consent to be excused. No objections. So ordered.

Mr. Pappas 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. Higgins moved for a call of the house. The motion prevailed with 9 ayes, 0 nays, and 40 not voting.

Mr. Chambers requested a record vote on his motion to indefinitely postpone.

Voting in the affirmative, 14:

| | | | | |
|---|---|---|---|---|
| Carsten | Eret | Higgins | Nelson | Pirsch |
| Chambers | Goll | Labedz | Nichol | Remmers |
| Chronister | Hannibal | Marsh | Pappas | |

Voting in the negative, 27:

| | | | | |
|---|---|---|---|---|
| Baack | Hall | Johnson, V. | Morehead | Smith |
| Beyer | Harris | Lamb | Peterson | Vickers |
| Chizek | Hartnett | Landis | Rogers | Warner |
| Conway | Hefner | Lundy | Schmit | Wesely |
| Goodrich | Hoagland | Lynch | Scofield | Withem |
| Haberman | Johnson, L. | | | |

Present and not voting, 4:

| | | | |
|---|---|---|---|
| Abboud | Beutler | DeCamp | Miller |

Excused and not voting, 4:

| | | | |
|---|---|---|---|
| Barrett | Johnson, R. | Rupp | Sieck |

The Chambers motion to indefinitely postpone lost with 14 ayes, 27 nays, 4 present and not voting, and 4 excused and not voting.

Mr. Wesely moved to suspend the rules, Rule 6, Sec. 3 and Rule 7, Sec. 3 and vote without further debate and without further amendments on the advancement of LB 407.

Mr. Hoagland moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Wesely requested a roll call vote on his motion to suspend the rules.

Voting in the affirmative, 22:

| | | | | |
|---|---|---|---|---|
| Beyer | Harris | Lamb | Nichol | Schmit |
| DeCamp | Hefner | Landis | Pappas | Vickers |
| Goodrich | Hoagland | Lundy | Peterson | Wesely |
| Haberman | Johnson, L. | Lynch | Rogers | Withem |
| Hall | Johnson, V. | | | |

Voting in the negative, 18:

| | | | | |
|---|---|---|---|---|
| Abboud | Chizek | Hannibal | Nelson | Scofield |
| Baack | Chronister | Higgins | Pirsch | Smith |
| Carsten | Eret | Labedz | Remmers | Warner |
| Chambers | Goll | Marsh | | |

Present and not voting, 5:

| | | | | |
|---|---|---|---|---|
| Beutler | Conway | Hartnett | Miller | Morehead |

Excused and not voting, 4:

| | | | |
|---|---|---|---|
| Barrett | Johnson, R. | Rupp | Sieck |

The Wesely motion lost with 22 ayes, 18 nays, 5 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Messrs. Landis, Schmit, and Haberman asked unanimous consent to be excused. No objections. So ordered.

Mrs. Marsh offered the following amendment:
To add a new section
"The provisions of this act shall terminate on July 1, 1987"

Pending.

## STANDING COMMITTEE REPORT
### Government, Military and Veterans Affairs

**LEGISLATIVE BILL 440.** Placed on General File as amended.
Standing Committee amendments to LB 440:
AM0584

1. Insert the following new section:
"Sec. 5. Three years from the effective date of this act, or as soon thereafter as possible, the Director of the Nebraska Henry Fonda Film and Television Office shall present a report to the Clerk of the Legislature detailing the operations of the Nebraska Henry Fonda Film and Television Office. If the office cannot document the expenditure of at least one million dollars in Nebraska by participants who, do all or in part to the efforts of the office, have chosen and used this state as the location for such projects, such office shall be terminated.".
2. On page 2, line 25, after "Fund" insert "each year" and strike "year" and insert "years"; and in line 26 after "1985-86" insert ", 1986-87, and 1987-88".

(Signed) David Landis, Chairperson

## UNANIMOUS CONSENT - Print in Journal

Mr. Wesely asked unanimous consent to print the following amendment to LB 253 in the Journal. No objections. So ordered.

AM0572

1. Strike original section 7 and insert the following new section:
"Sec. 7. That section 71-2020, Revised Statutes Supplement, 1984, be amended to read as follows:

71-2020. Applicants for license shall file applications under oath with the Department of Health upon forms prescribed and shall pay a license fee of fifty dollars as a base fee, except that hospitals, skilled nursing facilities, intermediate care facilities one, intermediate care facilities two, and intermediate care facilities three shall pay a license fee of one hundred twenty-five dollars as a base fee. In addition to such base fee ~~and in addition thereto, for~~ hospitals, skilled nursing facilities, intermediate care facilities one, ~~and~~ intermediate care facilities two, and intermediate care facilities three shall pay a fee of five dollars for each bed available for patients of the facility~~,~~ and ~~for~~ all other types of facilities shall pay a fee of one dollar for each bed available for patients thereof. Such fees ~~fee~~ shall be paid into the state treasury and by the State Treasurer credited to the General Fund, or if the license is denied that part of the fees paid for beds available shall be returned to the applicant. Applications shall be signed (1) by the owner, if an individual or partnership, (2) by two of its officers, if a corporation, or (3) by the head of the governmental department having jurisdiction over it, if a governmental unit. Applications shall set forth the full name and address of the institution for which license is sought, and of the owner in case of different address, the names of the persons in control thereof and such additional information as the Department of Health may require, including affirmative evidence of ability to comply with such reasonable standards, rules, and regulations as may be lawfully prescribed hereunder.".

Mr. Wesely asked unanimous consent to print the following amendment to LB 209 in the Journal. No objections. So ordered.

AM0571

(Amendments to the Standing Committee amendments)

1. On page 3, line 9, before the semicolon insert "; after line 18 insert the following new section:

'Sec. 7. That section 71-2020, Revised Statutes Supplement, 1984, be amended to read as follows:

71-2020. Applicants for license shall file applications under oath with the Department of Health

upon forms prescribed and shall pay a license fee of fifty dollars as a base fee ~~and in addition thereto~~, except that hospitals, skilled nursing facilities, intermediate care facilities one, intermediate care facilities two, and intermediate care facilities three shall pay a license fee of one hundred twenty five dollars as a base fee. In addition to such base fee, ~~for~~ hospitals, skilled nursing facilities, intermediate care facilities one, ~~and~~ intermediate care facilities two, and intermediate care facilities three shall pay a fee of five dollars for each bed available for patients of the facility~~,~~ and ~~for~~ all other types of facilities shall pay a fee of one dollar for each bed available for patients thereof. Such ~~fee~~ fees shall be paid into the state treasury and by the State Treasurer credited to the General Fund, or if the license is denied that part of the fees paid for beds available shall be returned to the applicant. Applications shall be signed (1) by the owner, if an individual or partnership, (2) by two of its officers, if a corporation, or (3) by the head of the governmental department having jurisdiction over it, if a governmental unit. Applications shall set forth the full name and address of the institution for which license is sought, and of the owner in case of different address, the names of the persons in control thereof and such additional information as the Department of Health may require, including affirmative evidence of ability to comply with such reasonable standards, rules, and regulations as may be lawfully prescribed hereunder.'";
in line 10 strike "8" and insert "9"; and in line 19 after the quotation marks insert "; and in line 11 after '71-2017' insert ', 71-2020,'".

Mr. Lamb asked unanimous consent to print the following amendment to LB 38 in the Journal. No objections. So ordered.

To amend the Committee amendments, by adding the following after the last line of Section 2.

The Department of Revenue shall reimburse counties for any actual costs involved in providing such information as required to make the rebate.

## NOTICE OF COMMITTEE HEARINGS

### Appropriations

Agency budget hearings scheduled for Friday, March 15 will be held in Room 1517 rather than Room 1003.

Changes in hearing times for Friday, March 15:
Agency 29 - Department of Water Resources
Originally scheduled for 9:00 a.m., March 15, 1985
Rescheduled for 10:30 a.m., March 15, 1985
Agency 84 - Department of Environmental Control
Originally scheduled for 9:00 a.m., March 15, 1985
Rescheduled for 10:30 a.m., March 15, 1985
Agency 55 - Natural Resources Commission
Originally scheduled for 9:00 a.m., March 15, 1985
Rescheduled for 1:30 p.m., March 15, 1985.

(Signed) Jerome Warner, Chairperson

## PRESENTED TO THE GOVERNOR

Presented to the Governor on March 13, 1985, at 10:45 a.m., were the following bills: 252, 116, 223, 191, 67, 104, 165, 244, 299, 446 and 498.

(Signed) Pam Moravec, Enrolling Clerk

## UNANIMOUS CONSENT - Print in Journal

Mr. Conway asked unanimous consent to print the following amendment to LB 326 in the Journal. No objections. So ordered.

AM0547
(Amendments to Standing Committee Amendments)
1. On page 1, strike beginning with "up" in line 3 through "guaranteed" in line 4; and in line 5, after "insurance" insert ", and no account shall contain more than the amount so insured".

## ANNOUNCEMENT

Mr. R. Johnson announced the Standing Committee on Agriculture and Environment will hold an Executive Session on March 14 at 1:30 p.m. in hearing room 1520.

## RESOLUTION

**LEGISLATIVE RESOLUTION 73.**

Introduced by Wesely, 26th District.

WHEREAS, THE UNIVERSITY OF NEBRASKA, LINCOLN has never won a big eight womens swimming and diving championship before; and

WHEREAS, the University of Nebraska, Lincoln was not expected to win the championship in 1984-85.

NOW THEREFORE BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA FIRST SESSION:

#1. That the members of the Legislature extend congratulations to head coach Ray Huppert, his associate Mike Hayhurst, and diving coach Jeff Huber and 27 members of the swimming and diving team for winning the 1985 womens Big Eight swimming & diving championship.

#2. That Coach Ray Huppert be praised for his dedication to recruiting and training athletes & generating a team spirit that has produced leaders as well as outstanding swimmers.

#3. That the swimming and diving team be commended for qualifying 8 swimmers for the NCAA Nationals and 5 divers for the advanced diving competition.

Laid over.

## UNANIMOUS CONSENT - Add Co-Introducer

Mr. Conway asked unanimous consent to have his name added as co-introducer to LB 480. No objections. So ordered.

## ANNOUNCEMENT

Mr. DeCamp announced an executive session of the Banking, Commerce and Insurance Committee on Monday, March 18, 1985 at 2:00 p.m. in room 1117.

## UNANIMOUS CONSENT - Withdraw Co-Introducer

Mr. Barrett asked unanimous consent to have his name withdrawn as co-introducer to LB 126. No objections. So ordered.

## ATTORNEY GENERAL'S OPINION

Opinion No. 33
March 12, 1985

Dear Senator Pappas:

This is in response to your letter of March 5, 1985, concerning LB 161 and proposed amendments you have indicated that you intend to make to that legislation.

Your primary concerns deal with the issue of federal preemption in the area of railroad safety. Contrary to what some individuals have apparently said, railroad safety has not been preempted by the federal government to preclude all state activity. For example, 45 U.S.C.A. §434 provides as follows:

> The Congress declares that laws, rules, regulations, orders, and standards relating to railroad safety shall be nationally uniform to the extent practicable. A State may adopt or continue in force any law, rule, regulation, order, or standard relating to railroad safety until such time as the Secretary has adopted a rule, regulation, order, or standard covering the subject matter of such State requirement. A State may adopt or continue in force an additional or more stringent law, rule, regulation, order, or standard relating to railroad safety when necessary to eliminate or reduce an an essentially local safety hazard, and when not incompatible with any Federal law, rule, regulation, order, or standard, and when not creating an undue burden on interstate commerce.

Likewise, as you point out, federal law specifically allows states to participate in investigative and surveillance activities in accordance with Federal Railroad Administration guidelines, 45 U.S.C.A. §435. If your proposed amendments conform to the requirements of the federal State Safety Participation Program as set forth in federal law and federal regulations, there can be no question as to any issues of federal preemption. This would, of course, include elimination of the penalty provisions from LB 161 as it is presently written, and as you have indicated you intend to do.

We would also concur with your conclusion to amend LB 161 to place this safety program under the authority of the Public Service Commission, since under Article IV, Section 20, of the Nebraska Constitution, the Public Service Commission is given general authority over the regulation of common carriers, which include the railroads.

Very truly yours,
ROBERT M. SPIRE
Attorney General
(Signed) John Boehm
Assistant Attorney General

JB:ejg

cc: Patrick J. O'Donnell
Clerk of the Legislature

## UNANIMOUS CONSENT - Print in Journal

Mrs. Morehead asked unanimous consent to print the following amendment to LB 43 in the Journal. No objections. So ordered.

AM0558

1. Strike original sections 1 to 5 and all amendments thereto and insert the following new sections:

"Section 1. That section 24-201.01, Revised Statutes Supplement, 1984, be amended to read as follows:

24-201.01. On January 8, 1981, the salary of the Chief Justice and Judges of the Supreme Court shall be forty-eight thousand three hundred fourteen dollars and eighty cents. As soon as the same may be legally paid under the Constitution of Nebraska, the salary shall be increased to an amount equal to five per cent over the base salary. For the purposes of this section, base salary shall mean the amount derived by increasing forty-eight thousand three hundred fourteen dollars and eighty cents by five per cent. On January 5, 1984, the salary shall be increased by five per cent of the salary received immediately prior to such date. On January 3, 1985, the salary shall be increased by five per cent of the salary received immediately prior to such date. On January 1, 1986, the salary shall be increased by five per cent of the salary received immediately prior to such date. ~~The Governor shall receive an annual salary of forty thousand dollars.~~ The Chief Justice and the Judges of the Supreme Court shall hold no other public office of profit or trust during their terms of office nor accept any public appointment or employment under the authority of the government of the United States for which they receive compensation for their services. Such salaries shall be payable in equal monthly installments.

Sec. 2. The Governor shall receive an annual salary of forty thousand dollars. Beginning on January 8, 1987, the salary of the Governor shall be increased annually by ten per cent of the salary received in the preceding year until 1990.

Sec. 3. That section 75-104, Revised Statutes Supplement, 1984, be amended to read as follows:

75-104. As soon after July 1, 1985, as the same may be payable under the Constitution of Nebraska, each of the commissioners shall receive an annual salary of twenty-seven thousand dollars, payable in the same manner that the salaries of other state officers are paid. Beginning on January 8, 1987, the salary of each commissioner shall be increased annually by ten per cent of the salary received in the preceding year. In addition thereto, the commissioners, secretary, clerks, and other employees of the commission shall be entitled to receive from the state their actual necessary traveling expenses, which shall include the cost of transportation while traveling on the business of the commission, to be paid in the same manner as other claims against the state. In computing the cost of transportation for commissioners, secretary, clerks, and other employees, no mileage or other traveling expense shall be claimed or allowed unless ~~the provisions of~~ sections 84-306 to 84-306.05 are strictly complied with.

Sec. 4. That section 84-201.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

84-201.01. ~~Until the first Thursday after the first Tuesday in January 1979, there shall be paid as salary to the Attorney General, the sum of thirty-two thousand five hundred dollars.~~ Commencing the first Thursday after the first Tuesday in January 1979, there shall be paid as salary to the Attorney General, the sum of thirty-nine thousand five hundred dollars. The salary of the Attorney General shall be payable in equal monthly installments. Beginning on January 8, 1987, the salary of the Attorney General shall be increased annually by ten per cent of the salary received in the preceding year until 1990.

Sec. 5. That section 84-721, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

84-721. ~~Until the first Thursday after the first Tuesday in January 1979, there shall be paid as salaries to certain constitutional officers, as follows: Secretary of State, the sum of twenty-five thousand dollars per annum; Auditor of Public Accounts, the sum of twenty-five thousand dollars per annum; State~~

~~Treasurer, the sum of twenty-five thousand dollars per annum; and the Lieutenant Governor, the sum of twenty-five thousand dollars per annum.~~ From and after the first Thursday after the first Tuesday in January 1979, there shall be paid as salaries to certain constitutional officers, as follows: Secretary of State, the sum of thirty-two thousand dollars per annum; Auditor of Public Accounts, the sum of thirty-two thousand dollars per annum; State Treasurer, the sum of thirty-two thousand dollars per annum; and the Lieutenant Governor, the sum of thirty-two thousand dollars per annum. Such salaries shall be payable in equal monthly installments. Beginning on January 8, 1987, the salaries of such constitutional officers shall be increased annually by ten per cent of the salary received in the preceding year until 1990.".

Mrs. Morehead asked unanimous consent to print the following amendment to LB 43 in the Journal. No objections. So ordered.

AM0541

1. Strike original sections 1 to 5 and all amendments thereto and insert the following new sections:

"Section 1. That section 24-201.01, Revised Statutes Supplement, 1984, be amended to read as follows:

24-201.01. On January 8, 1981, the salary of the Chief Justice and Judges of the Supreme Court shall be forty-eight thousand three hundred fourteen dollars and eighty cents. As soon as the same may be legally paid under the Constitution of Nebraska, the salary shall be increased to an amount equal to five per cent over the base salary. For the purposes of this section, base salary shall mean the amount derived by increasing forty-eight thousand three hundred fourteen dollars and eighty cents by five per cent. On January 5, 1984, the salary shall be increased by five per cent of the salary received immediately prior to such date. On January 3, 1985, the salary shall be increased by five per cent of the salary received immediately prior to such date. On January 1, 1986, the salary shall be increased by five per cent of the salary received immediately prior to such date. ~~The Governor shall receive an annual salary of forty thousand dollars.~~ The Chief Justice and the

Judges of the Supreme Court shall hold no other public office of profit or trust during their terms of office nor accept any public appointment or employment under the authority of the government of the United States for which they receive compensation for their services. Such salaries shall be payable in equal monthly installments.

Sec. 2. The Governor shall receive an annual salary of forty thousand dollars. Beginning on January 8, 1987, the salary of the Governor shall be increased annually by five per cent of the salary received in the preceding year until 1990.

Sec. 3. That section 75-104, Revised Statutes Supplement, 1984, be amended to read as follows:

75-104. As soon after July 1, 1985, as the same may be payable under the Constitution of Nebraska, each of the commissioners shall receive an annual salary of twenty-seven thousand dollars, payable in the same manner that the salaries of other state officers are paid. Beginning on January 8, 1987, the salary of each commissioner shall be increased annually by five per cent of the salary received in the preceding year until 1990. In addition thereto, the commissioners, secretary, clerks, and other employees of the commission shall be entitled to receive from the state their actual necessary traveling expenses, which shall include the cost of transportation while traveling on the business of the commission, to be paid in the same manner as other claims against the state. In computing the cost of transportation for commissioners, secretary, clerks, and other employees, no mileage or other traveling expense shall be claimed or allowed unless ~~the provisions of~~ sections 84-306 to 84-306.05 are strictly complied with.

Sec. 4. That section 84-201.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

84-201.01. ~~Until the first Thursday after the first Tuesday in January 1979, there shall be paid as salary to the Attorney General, the sum of thirty-two thousand five hundred dollars.~~ Commencing the first Thursday after the first Tuesday in January 1979, there shall be paid as salary to the Attorney General, the sum of thirty-nine thousand five hundred dollars. The salary of the Attorney General shall be payable in equal

monthly installments. Beginning on January 8, 1987, the salary of the Attorney General shall be increased annually by five per cent of the salary received in the preceding year until 1990.

Sec. 5. That section 84-721, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

84-721. ~~Until the first Thursday after the first Tuesday in January 1979, there shall be paid as salaries to certain constitutional officers, as follows: Secretary of State, the sum of twenty-five thousand dollars per annum; Auditor of Public Accounts, the sum of twenty-five thousand dollars per annum; State Treasurer, the sum of twenty-five thousand dollars per annum; and the Lieutenant Governor, the sum of twenty-five thousand dollars per annum.~~ From and after the first Thursday after the first Tuesday in January 1979, there shall be paid as salaries to certain constitutional officers, as follows: Secretary of State, the sum of thirty-two thousand dollars per annum; Auditor of Public Accounts, the sum of thirty-two thousand dollars per annum; State Treasurer, the sum of thirty-two thousand dollars per annum; and the Lieutenant Governor, the sum of thirty-two thousand dollars per annum. Such salaries shall be payable in equal monthly installments. Beginning on January 8, 1987, the salaries of such constitutional officers shall be increased annually by five per cent of the salary received in the preceding year until 1990.".

## UNANIMOUS CONSENT - Announcement

Mr. Warner asked unanimous consent to allow the Appropriations Committee to hold agency budget hearings in Room 1517 on Friday, March 15 (all day) and Thursday, March 21, (7:00 p.m.). No objections. So ordered.

## ANNOUNCEMENT

Mr. R. Johnson designates LB 667 as his priority bill.

## NOTICE OF COMMITTEE HEARING
**Revenue**

LB 717 Wednesday, March 20, 1985 1:30 p.m.

(Signed) Vard Johnson, Chairperson

## VISITORS

Visitors to the Chamber were Mr. MURAYI Nduhira Augustin, Director General, Ministry of Primary and Secondary Education, Rwanda Kigali, and Emily Stuman, U.S. Department of State Escort Interpreter; 17 fourth grade students and teachers from Brownell-Talbott School, Omaha; Mrs. Carolyn VonRein, Mrs. Ruth Wallas, and Mrs. Alice Wolf from North Bend; and 8 students and teachers from St. Anne's, Lexington.

## MOTION - Adjournment

Mr. Beutler moved to adjourn. The motion prevailed with 27 ayes, 6 nays, and 16 not voting, and at 12:16 p.m., on a motion by Mr. Beutler, the Legislature adjourned until 9:00 a.m., Thursday, March 14, 1985.

Patrick J. O'Donnell
Clerk of the Legislature

# FORTIETH DAY - MARCH 14, 1985

# LEGISLATIVE JOURNAL

# FORTIETH DAY - MARCH 14, 1985

## LEGISLATIVE JOURNAL

## EIGHTY-NINTH LEGISLATURE
## FIRST SESSION

## FORTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, March 14, 1985

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

## PRAYER

The prayer was offered by Reverend Vernon Jacobs, Holy Cross Lutheran Church, Omaha, Nebraska.

## ROLL CALL

The roll was called and all members were present except Mr. Rupp who was excused; and Messrs. Chambers, DeCamp, Goll, R. Johnson, Landis, Lynch, Schmit, Withem, Mesdames Higgins, and Nelson who were excused until they arrive.

## CORRECTIONS FOR THE JOURNAL

Page 914, line 43, strike "~~(6)~~" and insert "(6)".
Page 915, line 2, strike "year" and insert "year".
The Journal for the Thirty-Seventh Day was approved as corrected.
The Journal for the Thirty-Ninth Day was approved.

## SELECT COMMITTEE REPORTS
### Enrollment and Review

### Correctly Engrossed

The following bills were correctly engrossed: 126, 292, 293, and 592.

(Signed) Timothy Hall, Chairperson

## Enrollment and Review Change to LB 126

The following changes, required to be reported for publication in the Journal, have been made:
ER0032

1. In the Wesely amendment adopted March 12, 1985, on page 1, line 4, the underscored period has been struck and an underscored comma inserted.

2. On page 1, line 4, "a date" has been struck and "provisions" inserted.

## Enrollment and Review Change to LB 292

The following changes, required to be reported for publication in the Journal, have been made:
ER0034

1. On page 1, line 2, "and" has been inserted after the second comma, and "and" has been struck; in line 3 "30-2662," has been struck; in line 8 "to provide duties for the Revisor of Statutes; to eliminate certain provisions relating to powers of attorney;" has been inserted after the second semicolon; and in line 10 "section" has been struck and "sections 30-2662 and" inserted.

## Enrollment and Review Change to LB 293

The following changes, required to be reported for publication in the Journal, have been made:
ER0033

1. On page 1, the matter beginning with "to" in line 7 through the semicolon in line 8 and beginning with the comma in line 9 through "1943" in line 11 has been struck.

(Signed) Mary Sommermeyer
E & R Attorney

## UNANIMOUS CONSENT - Print in Journal

Mr. Chambers asked unanimous consent to print the following amendment to LB 407 in the Journal. No objections. So ordered.

Page 2, line 17: Place period after "public" Strike remaining language on page 2.

## RESOLUTIONS

**LEGISLATIVE RESOLUTION 65.** Read. Considered.

LR 65 was adopted with 32 ayes, 0 nays, and 17 not voting.

**LEGISLATIVE RESOLUTION 66.** Read. Considered.

LR 66 was adopted with 32 ayes, 0 nays, and 17 not voting.

**LEGISLATIVE RESOLUTION 67.** Read. Considered.

LR 67 was adopted with 30 ayes, 0 nays, and 19 not voting.

**LEGISLATIVE RESOLUTION 68.** Read. Considered.

LR 68 was adopted with 34 ayes, 0 nays, and 15 not voting.

**LEGISLATIVE RESOLUTION 69.** Read. Considered.

LR 69 was adopted with 33 ayes, 0 nays, and 16 not voting.

**LEGISLATIVE RESOLUTION 70.** Read. Considered.

LR 70 was adopted with 30 ayes, 0 nays, and 19 not voting.

**LEGISLATIVE RESOLUTION 71.** Read. Considered.

LR 71 was adopted with 28 ayes, 0 nays, and 21 not voting.

**LEGISLATIVE RESOLUTION 72.** Read. Considered.

LR 72 was adopted with 30 ayes, 0 nays, and 19 not voting.

**LEGISLATIVE RESOLUTION 73.** Read. Considered.

LR 73 was adopted with 31 ayes, 0 nays, and 18 not voting.

**MOTION - Suspend Rules**

Messrs. Goll and DeCamp moved to suspend the rules, Rule 4, Section 6, to permit consideration of LR 74 and LR 75 today.

The motion to suspend the rules prevailed with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

## RESOLUTIONS

### LEGISLATIVE RESOLUTION 74.

Introduced by Goll, 16th District.

WHEREAS, the Arlington Boys Basketball team is the Champion of the 1985 Class C-1 Boys Basketball Tournament; and

WHEREAS, these young boys have demonstrated athletic excellence which is deserving of State-wide recognition for having completed the 1985 season unbeaten, untied and unparalleled,

WHEREAS, the coaching of Ken Ritzdorf and the contribution of all team members is deserving of recognition.

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

1. That the members of the Legislature commend the Arlington Boys Basketball Team and their Coach, Ken Ritzdorf.

2. That a copy of this resolution be sent to Coach Ritzdorf and the Arlington Boys Team Members.

LR 74 was adopted with 29 ayes, 0 nays, and 20 not voting.

### LEGISLATIVE RESOLUTION 75.

Introduced by DeCamp, 40th District.

WHEREAS, the Clearwater basketball team captured the Class D-1 basketball championship for the second time in three years; and

WHEREAS, these young men have demonstrated athletic excellence as well as a willingness to endure hard work and sacrifice; and

WHEREAS, the coaching of Rick Hesse and all of the team members is deserving of statewide recognition.

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

1. That the Legislature commends the Clearwater basketball team and their coach, Rick Hesse.

2. That a copy of this resolution be sent to Coach Hesse and the Clearwater basketball team.

LR 75 was adopted with 34 ayes, 0 nays, and 15 not voting.

## REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of March 13, 1985. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Bemis, James J. - Omaha, Commercial Federal Savings & Loan
Cutshall, Bruce A. - Lincoln, Nucor Corporation
Knudsen, Berkheimer, Richardson & Endacott
Mueller, William J. - Lincoln, Great Plains Chapter, Paralyzed Veterans of America
Litgen, Thomas R. - Omaha, AMI SUB (St. Joseph Hospital), Inc.; Governors of the Knights of Ak-Sar-Ben; Municipal Bond Underwriters, Inc.
O'Hara & Associates, Inc. - Lincoln, Citizen's Action Association; Nucor Corporation
Raglin, James H. - Lincoln, Nebraska Press Advertising Service
Skochdopole, Robert A. - Omaha, Governors of the Knights of Ak-Sar-Ben; Municipal Bond Underwriters, Inc.

## UNANIMOUS CONSENT - Print in Journal

Mr. V. Johnson asked unanimous consent to print the following amendment to LB 717 in the Journal. No objections. So ordered.

AM0596

1. Strike the original sections and insert the following new sections:

"Section 1. As used in this act, unless the context otherwise requires:

(1) All terms shall have the same meaning as in the Nebraska Revenue Act of 1967;

(2) Economic net income shall mean the federal taxable income of the financial institution or the portion of the consolidated federal taxable income attributable to the financial institution on the consolidating working papers:

(a) Increased by the income from obligations that are exempt under the Internal Revenue Code;

(b) Increased by any deduction allowed for a net operating loss; and

(c) Decreased by the income attributable to investment in obligations of the United States government and its instrumentalities and obligations that are exempt under the Internal Revenue Code. The amount of the reduction shall be computed by multiplying the economic net income after the adjustments are made pursuant to subdivisions (2)(a) and (2)(b) of this section by the percentage of the total assets invested in such obligations; and

(3) Financial institution shall mean any bank, building and loan association, cooperative credit association, industrial loan and investment company, investment company, investment trust, mortgage banker, sales finance company, savings and loan association, trust company, and any other institution considered to be a financial institution under 12 U.S.C. 548.

Sec. 2. (1) A tax is hereby imposed for each taxable year beginning on or after January 1, 1985, on the economic net income of every financial institution doing business in this state at one hundred and twenty-five per cent of the rates imposed on corporations under section 77-2734.02. For fiscal years beginning prior to January 1, 1985, the tax shall initially apply for the period from January 1, 1985, to the end of the fiscal year.

(2) For a financial institution that is subject to tax in another state, its economic net income shall be the portion of its income that is determined to be connected with its operations in this state pursuant to section 4 of this act.

Sec. 3. A surtax of twenty-five per cent of the tax imposed under section 2 of this act is hereby imposed for each taxable year beginning before January 1, 1991.

Sec. 4. (1) A financial institution that is subject to tax in more than one state shall apportion its income in the manner provided in sections 77-2734.10 to 77-2734.15, except as provided in this section. The adjustments provided in this section shall apply solely to the taxes imposed by this act.

(2) The property factor shall also include intangibles such as cash, loans, installment obligations, receivables, and securities. The numerator of the property factor for this state shall include (a) coin and currency in this state, (b) loans and

installment obligations applied for at offices in this state, (c) bank card receivables for residents of this state or corporations maintaining their commercial domicile in this state, and (d) securities used to meet reserve deposit requirements to the extent they relate to deposits in this state.

(3) The numerator of the sales factor for this state shall include (a) interest and other receipts from intangibles included in the numerator of the property factor in this state, (b) merchant discount income from merchants located in this state, and (c) charges for traveler's checks and money orders that are issued in this state.

Sec. 5. (1) There shall be allowed a credit to individuals and corporations against the taxes imposed by sections 77-2715 and 77-2734.02 for the taxes imposed by this act.

(2) The credit is not refundable and shall only be used for the taxable year for which the taxes imposed by this act were paid.

(3) The credit may not be used by any other person, except that a financial institution that is operated in the form of a partnership or a subchapter S corporation may distribute the credit to its partners or shareholders in the same manner as income is distributed under sections 77-2714 to 77-27,135.

(4) If the financial institution is a part of a unitary group that is subject to tax under 77-2734.02, the amount of the credit shall not exceed the portion of the income tax imposed by such section that is computed in the manner prescribed in this subsection. This computation shall be used whether the unitary group is subject to tax in another state or is only subject to tax in this state.

For each of the three apportionment factors, the numerator attributable to the financial institution shall be divided by the total numerator of that factor for this state.

The results of the computations for the three apportionment factors shall be averaged and multiplied by the group's total income tax liability imposed by section 77-2734.02 before any other credits.

Sec. 6. Any financial institution shall be credited in the computation of the taxes due under this act with the amount paid during the taxable year under

section 44-1213, 77-908, 77-909, or 81-523 in lieu of intangible tax by the financial institution or another member of the unitary group that includes the financial institution.

Sec. 7. The taxes imposed by this act shall be due on the fifteenth day of the third month following the end of the taxable year. There shall be no extensions granted for the payment of the tax required by this act.

Sec. 8. (1) The Tax Commissioner shall allow the payment of any tax due under this act by means of electronic funds transfer. The use of the electronic funds transfer shall not change the rights of any party from the rights they would have had if a different method of payment is used.

(a) The financial institution that is designated to receive the funds transferred on behalf of the state shall provide (i) a report to the Tax Commissioner of all payments received by the end of the business day of its receipt and (ii) a report of all payments received, in the format required by the Tax Commissioner, within thirty days of the end of each calendar quarter for the payments received during such quarter.

(b) The Tax Commissioner shall retain five per cent of the amounts collected as reimbursement of the costs of collection and administration of the taxes imposed by this act. The collection fee shall be deposited in the Financial Institutions Collection Fund, which is hereby created. Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1269. The fund shall be administered by the Department of Revenue.

(2) The provisions of sections 77-2714 to 77-27,135 relating to the determination of deficiencies, penalties, interest, the collection of delinquent amounts, and appeal procedures for the tax imposed under section 77-2734.02 shall apply to the taxes imposed under this act.

(3) No refunds of the taxes imposed by this act shall be allowed unless a claim for such refund is filed within three months of the date on which the taxes were due or the date on which the taxes were paid, whichever is later.

(4) The Tax Commissioner shall prescribe the necessary forms and the supporting documentation to be filed for reporting and paying the taxes.

(5) The Tax Commissioner shall promulgate such rules and regulations as may be necessary to enforce this act.

## NOTICE OF COMMITTEE HEARING
**Rules**

Thursday, March 21, 1985 12:00 noon
DeCamp proposed rule change, page 670 of the Journal

(Signed) Patricia S. Morehead, Chairperson

## EXPLANATION OF VOTE

I inadvertently voted no on LB 116 on Final Reading. It was my intention to vote yes.

(Signed) Elroy Hefner

## UNANIMOUS CONSENT - Print in Journal

Mr. Conway asked unanimous consent to print the following amendment to LB 480 in the Journal. No objections. So ordered.

AM0593

1. On page 9, line 20, after the period insert "Of the three zones, at least one shall be located in a rural area or an incorporated city or village of less than fifty thousand population.".

## STANDING COMMITTEE REPORT
**Government, Military and Veterans Affairs**

**LEGISLATIVE BILL 439.** Placed on General File as amended.
Standing Committee amendment to LB 439:
AM0585

1. Strike original section 1 and insert the following new section:

"Section 1. That section 32-221, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

32-221. (1) Any person eligible to vote may

request registration (a) by personally applying for registration at the office of the election commissioner or county clerk or other places designated for registration, (b) by telephone, or (c) by mail upon the proper form. Upon being registered to vote, the voter shall be entitled to vote on the day of the next election. ~~The election commissioner or deputy commissioner, acting for him or her, or county clerk shall receive the application for registration of all voters as shall personally apply for registration at the office of the election commissioner or county clerk or other places designated for registration who then are, or, on the day of election next following the day of making such application, will be entitled to vote.~~

(2) Any elector, absent from the county of his or her residence, who may qualify to vote, may register by mail during the regular registration period. Certain electors absent from the county may be registered with the absent voter's ballot by filling in the required information on the two registration forms accompanying the absentee ballot as provided in section 32-832. The election commissioner or the county clerk shall preserve such registrations with the other registration records.

(3) If a person eligible to vote desires to register to vote by mail, the registration form shall be as provided in this subsection, except that this subsection shall not apply to persons provided for in section 32-216.02 or the Absentee Voters Act. The registration form shall be made available by the election commissioner or someone acting for him or her or the county clerk. The only form which may be used shall be the official registration form provided by the election commissioner or county clerk. The election commissioner or county clerk may place the registration form in public places. The registration form may be distributed by any elector residing in the same county as the registrant. The registration form shall be signed by at least two persons each of whom witnessed the signing of the registration form by the registrant. If the registrant wishes to vote in the next election, the completed registration form shall be mailed by the registrant and postmarked at least twenty days before the election. The registration form shall be as follows:

Immediately before the spaces for inserting

information as provided in this section, the following statement shall be printed: This registration form must be mailed and postmarked at least twenty days before the election. Upon receipt of the registration form, the election commissioner or county clerk shall send a notice of registration to the registrant if the registration form is proper. The registrant shall not be registered to vote until receipt of the notice of registration.

(a) What is your full name? (Please print) ..... (First) ..... (Middle) ..... (Last) ..... (Maiden)

(b) What is your sex? ..... (Male) ..... (Female)

(c) What is your residence? ..... (Number) (Street) ....., (City) ....., (State) ..... (Zip Code) (If the registrant resides in a hotel, apartment, tenement house, or institution, such additional information shall be included as will give the exact location of such applicant's place of residence. If the registrant lives in an incorporated or unincorporated area not identified by the use of roads, road names, or house numbers, the registrant shall state the section, township, and range of his or her residence and the school district he or she is located in.)

(d) What is your postal address if different from above? .....

(e) What is your phone number? ..... (Home) ..... (Work)

(f) What is your birthdate? ..... (Day) ..... (Month) ..... (Year)

(g) Are you a native born citizen? ..... If naturalized, when and in what court were you naturalized? ..... (Date) ..... (Court)

(h) Which political party are you affiliated with? .....

(i) Where were you born? ....., (City) ....., (State) ..... (Country)

(j) If you were previously registered to vote, what name and address did you give when you last registered to vote? ....., (Number) ..... (Street) ....., (City) ....., (State) ..... (Zip Code)

Immediately following the spaces for inserting

information as provided in this section, the following statement shall be printed:

To the best of my knowledge and belief, I declare under penalty of election falsification that the statements contained in this application are true. Any registrant who signs this application knowing that any of the information in the application is false shall be guilty of a Class IV felony under section 32-1224 of the statutes of Nebraska.

.....
Printed name of applicant

.....
Signature of applicant

.....
Date

.....
Signature of witness

.....
Date

.....
Signature of witness

.....
Date

(4) Upon receipt of a complete and correct registration form as provided for in subsection (3) of this section, the election commissioner or county clerk shall send, by nonforwardable first-class mail, a notice of registration to the registrant at the postal address shown on the registration form. If a notice of registration is returned as undeliverable, a second nonforwardable first-class mailing shall be attempted. Registration shall not be considered completed until the notice of registration is received by the registrant. If a registration form is rejected, the registrant shall be promptly notified of the rejection and the specific reason for rejection. If a registration form is a duplicate of a registration already on file, the registrant shall be so notified. Upon mailing the notice of registration, the election commissioner or county clerk shall, when applicable, notify the election commissioner or county clerk in the county where the registrant was previously registered to expunge the registrant's name from the election records.

(5) Any registered voter whose residence address is not a permissible postal delivery address may

designate a postal address for registration records. When the election commissioner or county clerk has reason to believe that a voter's registration residence is not a permissible postal delivery address, the election commissioner or county clerk shall attempt to determine a proper mailing address for the voter.

(6) Any election official may request that any registered voter whose signature does not appear in registration records sign and submit a signature card on a form prescribed by the Secretary of State to be included with the voter's registration records.

If the election commissioner or county clerk determines that the reliability of the registration records require a current signature of any voter or if a registered voter's signature becomes subject to verification by the county election officer and a similar signature is not on file for such voter, the election commissioner or county clerk may request that the voter sign and submit a current signature card, on a form prescribed by the Secretary of State, to be included with the voter's registration records. This subsection shall only apply to those persons making application pursuant to subsection (3) of this section.".

2. On page 7, strike beginning with "APPLICANT'S" in line 24 through the semicolon in line 27 and show as stricken.

(Signed) David Landis, Chairperson

## UNANIMOUS CONSENT - Member Excused

Speaker Nichol asked unanimous consent to be excused until he returns. No objections. So ordered.

## GENERAL FILE

**LEGISLATIVE BILL 124.** Title read. Considered.

Messrs. Beutler and Vickers offered the following amendment:
AM0606

1. On page 2, line 9, strike "1992" and insert "1988".

2. On page 5, line 14, strike "1992" and insert "1988".

3. On page 6, line 19, strike "1992" and insert "1988"; and in line 21 after "2-3213" insert ", 2-3225, 46-631,".

4. Insert the following new sections:

"Sec. 2. That section 2-3225, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-3225. Each district shall have the power and authority to levy a tax of not to exceed three and five-tenths cents on each one hundred dollars of actual valuation annually on all of the taxable property, except intangible property, within such district unless a higher levy shall be authorized by a majority vote of those voting on the issue at a regular election on a referendum question submitted by resolution of the board of directors and certified to the Secretary of State on or before August 25 of the election year. The Legislature recognizes that districts which contain ground water conservation districts have greater financial needs than other districts. To meet that need, any district in which a ground water conservation district was located on the effective date of this act may levy an additional tax (1) commencing January 1, 1986, of not more than one half of one cent and (2) commencing January 1, 1988, of not more than one cent on each one hundred dollars of actual valuation annually on all of the taxable property within such district. The proceeds of such tax shall be used, together with any other funds which the district may receive from any source, for the operation of the district. When adopted by the board, the levy shall be certified by the secretary to the county clerk of each county which in whole or in part is included within the district. Such levy shall be handled by the counties in the same manner as other levies, and proceeds shall be remitted to the district treasurer. Such levy shall not be considered a part of the general county levy and shall not be considered in connection with any limitation on levies of such counties.

Sec. 3. That section 46-631, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

46-631. The board of directors may levy and collect annually taxes necessary to finance the activities of such district to the amount of not more

than (1) one cent until January 1, 1986, and (2) one half of one cent on and after January 1, 1986, on each one hundred dollars of the actual value of all taxable real property within such district. It shall, on or before the first day of August in each year, certify its tax levy to the county clerks of the counties wholly or partially within the district, who shall extend the same on the county tax list, and the same shall be collected by the county treasurer in the same manner as state and county taxes. It shall be the duty of the board to apply for and to receive from the county treasurers all money to the credit of the district. The county treasurer shall disburse the same on the order of the treasurer of the district.".

5. Renumber remaining sections accordingly.

Mr. Baack asked unanimous consent to be excused. No objections. So ordered.

The Beutler-Vickers amendment lost with 10 ayes, 17 nays, 18 present and not voting, and 4 excused and not voting.

Pending.

**LEGISLATIVE BILL 421.** Title read. Considered.

Advanced to E & R for Review with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 373.** Title read. Considered.

Advanced to E & R for Review with 31 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 340.** Title read. Considered.

Advanced to E & R for Review with 31 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 235.** Title read. Considered.

Advanced to E & R for Review with 29 ayes, 0 nays, 17 present and not voting, and 3 excused and not voting.

## NOTICE OF COMMITTEE HEARINGS

**Appropriations**

Agency 52 - State Board of Agriculture
Friday, March 22, 1985 1:30 p.m.

LB 309 - Task Force for Building Renewal
Friday, March 22, 1985 1:30 p.m.

(Signed) Jerome Warner, Chairperson

## BILLS ON FIRST READING

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

**LEGISLATIVE BILL 383A.** By Abboud, 12th District; Hannibal, 4th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 383, Eighty-ninth Legislature, First Session, 1985.

**LEGISLATIVE BILL 201A.** By V. Johnson, 8th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 201, Eighty-ninth Legislature, First Session, 1985.

**LEGISLATIVE BILL 654A.** By Wesely, 26th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 654, Eighty-ninth Legislature, First Session, 1985.

## STANDING COMMITTEE REPORTS
### Nebraska Retirement Systems

**LEGISLATIVE BILL 347.** Placed on General File.
**LEGISLATIVE BILL 349.** Placed on General File.

(Signed) Bill Harris, Chairperson

## GENERAL FILE

**LEGISLATIVE BILL 215.** Title read. Considered.

Mr. Goodrich moved for a call of the house. The motion prevailed with 7 ayes, 1 nay, and 41 not voting.

Mr. Goodrich requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 25:

| | | | | |
|---|---|---|---|---|
| Abboud | DeCamp | Harris | Landis | Rogers |
| Beyer | Eret | Hartnett | Lynch | Schmit |
| Chambers | Goodrich | Higgins | Marsh | Vickers |
| Chizek | Haberman | Hoagland | Pappas | Wesely |
| Conway | Hall | Labedz | Pirsch | Withem |

Voting in the negative, 17:

| | | | | |
|---|---|---|---|---|
| Barrett | Hannibal | Johnson, V. | Morehead | Sieck |
| Carsten | Hefner | Lamb | Nelson | Smith |
| Chronister | Johnson, L. | Lundy | Remmers | Warner |
| Goll | Johnson, R. | | | |

Present and not voting, 4:

| | | | |
|---|---|---|---|
| Beutler | Miller | Peterson | Scofield |

Excused and not voting, 3:

| | | |
|---|---|---|
| Baack | Nichol | Rupp |

Advanced to E & R for Review with 25 ayes, 17 nays, 4 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

**LEGISLATIVE BILL 335.** Title read. Considered.

Advanced to E & R for Review with 30 ayes, 0 nays, 16 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 568.** Title read. Considered.

Advanced to E & R for Review with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 606.** Title read. Considered.

Advanced to E & R for Review with 29 ayes, 0 nays, 17 present and

not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 308.** 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.

## PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolutions: LR 65, LR 66, LR 67, LR 68, LR 69, LR 70, LR 71, LR 72, LR 73, LR 74, and LR 75.

## GENERAL FILE

**LEGISLATIVE BILL 146.** Title read. Considered.

Advanced to E & R for Review with 32 ayes, 3 nays, 11 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 97.** Title read. Considered.

Advanced to E & R for Review with 32 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 424.** Title read. Considered.

Advanced to E & R for Review with 29 ayes, 0 nays, 17 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 356.** Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 33.** Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 265.** Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 625.** Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 28.** Title read. Considered.

Advanced to E & R for Review with 30 ayes, 0 nays, 16 present and not voting, and 3 excused and not voting.

## UNANIMOUS CONSENT - Print in Journal

Messrs. Warner and Beutler asked unanimous consent to print the following amendment to LB 215 in the Journal. No objections. So ordered.

To strike the new language on page 14 lines 3 thru 16 of LB 215.

## BILL ON FIRST READING

The following bill was read for the first time by title:

**LEGISLATIVE BILL 552A.** By Hefner, 19th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 552, Eighty-ninth Legislature, First Session, 1985.

## SELECT COMMITTEE REPORT
### Enrollment and Review

### Correctly Engrossed

The following resolution was correctly engrossed: LR 23CA.

(Signed) Timothy Hall, Chairperson

## GENERAL FILE

**LEGISLATIVE BILL 423.** Title read. Considered.

Mr. Beutler offered the following amendment:
strike the words "gross partiality" on line 19, page 2
strike the words "oppression" on line 19, page 2

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 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 547.** Title read. Considered.

Advanced to E & R for Review with 27 ayes, 7 nays, 12 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 63.** Title read. Considered.

Standing Committee amendment, AM0264, found in the Journal on page 665 for the Twenty-Seventh Day was adopted with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

Advanced to E & R for Review with 29 ayes, 2 nays, 15 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 209.** Title read. Considered.

Standing Committee amendments, AM0266, found in the Journal on page 677 for the Twenty-Seventh Day were considered.

Mr. Wesely renewed his pending amendment, AM0571, found in the Journal on page 967 to the Standing Committee amendments.

The Wesely amendment was adopted with 29 ayes, 0 nays, 17 present and not voting, and 3 excused and not voting.

The Standing Committee amendments, as amended, were adopted with 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

Advanced to E & R for Review with 38 ayes, 0 nays, 8 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 250.** Title read. Considered.

Standing Committee amendments, AM0178, printed separate from the Journal and referred to on page 679 were adopted with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

Advanced to E & R for Review with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 250A.** Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 255.** Title read. Considered.

Standing Committee amendments, AM0322, printed separate from the Journal and referred to on page 720 were adopted with 29 ayes, 0 nays, 17 present and not voting, and 3 excused and not voting.

Advanced to E & R for Review with 34 ayes, 0 nays, 12 present and not voting, and 3 excused and not voting.

Messrs. Barrett and R. Johnson asked unanimous consent to be excused. No objections. So ordered.

**LEGISLATIVE BILL 384.** Title read. Considered.

Standing Committee amendment, AM0160, found in the Journal on page 694 for the Twenty-Eighth Day was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Mr. Withem asked unanimous consent to be excused. No objections. So ordered.

Advanced to E & R for Review with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

## UNANIMOUS CONSENT - Print in Journal

Ms. Scofield asked unanimous consent to print the following amendment to LB 662 in the Journal. No objections. So ordered.

AM0609

(Amendments to E & R Amendments)

1. Insert the following new sections:

"Sec. 18. The Legislature hereby declares that it is the intent and purpose of sections 18 to 24 of this act to provide:

(1) An examination of school financing, including, but not limited to:

(a) The heavy reliance on property tax;

(b) The decreasing valuations of agricultural land;

(c) The basis on which state aid is distributed;

(d) The potential effect of implementing the constitutional amendment authorizing agricultural and horticultural land to be taxed as a separate and distinct class of property;

(e) The use of nonresident tuition;

(f) Revenue from school lands;

(g) Equitable taxation; and

(h) Recognition of higher costs in rural areas;

(2) An examination of the quality of education provided in counties throughout the state; and

(3) A committee to propose recommendations for alleviating the inequities in the property tax burdens imposed to finance education and for addressing deficiencies in the current educational system.

Sec. 19. As used in sections 18 to 24 of this act, unless the context otherwise requires:

(1) Board shall mean the Executive Board of the Legislative Council; and

(2) Committee shall mean the Education and Taxation Advisory Committee created by section 20 of this act.

Sec. 20. The Executive Board of the Legislative Council shall, within ten days after the operative date of this section, appoint six members of the Legislature to serve, together with the chairperson of the Committee on Education and the chairperson of the Committee on Revenue, who shall serve as cochairpersons, on a committee to be known as the Education and Taxation Advisory Committee. The board shall appoint two members of the Legislature from each of the congressional districts of this state.

Sec. 21. The committee shall serve until July 1, 1986, at which time it shall cease to exist. Any vacancy on such committee shall be filled by appointment from among the members of the Legislature in the same manner as original appointments were made, and any person named to fill a vacancy shall have the same qualifications as his or her immediate predecessor.

Sec. 22. The committee shall hold at least

four meetings once each calendar quarter at a time and place fixed by the committee. Special meetings may be called by the cochairpersons. Such special meetings shall be called by the cochairpersons upon receipt of a written request signed by three or more members of the committee. A majority of the members of the committee shall constitute a quorum.

Sec. 23. The committee shall:

(1) Study existing laws and practices affecting the public educational system;

(2) Study financing alternatives for public education;

(3) Propose recommendations for providing quality education financed equitably, taking into account the diverse needs of the state, and conduct a public hearing on such recommendations on or before December 21, 1985; and

(4) Present to the Legislature on or before February 1, 1986, the committee's recommendations for alleviating the inequities in the property tax burdens imposed to finance education and for addressing deficiencies in the current educational system.

Sec. 24. In performing its duties, the committee shall:

(1) Periodically meet and confer with officials of the state and its political subdivisions having responsibility for education services;

(2) Consult with and utilize the services of any office, department, or agency of the state; and

(3) Employ such personnel as may be necessary to assist it in the performance of its duties.".

2. On page 19, line 14, strike "20" and insert "27".

3. Renumber remaining sections accordingly.

Mr. Vickers asked unanimous consent to print the following amendment to LB 662 in the Journal. No objections. So ordered.

AM0485

(Amendments to the E & R amendments, AM5066)

1. Insert the following new section:

"Sec. 16. (1) The election prescribed in section 15 of this act shall be called by the school board of the reorganized school district by resolution or upon a petition by twenty per cent of the voters

residing in the school district as the school district existed prior to reorganization and shall be conducted in accordance with subsections (2) to (4) of this section.

(2) Notice of the election shall be given by the county clerk or election commissioner and shall be published in a legal newspaper or newspapers of general circulation in the county at least ten days prior to the election. The election notice shall (a) state that the election has been called for the purpose of affording the electors an opportunity to approve or reject the resolution or petition to close the elementary school attendance site and (b) contain the legal description of the attendance site.

(3) All ballots shall be prepared and the election shall be held and conducted by the county clerk or election commissioner and the expense of such election shall be paid by the county board. The county clerk or election commissioner shall use the duly appointed election board, or appoint two judges and two clerks who shall be qualified electors of the territory of the school district as the school districts existed prior to reorganization. The election shall be held at a place or places within such school district which shall have been determined by the county clerk or election commissioner to be convenient for the voters.

(4) When the elementary school attendance site which is proposed to be closed involves a school district under the jurisdiction of more than one county, the county clerk or election commissioner of the county which has the largest number of pupils residing in such district shall give the notice required by subsection (2) of this section in a newspaper of general circulation in the territory of such district and prepare the ballots, and such election shall be held and conducted by the county clerk or election commissioner of each county in such district in accordance with Chapter 32. Each county board shall bear a share of the total election expense in the same proportion that the number of electors residing in such district in one county stands to the whole number of electors in such district.".

2. On page 17, line 13, strike "subsections (2) to (4) of section 79-426.15" and insert "section 16 of this act".

3. On page 19, line 14, strike "20" and insert "21".

4. Renumber the remaining sections accordingly.

Mr. Vickers asked unanimous consent to print the following amendment to LB 662 in the Journal. No objections. So ordered.

AM0582

(Amendments to E & R Amendments)

1. Insert the following new sections:

"Sec. 7. Reorganization plans and petitions established pursuant to sections 79-402, 79-402.03, 79-402.06 to 79-402.09, 79-402.11, 79-402.12, and 79-426.01 to 79-426.22 may include a proposal to submit the question of electing members of the school board or board of education of the reorganized school district by district or ward. Upon the final approval of such reorganization plan or petition, the county clerk or election commissioner of the county which has the largest number of pupils residing in the reorganized district shall place the question on a separate ballot at the next general election according to the procedures established in Chapter 32.

If such reorganized school district will be a Class III school district, such reorganization plans and petitions may include a proposal that such reorganized school district will have a board of education of at least nine members as a Class III school district pursuant to section 79-102 and that such reorganized school district will embrace a territory having a population of more than five thousand inhabitants.

Sections 5-108, 79-464, and 79-803.11 shall govern for purposes of determining temporary membership to any board of education increased to nine members and for purposes of creating any new districts or wards necessary to implement this section.

Sec. 8. That section 79-402.07, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-402.07. When a new district is to be created from other districts as provided in section 79-402, the petition shall contain: (1) A description of the proposed boundaries of the reorganized districts; (2) a summary of the terms on which reorganization is to

be made between the reorganized districts; ~~and such terms may include a provision for initial school board districts or wards within the proposed district for the appointment of the first board of education and also for the first election as provided in section 79-426.19, such proposed initial school board districts or wards to be determined by the county committee taking into consideration population and valuation, and a determination of the term of the board members first appointed to membership of the board of the newly reorganized district;~~ (3) a map showing the boundaries of established school districts and the boundaries proposed under any plan or plans of reorganization; and (4) such other matters as the petitioners shall determine proper to be included. Any petition for the creation of a new Class VI school district shall designate whether such district shall include high school grades only or grades seven through twelve. ~~The petition may contain provisions for the holding of school within existing buildings in the newly reorganized district and that a school constituted under the provisions of this section shall be maintained from the date of reorganization unless the legal voters served by the school vote by a majority vote for discontinuance of the school.~~

Sec. 10. That section 79-426.11, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-426.11. After public hearing or hearings have been held, the county committee or special committee may prepare and approve a plan or plans of reorganization of any or all school districts within the county and under its jurisdiction. Such plan shall contain: (1) A description of the proposed boundaries of the reorganized districts; (2) a summary of the reasons for each proposed change, realignment, or adjustment of the boundaries; ~~PROVIDED, that~~ (3) if such plan shall provide for the creation of a new Class VI school district, ~~it shall designate~~ a designation of whether such district shall include high school grades only or be known as a Class VI junior-senior high school district as described in section 79-1109; ~~(3)~~ (4) a summary of the terms on which reorganization is to be made between the reorganized districts; ~~and such terms shall include a provision for initial school board~~

~~districts or wards within the proposed district, such proposed initial school board districts or wards to be determined by the county committee taking into consideration population and valuation, and a determination of the term of the board members first appointed to membership on the board of the newly reorganized district; (4)~~ (5) a statement of the findings with respect to the location of schools, the utilization of existing buildings, the construction of new buildings, and the transportation requirements under the proposed plan of reorganization; ~~PROVIDED, that the plan may contain provisions for the holding of school within existing buildings in the newly reorganized district and that a school constituted under the provisions of this section shall be maintained from the date of reorganization unless the legal voters served by the school vote by a majority vote for discontinuance of the school; (5)~~ (6) a map showing the boundaries of established school districts and the boundaries proposed under any plan or plans of reorganization; and ~~(6)~~ (7) such other matters as the county committee shall determine proper to be included.".

2. On page 19, line 14, strike "8 to 13, and 20" and insert "11 to 16, and 23"; and in line 18 strike "79-411" and insert "79-402.07, 79-411, 79-426.11,".

3. Renumber remaining sections accordingly.

## STANDING COMMITTEE REPORT
### Agriculture and Environment

**LEGISLATIVE BILL 217.** Placed on General File as amended.
Standing Committee amendments to LB 217:
AM0484

1. On page 2, line 1, strike "8" and insert "9".

2. On page 4, strike lines 12 through 14; in line 15 strike "(b)" and insert "(a)"; in line 18 strike "(c)" and insert "(b)"; and in lin e 19 strike "(d)" and insert "(c)".

3. On page 5, strike beginning with "and" in line 3 through the period in line 9 and insert "all owners of operating tanks, except those provided for in subsection (3) of this section, shall secure a registration permit for each tank as follows:

(a) Farm or residential tanks having a

capacity of less than one thousand one hundred gallons used for storing motor fuel for consumptive use on the premises where such fuel is stored shall be registered with the State Fire Marshall. The registration shall be accompanied by a one-time fee of five dollars and shall be valid until the State Fire Marshall is notified that a tank so registered has been abandoned. Such registration permit shall specify the ownership, location, and substance stored in the tank to be registered; and

(b)All tanks having a capacity of one thousand one hundred gallons or more shall annually secure a registration permit for each tank, which registration shall expire on December 31 of the year in which the permit was issued. Such permits shall contain information as specified in subsection (4) of this section."; and in line 27 after "permit" insert "issued under subdivision (2)(b) of this section".

4. On page 6, line 1, strike "five dollars per tank." and insert "based on the size of the tanks as follows:

(a) One thousand one hundred to two thousand five hundred gallons, seven dollars and fifty cents per tank;

(b) Two thousand five hundred one to five thousand gallons, ten dollars per tank;

(c) Five thousand one to seven thousand five hundred gallons, twelve dollars and fifty cents per tank; and

(d) Over seven thousand five hundred gallons, fifteen dollars per tank.", insert paragraphing before "The", and after "fee" insert "collected pursuant to this subsection or subdivision (2)(a) of this section".

5. Insert the following new section:

"Sec. 8. (1) Beginning thirty days after January 1, 1986, any person who deposits regulated substances in an underground storage tank shall reasonably notify the owner or operator of such tank of the owner's registration requirements pursuant to the Petroleum Products and Hazardous Substances Storage and Handling Act.

(2) The Department of Environmental Control shall design and make available a printed notice of registration for owner's of underground storage tanks to any person who deposits regulated substances in an

underground storage tank.

(3) Any person who deposits regulated substances in underground storage tanks shall provide the State Fire Marshall with a list of the locations of the tanks to which such substances are delivered and the owners or operators of such tanks. Such list shall be provided annually to the State Fire Marshall no later than January 15th of each year, beginning January 15, 1986.".

6. Renumber the remaining sections accordingly.

(Signed) Rod Johnson, Chairperson

**UNANIMOUS CONSENT - Print in Journal**

Mr. V. Johnson asked unanimous consent to print the following amendment to LB 344 in the Journal. No objections. So ordered.

AM0534

1. On page 20, line 26, after the second comma insert "and also sections 77-2901, 77-2902, and 77-2903, Reissue Revised Statutes of Nebraska, 1943,".

Mr. DeCamp asked unanimous consent to print the following amendments to LB 38 in the Journal. No objections. So ordered.

(1)

AM0588

1. In the Standing Committee amendments beginning on page 620 of the Journal strike sections 1 and 3 added by such amendments and insert:

"Section 1. As used in sections 1 to 8 of this act, unless the context otherwise requires:

(1) Owner shall mean an owner of record, a vendee in possession under a land contract, or his or her surviving spouse; and

(2) Property taxes shall mean real property taxes and taxes on dwelling units taxed as personal property exclusive of special assessments, delinquent taxes, and interest levied in this state in 1985 or any calendar year thereafter.

Sec. 3. Commencing in 1986, an owner shall be entitled to a twenty-five per cent rebate, not to exceed three hundred dollars, for all property taxes paid by

him or her during such year. A claim for such rebate shall be made within six months after the property taxes become delinquent.".

(2)

1. In the Standing Committee amendments beginning on page 620 of the Journal strike sections 1 and 3 added by such amendments and insert:

"Section 1. As used in sections 1 to 8 of this act, unless the context otherwise requires:

(1) Owner shall mean an owner of record, a vendee in possession under a land contract, or his or her surviving spouse; and

(2) Property taxes shall mean real property taxes and taxes on dwelling units taxed as personal property exclusive of special assessments, delinquent taxes, and interest levied in this state in 1985 or any calendar year thereafter.

Sec. 3. Commencing in 1986, an owner shall be entitled to a twenty per cent rebate, not to exceed three hundred dollars, for all property taxes paid by him or her during such year. A claim for such rebate shall be made within six months after the property taxes become delinquent.".

(3)

1. In the Standing Committee amendments beginning on page 620 of the Journal strike sections 1 and 3 added by such amendments and insert:

"Section 1. As used in sections 1 to 8 of this act, unless the context otherwise requires:

(1) Owner shall mean an owner of record, a vendee in possession under a land contract, or his or her surviving spouse; and

(2) Property taxes shall mean real property taxes and taxes on dwelling units taxed as personal property exclusive of special assessments, delinquent taxes, and interest levied in this state in 1985 or any calendar year thereafter.

Sec. 3. Commencing in 1986, an owner shall be entitled to a twenty-five per cent rebate, not to exceed two hundred dollars, for all property taxes paid by him or her during such year. A claim for such rebate shall be made within six months after the property taxes become delinquent.".

(4)

1. In the Standing Committee amendments beginning on page 620 of the Journal strike sections 1 and 3 added by such amendments and insert:

"Section 1. As used in sections 1 to 8 of this act, unless the context otherwise requires:

(1) Owner shall mean an owner of record, a vendee in possession under a land contract, or his or her surviving spouse; and

(2) Property taxes shall mean real property taxes and taxes on dwelling units taxed as personal property exclusive of special assessments, delinquent taxes, and interest levied in this state in 1985 or any calendar year thereafter.

Sec. 3. Commencing in 1986, an owner shall be entitled to a twenty-five per cent rebate, not to exceed three hundred fifty dollars, for all property taxes paid by him or her during such year. A claim for such rebate shall be made within six months after the property taxes become delinquent.".

## STANDING COMMITTEE REPORTS
### Public Health and Welfare

**LEGISLATIVE BILL 382.** Placed on General File.

**LEGISLATIVE BILL 396.** Placed on General File as amended.
Standing Committee amendments to LB 396:
AM0603

1. On page 3, line 26, after the period insert "Nothing in the Building Construction Act shall authorize any state agency to apply such act to manufactured homes or recreational vehicles regulated by the Uniform Standard Code for Mobile Homes and Recreational Vehicles.".

2. On page 4, line 14, strike "After" through "any" and insert "(1) Any"; in line 15 strike the colon and insert "enact, administer, or enforce a local building or construction code, provided such political subdivision adopts the state building code or"; and strike lines 16 through 27.

3. On page 5, line 1, strike "(5)" through "administer" and after "a" insert "nationally recognized"; in line 4 after the comma insert "the

Southern Building Code Congress International, Inc.,"; strike beginning with "adopted" in line 5 through "if" in line 6 and insert "and"; in line 7 strike "continues to update" and insert "regularly updates"; in line 9 before "updated" insert "regularly" and after the second "the" insert "nationally recognized model"; in line 11 strike "After" through "no" and insert "No"; in line 12 strike "a" and insert "or enforce a local"; in line 13 strike "the" through "except"; in line 15 strike "Sec. 8." and insert "(2)"; strike beginning with "may" in line 15 through "building" in line 17 and insert "may amend its local building or construction"; in line 18 strike "(1)" and insert "(a)", strike "state building", and insert "nationally recognized model building"; in line 20 strike "(2)" and insert "(b)"; in line 24 strike "(3)" and insert "(c)"; and strike beginning with "Uniform" in line 25 through "act" in line 27 and insert "nationally recognized model building code adopted by the political subdivision".

4. On page 6, line 1, before "Political" insert "(3)"; in line 3 strike "the" through the comma and insert "its local building or construction code,"; and in line 7 strike "the state building" and insert "its local building or construction".

5. Renumber remaining sections accordingly.

(Signed) Don Wesely, Chairperson

## UNANIMOUS CONSENT - Print in Journal

Mr. Vickers asked unanimous consent to print the following amendment to LB 356 in the Journal. No objections. So ordered.

AM0619

1. On page 2, in lines 4 and 5 reinstate the old matter and strike the new matter; and in line 11 strike the new matter.

## VISITORS

Visitors to the Chamber were Senator Marsh's daughter, Sylvia Sumarlin from Indonesia; 26 third and fourth grade students from St. Johns Elementary School in Seward; 35 seventh grade students from Sandy Creek School in Fairfield; 32 eleventh and twelfth grade students and teachers from Wheler Central School in Bartlett; and

45 Central High School Government students and teacher from Omaha.

## MOTION - Adjournment

Mr. Haberman moved to adjourn. The motion prevailed with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting and at 12:15 p.m., on a motion by Mr. Haberman, the Legislature adjourned until 9:00 a.m., Monday, March 18, 1985.

Patrick J. O'Donnell
Clerk of the Legislature

# FORTY-FIRST DAY - MARCH 18, 1985

## LEGISLATIVE JOURNAL

## EIGHTY-NINTH LEGISLATURE
## FIRST SESSION

## FORTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Monday, March 18, 1985

Pursuant to adjournment, the Legislature met at 9:05 a.m., President McGinley presiding.

## PRAYER

The prayer was offered by Pastor Larry Philippi, Douglas Street Church of Christ, Lincoln, Nebraska.

## ROLL CALL

The roll was called and all members were present except Messrs. Chambers, Harris, R. Johnson, Rupp, Schmit, and Warner who were excused until they arrive.

## CORRECTIONS FOR THE JOURNAL

Page 978, line 20, strike "year" and insert "~~year~~".
Page 982, line 14, correct spelling of "Litjen". The Journal for the Fortieth Day was approved as corrected.

## MESSAGE FROM THE GOVERNOR

March 15, 1985

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 252, 116, 223, 191, 67, 104, 165, 244, 299, 446 and 498 were received in my office on March 13, 1985.

These bills were signed by me on March 15, 1985 and delivered to the Secretary of State.

Sincerely,
(Signed) ROBERT KERREY
Governor

RK/jm

## STANDING COMMITTEE REPORT
### Banking, Commerce and Insurance

**LEGISLATIVE BILL 107.** Placed on General File as amended.
Standing Committee amendments to LB 107:
AM0595

1. On page 3, line 4, after the period insert "A business trust may hold title to real estate used for farming and ranching in this state and may engage in farming or ranching.".

2. On page 3, line 5, before "Every" insert "(1)"; in line 16 strike "(1)" and insert "(a)"; in line 17 strike "(2)" and insert "(b)"; in line 19 strike "(3)" and insert "(c)"; in line 21 strike "(4)" and insert "(d)"; and after line 22 insert a new subsection as follows: "(2) Every business trust organized under the Business Trust Act which intends to purchase, acquire, or receive title to real estate, after the effective date of this act, to be used for farming or ranching, as defined in Article XII, section 8, of the Constitution of Nebraska, shall file an application with the Department of Agriculture. The Director of Agriculture shall determine whether it is in the best interest of the State of Nebraska to permit the business trust to purchase, acquire, or receive title to such real estate. For the purpose of making such determination, the Director of Agriculture shall consider the local community needs where the real estate is located, the existing use of the real estate, the possible effects on the economy of the state, and the existing or prospective financial soundness of the business trust. The department may adopt and promulgate rules and regulations which conform with the statutes of Nebraska insofar as they relate to this subsection.".

(Signed) John DeCamp, Chairperson

## SELECT COMMITTEE REPORTS
### Enrollment and Review

**LEGISLATIVE BILL 421.** Placed on Select File as amended.
E & R amendments to LB 421:
AM5074

1. On page 1, line 7, after the semicolon insert "to eliminate a provision for state review of certain hospital authorities;".
2. On page 2, line 14, after the underscored comma insert "and"; and in line 16 strike the underscored comma.
3. On page 6, line 2, strike the comma and show as stricken.

**LEGISLATIVE BILL 373.** Placed on Select File as amended.
E & R amendment to LB 373:
AM5080

1. On page 1, line 4, after "change" insert "provisions relating to"; and strike beginning with "to" in line 5 through the semicolon in line 6.

**LEGISLATIVE BILL 340.** Placed on Select File as amended.
E & R amendments to LB 340:
AM5081

1. On page 1, line 3, strike "the" and insert "a statute of"; and in line 4 strike "period".
2. On page 2, line 6, strike the comma and show as stricken; in line 7 strike "or" and show as stricken; and in line 8 after the first "government" insert an underscored comma.

**LEGISLATIVE BILL 235.** Placed on Select File as amended.
E & R amendment to LB 235:
AM5082

1. On page 1, line 2; and page 2, line 2, strike "City" and insert "city".

**LEGISLATIVE BILL 215.** Placed on Select File as amended.
E & R amendment to LB 215:
AM5083

1. On page 14, line 26; and page 16, line 15,

strike "United States".

**LEGISLATIVE BILL 335.** Placed on Select File as amended.
E & R amendments to LB 335:
AM5078

1. On page 1, strike beginning with "authorize" in line 4 through "invest" in line 5 and insert "change provisions relating to the investment of".

2. On page 3, line 23, after "agency" insert an underscored comma.

3. On page 4, line 7, after "officer" insert "of".

**LEGISLATIVE BILL 568.** Placed on Select File.

**LEGISLATIVE BILL 606.** Placed on Select File as amended.
E & R amendments to LB 606:
AM5073

1. On page 1, line 8, strike "a certain duty" and insert "certain duties".

2. On page 3, line 19, strike the underscored comma; and in line 26 strike the first "the".

3. On page 4, line 15; and page 9, line 8, strike "Social Security" and insert "social security".

4. On page 16, lines 23 to 24 and 26, strike ", Uniform Commercial Code.", show as stricken, and insert an underscored period.

5. On page 18, line 14; page 19, line 8; page 20, lines 2 and 23; and page 21, line 8, strike "the" and insert "a".

6. On page 18, line 19; page 19, line 13; page 20, line 7; page 21, line 13; and page 22, line 7, strike the comma.

**LEGISLATIVE BILL 308.** Placed on Select File as amended.
E & R amendment to LB 308:
AM5077

1. On page 2, line 27; and page 3, line 1, strike the underscored comma.

**LEGISLATIVE BILL 146.** Placed on Select File as amended.
E & R amendments to LB 146:
AM5076

1. On page 1, line 2, after the last comma

insert "and".
2. On page 3, line 16, after the first "to" insert "sections".
3. On page 4, line 12, strike "actions" and insert "action"; and in line 14 strike "43-230" and insert "43-2,113".

**LEGISLATIVE BILL 97.** Placed on Select File.

**LEGISLATIVE BILL 424.** Placed on Select File as amended.
E & R amendments to LB 424:
AM5079
1. On page 2, line 24, strike "must", show as stricken, and insert "shall".
2. On page 4, line 4; and page 5, line 14, strike "sections 32-526", show as stricken, and insert "this section" and after "and" insert "section".
3. On page 6, line 1, after the first "and" insert "shall be".

**LEGISLATIVE BILL 356.** Placed on Select File.

**LEGISLATIVE BILL 33.** Placed on Select File as amended.
E & R amendments to LB 33:
AM5087
1. On page 2, lines 8, 13, 20, and 23; and page 3, lines 1 and 7, strike "Lot" and insert "lot".
2. On page 2, line 22, strike the colon and insert a semicolon.

**LEGISLATIVE BILL 265.** Placed on Select File as amended.
E & R amendment to LB 265:
AM5084
1. On page 2, lines 3 and 12, strike "County" and insert "county".

**LEGISLATIVE BILL 625.** Placed on Select File as amended.
E & R amendment to LB 625:
AM5075
1. For purposes of correlation with section 1, LB295:
a. On page 1, line 2; and page 8, line 7, after "1984" insert ", as amended by section 1, Legislative Bill 295, Eighty-ninth Legislature, First Session, 1985"; and

b. Strike original section 1 and insert the following new section:

"Section 1. That section 8-157, Revised Statutes Supplement, 1984, as amended by section 1, Legislative Bill 295, Eighty-ninth Legislature, First Session, 1985, be amended to read as follows:

8-157. (1) No bank shall maintain any branch bank and, except as provided in subsections (2) to (11) of this section and section 8-122.01, the general business of every bank shall be transacted at the place of business specified in its charter.

(2) With the approval of the director (a) any bank may maintain an attached auxiliary office if such office is physically connected by a pneumatic tube or tubes or a walkway, tunnel, or any other electronic, mechanical, or structural connection or attachment for the public use of the bank and is within two hundred feet of the building containing the premises specified as its place of business in its charter or any adjacent connected building housing a continuation of the operations of the bank's main office and is not within three hundred feet of another bank or another bank's auxiliary or detached office and (b) any bank may establish and maintain commencing (i) in 1983 not more than three detached auxiliary offices, (ii) in 1984 not more than four detached auxiliary offices, and (iii) in 1985 and thereafter not more than five detached auxiliary offices at which all banking transactions allowed by law may be made. Such auxiliary offices shall be within the corporate limits of the city in which such bank is located. Any bank that establishes and maintains two or more auxiliary offices shall locate one of such offices within three miles of the premises specified as its place of business in its charter. No auxiliary office shall be located within three hundred feet of another bank or within fifty feet of another auxiliary office. Any detached auxiliary office established and maintained by a bank pursuant to the acquisition or merger of an institution under sections 8-1506 to 8-1510 shall not count against the number or location of detached auxiliary offices permitted under this section.

(3) With the approval of the director, a bank may acquire another bank in Nebraska as the result of a purchase or merger so long as the acquired bank has been

chartered for more than five years and the acquired institution and its detached auxiliary offices are converted to auxiliary offices of the acquiring bank. Such auxiliary offices shall not count against the number of locations of detached auxiliary offices permitted under subsections (1) and (2) of this section.

(4) The name given to any detached bank or branch bank established and maintained pursuant to this section shall not be substantially similar to the name of any existing bank or branch bank which is unaffiliated with the newly created bank or branch bank and is located in the same municipality. The name of such newly created bank or branch bank shall be approved by the director.

(5) With the approval of the director, any bank or banks may establish and maintain any number of electronic satellite facilities or manned electronic satellite facilities at which all banking transactions, defined as receiving deposits of every kind and nature and crediting such to customer accounts, cashing checks and cash withdrawals, transfer of funds from checking accounts to savings accounts, transfer of funds from savings accounts to checking accounts, transfer of funds from either checking accounts and savings accounts to accounts of other customers, payment transfers from customer accounts into accounts maintained by other bank customers or the bank, including preauthorized draft authority, preauthorized loans, and credit transactions, receiving payments payable at the bank or otherwise, and such other transactions that the Director of Banking and Finance upon application, notice, and hearing may approve, may be conducted. Such electronic satellite facilities or manned electronic satellite facilities may be established only by a bank as defined in subdivision (4) of section 8-101 or by a national banking association whose main chartered office is located in the State of Nebraska. Neither such electronic satellite facilities, the manned electronic satellite facilities, nor the transactions conducted thereat shall be construed as the establishment of a branch bank or as branch banking. Such facilities shall be available on a nondiscriminating basis for use by customers of any other bank becoming a user bank. It shall not be deemed discrimination if a facility does not offer the same transaction services as other facilities.

Any bank may become a user bank by agreeing to pay the establishing bank its ~~pro rata~~ transaction ~~and other costs, including a reasonable return on capital expenditures incurred in establishing and maintaining such facilities~~ fees. Such agreement may be implied by the use of such facilities. Nothing in this subsection shall prohibit a user bank from agreeing to responsibilities and benefits which might be contained in a standardized agreement. The establishing bank shall file with the director the information necessary to originate a transaction at any facility. Such information shall ~~must~~ contain a means of designating the bank or processor to which such transactions shall be switched and shall ~~must~~ also contain information adequate to perform authorization of cash withdrawal and other transactions authorized by this section. The director shall make such information available to any other bank desiring to become a user bank. The establishing bank shall be responsible for transmitting transactions originating from its facility to a switch, but nothing contained in this section may be construed to provide that any in-house or auxiliary office premises transactions shall be required to go through a switch. The director shall refuse to approve the establishment of any electronic satellite facilities or manned electronic satellite facilities unless such facilities will be available on a nondiscriminating basis through methods, fees, and processes that the establishing bank has provided for switching transactions. Once approval is given for the facility of an establishing bank, the director, upon notice and after a hearing, may revoke the approval for the facility or may suspend the use of such facility if he or she determines that it is not available on a nondiscriminating basis, that the necessary information is not on file with the director, or that transactions originated by customers of user banks are not being switched to processing centers. Nothing in this section may be construed to prohibit nonbank employees from assisting in transactions originated at the facilities, and such assistance shall not be deemed to be engaging in the business of banking. Such nonbank employees may be trained in the use of the facilities by bank employees.

(6) An establishing bank shall not be deemed

to make a facility available on a nondiscriminating basis if, through personnel services offered, advertising on or off the facility premises, or otherwise, it discriminates in the use of the facility against any user bank.

(7) Off-premises electronic satellite facilities and manned electronic satellite facilities may be established and maintained by a bank or by a group of two or more banks or a combination of a bank or banks and a third party. No one, through personnel services offered, advertising on or off the facility premises, or otherwise, may discriminate in the use of the facility against any other user bank desiring to use the services of the facility.

(8) It is an intent of this section that this section shall apply to banks chartered by the State of Nebraska and all national banking associations whose main chartered offices are located in the State of Nebraska and that there be an equal opportunity to all Nebraska banks for the use of and access to a switch and that no discrimination shall exist or preferential treatment be given in either the operation of such switch or the charges for use thereof. The operation of such switch shall be with the approval of the Director of Banking and Finance. Approval of such switch shall be given by the Director of Banking and Finance when he or she shall determine that its design and operation are such as to provide access thereto and use thereof by any Nebraska bank without discrimination as to access or cost of its use.

(9) If the director, upon notice and hearing, determines at any time that the design or operation of a switch or provision for use thereof does discriminate against any bank in providing access thereto and use thereof either through access thereto or by virtue of the cost of its use, he or she may revoke his or her approval of such switch operation and forthwith order the discontinuance of the operation of such switch.

(10) If it shall be determined by the Director of Banking and Finance, after notice and hearing, that discrimination against any bank has taken place or that one bank has been preferred over another or that any bank or person has not complied with any of the provisions of this section, he or she shall forthwith issue a cease and desist order or an order for

compliance within ten days from the date of the order and upon noncompliance with such order, the offending bank shall become ineligible to receive and hold any deposits of any nature of the State of Nebraska or any political subdivision thereof.

(11) The provisions of section 8-101 and this section shall apply to banks and their activities only. Nothing in such sections may be construed to provide any authority for any nonbank institution to engage in any of the banking transactions enumerated in this section. When reference is made in this section to activities by third parties, such activities shall be limited to the ownership, operation, and maintenance of electronic satellite facilities.

(12) Nothing in this section shall prohibit ordinary clearinghouse transactions between banks.".

**LEGISLATIVE BILL 28.** Placed on Select File.

**LEGISLATIVE BILL 423.** Placed on Select File as amended.
E & R amendment to LB 423:
AM5085

1. In lieu of the Beutler amendment adopted March 14, 1985, on page 2, line 19, strike beginning with "gross" through "(4)" and show as stricken and strike "(5)", show as stricken, and insert "(3)"; in line 20 strike "(6)", show as stricken, and insert "(4)" and strike "(7)", show as stricken, and insert "(5)"; and in line 21 strike "(8)", show as stricken and insert "(6)" and strike "(9)" and insert "(7)".

**LEGISLATIVE BILL 547.** Placed on Select File as amended.
E & R amendment to LB 547:
AM5086

1. On page 2, line 5, after "published" insert an underscored comma.

**LEGISLATIVE BILL 63.** Placed on Select File as amended.
E & R amendment to LB 63:
AM5088

1. On page 1, strike beginning with "if" in line 3 through "condition" in line 4 and insert "whether to take possession of a bank".

(Signed) Timothy Hall, Chairperson

## COMMUNICATIONS

Received Joint Resolution No. 6 from the State of Wyoming in regard to reducing interest rates and Joint Resolution No. 2 from the State of Wyoming in regard to railroad rates.

Received Senate Joint Memorial No. 2 from State of Colorado in regard to endangered species in the Platte River Basin and the Colorado River Basin.

## SELECT FILE

**LEGISLATIVE BILL 662.** E & R amendments, AM5066, printed separate from the Journal and referred to on page 891 for the Thirty-Sixth Day were adopted.

Pending.

**LEGISLATIVE BILL 313A.** Mr. Lamb requested a machine vote on the advancement of the bill.

Advanced to E & R for Engrossment with 29 ayes, 0 nays, 14 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 391A.** The Presiding Officer called for a machine vote on the advancement of the bill.

Advanced to E & R for Engrossment with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 269.** E & R amendment, AM5067, found in the Journal on page 899 for the Thirty-Sixth Day was adopted.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 552.** E & R amendments, AM5068, found in the Journal on page 899 for the Thirty-Sixth Day were adopted.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 324.** E & R amendment, AM5069, found in the Journal on page 935 for the Thirty-Eighth Day was adopted.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 350.** E & R amendments, AM5070, found in the Journal on page 935 for the Thirty-Eighth Day were adopted.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 326.** E & R amendments, AM5072, found in the Journal on page 935 for the Thirty-Eighth Day were adopted.

Mr. Conway renewed his pending amendment, AM0547, found in the Journal on page 969.

The Conway 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 344.** E & R amendment, AM5071, found in the Journal on page 936 for the Thirty-Eighth Day was adopted.

Mr. V. Johnson renewed his pending amendment, AM0534, found in the Journal on page 1006.

The V. Johnson amendment was adopted with 29 ayes, 0 nays, 15 present and not voting, and 5 excused and not voting.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 662.** Messrs. DeCamp and Carsten renewed their pending amendment, AM0460, found in the Journal on page 835.

Mr. Hoagland moved the previous question. The question is, "Shall the debate now close?" The motion lost with 23 ayes, 13 nays, and 13 not voting.

Mr. DeCamp requested a record vote on the DeCamp-Carsten amendment.

Voting in the affirmative, 19:

| | | | | |
|---|---|---|---|---|
| Abboud | Carsten | Goll | Johnson, R. | Remmers |
| Baack | Chronister | Hall | Lamb | Rogers |
| Barrett | DeCamp | Hefner | Peterson | Sieck |
| Beyer | Eret | Johnson, L. | Pirsch | |

Voting in the negative, 26:

| | | | | |
|---|---|---|---|---|
| Beutler | Hartnett | Landis | Morehead | Schmit |
| Chizek | Higgins | Lundy | Nelson | Scofield |
| Conway | Hoagland | Lynch | Nichol | Smith |
| Goodrich | Johnson, V. | Marsh | Pappas | Vickers |
| Haberman | Labedz | Miller | Rupp | Withem |
| Hannibal | | | | |

Present and not voting, 3:

| | | |
|---|---|---|
| Chambers | Harris | Wesely |

Excused and not voting, 1:

Warner

The DeCamp-Carsten amendment lost with 19 ayes, 26 nays, 3 present and not voting, and 1 excused and not voting.

Pending.

## ATTORNEY GENERAL'S OPINIONS

Opinion No. 34
March 18, 1985

Dear Senator Lamb:

You have asked if the Standing Committee Amendment #2 which pertains to section 15 of LB 662 of the Eighty-ninth Legislature, First Session (1985) is constitutional.

That amendment, after the underscored period, inserts on page 1, line 19, of LB 662 the following:

> If such school district divides and the various portions join more than one district pursuant to this act, such elementary school attendance site shall not be closed unless a majority of the voters who, on the date of the election provided in this section, reside in the portion of such district, as the boundaries of such district existed prior to the reorganization, which contains such elementary school attendance site, vote to close such site.

We have extensively researched this matter and have discovered no case law which is directly in point. On the other hand, it appears to us that this amendment, if it were to become operative law, would

grant certain voters of a school district (those who reside in the portion of such district as it existed prior to the reorganization) greater voting rights than others who reside in the same district. Thus, it could be argued that the above quoted amendment is not in conformity with the legal concept of one elector one vote.

While we cannot say that this amendment is unconstitutional, we can say that the constitutionality of this amendment, in our opinion, would be very difficult, if not impossible, to defend.

Very truly yours,
ROBERT M. SPIRE
Attorney General
(Signed) Harold Mosher
Assistant Attorney General

HM:ejg
cc: Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 35
March 18, 1985

Dear Senator Landis:

You have asked if the Standing Committee Amendment #2 which pertains to section 15 of LB 662 of the Eighty-ninth Legislature, First Session (1985) is constitutional.

That amendment, after the underscored period, inserts on page 1, line 19, of LB 662 the following:

> If such school district divides and the various portions join more than one district pursuant to this act, such elementary school attendance site shall not be closed unless a majority of the voters who, on the date of the election provided in this section, reside in the portion of such district, as the boundaries of such district existed prior to the reorganization, which contains such elementary school attendance site, vote to close such site.

We have extensively researched this matter and have discovered no case law which is directly in point. On the other hand, it appears to us that this amendment, if it were to become operative law, would grant certain voters of a school district (those who reside in the portion of such district as it existed prior to the reorganization) greater voting rights than others who reside in the same district. Thus, it could be argued that the above quoted amendment is not in conformity with the legal concept of one elector one vote.

While we cannot say that this amendment is unconstitutional, we can say that the constitutionality of this amendment, in our opinion,

would be very difficult, if not impossible, to defend.

Very truly yours,
ROBERT M. SPIRE
Attorney General
(Signed) Harold Mosher
Assistant Attorney General

HM:ejg
cc: Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 36
March 15, 1985

Dear Senator Wesely:

This is in response to your letter of February 21, 1985, concerning LB 387. LB 387 would authorize the natural resource districts to issue bonds and notes and would change the powers and duties of the Nebraska Conservation Corporation to include assistance to political subdivisions of the state by making loans to such political subdivisions for natural resource development practices. Your specific question is whether the bill would allow state funds to be used or pledged through the Conservation Corporation to support general obligation bonds issued by that corporation, and whether or not this would be a violation of the state constitutional provisions concerning the limitations on state indebtedness or loaning or giving of the state's credit.

Under Neb.Rev.Stat. §2-4205 the Nebraska Conservation Corporation is established in essence as a quasi public corporation, but not a state agency. This provision is not amended by LB 387. Likewise, Neb.Rev.Stat. §2-4224 (Reissue 1983) provides that any bonds issued by the corporation shall not constitute any debt or general obligation of the state or any pledge of the faith and credit of the state. This provision was likewise not amended by LB 387.

As we read LB 387, we do not find any provision which allows state funds to be used or pledged to support the general obligation bonds issued by the Conservation Corporation. Consequently, and in accordance with the decision in State ex rel. Douglas v. Nebraska Mortgage Finance Fund, 204 Neb. 445, 283 N.W.2d 12 (1979), we find no violations of the state constitutional provisions limiting the state's indebtedness nor prohibiting the loaning of the credit of the state.

Sincerely,

ROBERT M. SPIRE
Attorney General
(Signed) John Boehm
Assistant Attorney General

JB/bae
cc: Patrick J. O'Donnell
Clerk of the Legislature

## BILL ON FIRST READING

The following bill was read for the first time by title:

**LEGISLATIVE BILL 209A.** By Smith, 33rd District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 209, Eighty-ninth Legislature, First Session, 1985.

## SELECT FILE

**LEGISLATIVE BILL 662.** Ms. Scofield asked unanimous consent to withdraw her pending amendment, AM0609, found in the Journal on page 998. No objections. So ordered.

Mr. Vickers renewed his pending amendment, AM0485, found in the Journal on page 1000.

Mr. Hoagland moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

The Vickers amendment was adopted with 30 ayes, 10 nays, 8 present and not voting, and 1 excused and not voting.

Mr. Vickers renewed his pending amendment, AM0582, found in the Journal on page 1002.

The Vickers amendment was adopted with 29 ayes, 0 nays, 19 present and not voting, and 1 excused and not voting.

Mr. DeCamp offered the following amendment:

1. Strike all original sections and insert the following new sections:

"Section 1. All agricultural land which is in a Class I school district and which is not a part of any

Class VI school district shall be placed in a district that shall be known as the Agricultural Land School District. Agricultural land in the Agricultural Land School District shall be taxed at a rate of 3/4 of one per cent of the established value.

Sec. 2. All taxes collected from the assessment on agricultural land within the Agricultural Land School District shall be placed in a fund to be known as the Agricultural Land School District Fund. One hundred per cent of the total amount in such fund shall be distributed pro rata among the high schools which provide education to students residing on land within the Agricultural Land School District based on the number of students from the Agricultural Land School District attending each such high school.

Sec. 3. The board of education of a Class I school district which is not part of a Class VI school district shall retain control over the Agricultural Land School District.

Sec. 4. If the accepting school district approves the transfer, any owner of agricultural land placed in a Agricultural Land School District may transfer the land to a school district which maintains a high school.

Sec. 5. The Revisor of Statutes shall eliminate all references in the statutes to nonresident high school tuition in sections 79-328, 79-403, 79-445, 79-1103.03, 79-1302 to 79-1304, and 79-1334.

Sec. 6. That sections 79-436, 79-437, 79-494 to 79-4,101, 79-4,103 to 79-4,105, and 79-2316, Reissue Revised Statutes of Nebraska, 1943, and section 79-4,102, Revised Statutes Supplement, 1984, are repealed.

Mr. DeCamp offered the following amendment to his pending amendment:

strike the words "agricultural land" and insert "taxable property" wherever such language appears in the amendment AM0433

The DeCamp amendment to his pending amendment was adopted with 26 ayes, 11 nays, 11 present and not voting, and 1 excused and not voting.

Mrs. Pirsch asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Hoagland moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 30 ayes, 0 nays, and 19 not voting.

Mr. DeCamp moved for a call of the house. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

Mr. DeCamp requested a record vote on his amendment as amended.

Voting in the affirmative, 16:

| | | | | |
|---|---|---|---|---|
| Baack | Chronister | Goll | Johnson, R. | Remmers |
| Barrett | DeCamp | Hefner | Lamb | Rogers |
| Beyer | Eret | Johnson, L. | Peterson | Sieck |
| Carsten | | | | |

Voting in the negative, 28:

| | | | | |
|---|---|---|---|---|
| Beutler | Hannibal | Labedz | Morehead | Scofield |
| Chizek | Harris | Landis | Nelson | Smith |
| Conway | Hartnett | Lundy | Nichol | Vickers |
| Goodrich | Higgins | Lynch | Pappas | Wesely |
| Haberman | Hoagland | Marsh | Rupp | Withem |
| Hall | Johnson, V. | Miller | | |

Present and not voting, 3:

| | | |
|---|---|---|
| Abboud | Chambers | Schmit |

Excused and not voting, 2:

| | |
|---|---|
| Pirsch | Warner |

The DeCamp amendment lost with 16 ayes, 28 nays, 3 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Pending.

**MOTION - Introduce New Bills**

Mr. Barrett moved pursuant to Rule 5, sec. 4(c), for the introduction of two bills: REQ1043 and REQ1044.

Laid over.

## UNANIMOUS CONSENT - Print in Journal

Mr. Wesely asked unanimous consent to print the following amendment to LB 407 in the Journal. No objections. So ordered.

AM0648
(Amendments to the Standing Committee Amendments)
1. On page 5, line 3, after "collected" insert " on or after July 1, 1984,".

Mr. DeCamp asked unanimous consent to print the following amendment to LB 691 in the Journal. No objections. So ordered.

1. On page 2, line 7, reinstate the stricken material.
2. On page 2, line 8, strike the new material.
3. On page 2, line 13, after "located.", add the following new material:
"In addition to the forgoing, the department shall be vested with legal, as well as equitable, title to all of the real estate owned by such bank when the unsecured depositors and the unsecured creditors representing 85% or more of the total amount of the deposits and unsecured claims of the bank shall have assigned their legal interest in such real estate to the department. The assignment of the depositors' and creditors' legal interest in the real estate to the department may be accomplished by, but shall not be limited to, the depositors' and creditors' approval of a settlement agreement relating to a claim submitted under sections 81-8,209 to 81-8,239 which incorporates such assignment as a term of settlement, or by the depositors' or creditors' approval of a contract or plan of reorganization under section 8-1,118."
4. On page 2, line 21, strike "All" and insert the following:
"When the department receives legal title to all real estate of the bank as provided in subsection (1), all"

Mr. DeCamp asked unanimous consent to print the following amendments to LB 606 in the Journal. No objections. So ordered.

Amendment #1
Amend LB 606, Section 1, Page 3, Line 17, by inserting after the word "seller" the following:
"and filed pursuant to Section 9-401 U.C.C. on and after July 1, 1983,"

Amendment #2
Amend LB 606 by inserting a new Section 13 and making present Section 13, Section 14. The new Section 13 to provide:
"13. Section 1 of this act shall become operative on January 1, 1986."

## STANDING COMMITTEE REPORTS
### Government, Military and Veterans Affairs

**LEGISLATIVE BILL 559.** Placed on General File.

(Signed) David Landis, Chairperson

### Public Health and Welfare

**LEGISLATIVE BILL 44.** Placed on General File as amended.
Standing Committee amendment to LB 44:
AM0599

1. Strike the original sections and insert the following new sections:

"Section 1. That section 71-5102, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-5102. As used in sections 60-337 and 71-5101 to 71-5123, unless the context otherwise requires:

(1) Ambulance or rescue service unit shall mean any privately or publicly-owned motor vehicle that is especially designed, constructed or modified, and equipped and is intended to be used for and is maintained or operated for the overland transportation of patients upon the streets, roads, highways, or public ways in this state, including funeral coaches or hearses, or any other motor vehicles used for such purposes, but shall not include or mean any motor vehicle owned or operated under the direct control of an agency of the United States government;

(2) Ambulance attendant shall mean an individual trained or qualified to provide for, or any other individual who provides for, the care of patients while such patients are being transported in an ambulance;

(3) Board shall mean the Board of Ambulance Advisors;

(4) Department shall mean the Department of Health;

(5) Patient shall mean an individual who is sick, injured, wounded, or otherwise helpless or incapacitated; ~~and~~

(6) Person shall mean an individual, firm, partnership, corporation, company, association, joint stock company or association, political subdivision, governmental agency, or other legal entity~~,~~ and shall include any trustee, receiver, assignee, or other legal representative thereof, but shall not include any agency of the United States government; and

(7) Certified ambulance attendant shall mean any individual fulfilling the requirements of section 51-5109 and shall include an emergency medical technician-ambulance meeting such requirements.

Sec. 2. That original section 71-5102, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

**LEGISLATIVE BILL 550.** Placed on General File as amended.
Standing Committee amendment to LB 550:
AM0627

1. On page 2, line 16, after "services" insert "to the extent that such practice conflicts with or involves patients contacted by or referred to the administrator in his or her capacity as program administrator".

(Signed) Don Wesely, Chairperson

## ATTORNEY GENERAL'S OPINION

Opinion No. 37
March 15, 1985

Dear Senator Schmit:

This is in response to your letter of March 8, 1985, concerning LB 552. Your question is whether LB 552 is constitutionally suspect as a result of the U.S. Supreme Court rulings in Miller Brothers Company v. Maryland, 347 U.S. 340 (1954) and National Bellas Hess v. Department of Revenue of the State of Illinois, 386 U.S. 753 (1967).

These two cases involved an attempt by states to hold out-of-state

retailers, which did not actually conduct their business within those states, liable for collection and remittance of use taxes on goods purchased outside the states by those states' citizens. In the case of Bellas Hess these sales were made solely through the mails. The court held that this was an impermissible burden on interstate commerce and a violation of due process.

Unlike the situations in these decisions, LB 552 does not impose a mandatory burden upon out-of-state retailers to collect and remit use taxes for the State of Nebraska. The original language of the bill would have only required an out-of-state retailer to supply a list of Nebraska customers to the Nebraska Department of Revenue for which it would reimburse the retailer. This may have been an impermissible attempt to extend the state's police power beyond the state's boundaries. 16 Am.Jur.2d, Constitutional Law § 383. The committee amendments to LB 552 made the remittance of such lists optional. Likewise, the committee amendments also allowed such out-of-state retailers the option to voluntarily become licensed to collect and remit Nebraska use tax. Since neither of these provisions are mandatory it is difficult to see how the state has imposed an undue burden on interstate commerce, such as the court found in the above cases.

The only real questions involve the attempted denial of access to the state's courts for collection of debts stemming from transactions between out-of-state retailers and citizens of Nebraska, where these out-of-state retailers chose not to comply with either of the two above-mentioned optional provisions of the law. We are unaware of any authority which would hold that such a provision would entail a burden on interstate commerce, but this result cannot be ruled out. Moreover, this may well be a violation of Article I, Section 13 of the Nebraska Constitution which provides that the courts of the state shall be open for every person, and in turn the privileges and immunities clause of the United States Constitution, Article IV, Section 2 which grants the same privileges to citizens of one state as afforded to citizens of another state. This includes the right of access to the courts for the purpose of bringing and maintaining actions. 16 Am.Jur.2d, Constitutional Law § 730. Again, however, we are unable to find any case authority directly dealing with this issue.

Admittedly, foreign corporations not registered with the Secretary of State presently have a limited ability to maintain actions in the courts of the state pursuant to Neb.Rev.Stat. §21-20,121 (Reissue 1983). See, Rigid Component Systems v. Nebraska Component Systems, Inc., 202 Neb. 658, 276 N.W.2d 659 (1979). This would, of course, include many of the out-of-state retailers to which this bill might apply. It should be noted, however, that this provision in LB 552 applies to all persons and not merely corporations. This

constitutional issue would undoubtedly also be compounded by the fact that the prohibition against access to the courts would apply to credit card systems holding debts which may have arisen from transactions with out-of-state retailers, since such credit card systems may very well be citizens of the state, or otherwise have authority to conduct their business in Nebraska.

As noted in Anderson v. Tiemann, 182 Neb. 393, at 406-407, 155 N.W.2d 322 (1966),

> . . . the privileges and immunities clause is not an absolute. It does bar discrimination against citizens of other States where there is no substantial reason for the discrimination beyond the mere fact that they are citizens of other States. But it does not preclude the disparity of treatment in the many situations where there are perfectly valid independent reasons for it. Thus the inquiry in each case must be concerned with whether such reasons do exist and whether the degree of discrimination bears a close relation to them.

In this case the discrimination does not appear to be based solely on the fact that these out-of-state retailers are not citizens of Nebraska, but whether such a provision would be upheld is difficult to say. In short, this provision of the bill raises several constitutional questions for which there are no ready answers outside of a determination by the courts.

Sincerely,
ROBERT M. SPIRE
Attorney General
(Signed) John Boehm
Assistant Attorney General

AEC/bae
cc: Patrick J. O'Donnell
Clerk of the Legislature

## STANDING COMMITTEE REPORTS
### Miscellaneous Subjects

The Committee on Miscellaneous Subjects desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Wayne Sides - State Electrical Board

Voting aye: Senators Haberman, Hartnett, Hefner, Higgins, V. Johnson, Morehead, Pappas. Voting no: None. Abstain: None. Absent: Senator Conway.

**LEGISLATIVE BILL 95.** Placed on General File.
**LEGISLATIVE BILL 359.** Placed on General File.

(Signed) Elroy M. Hefner, Chairperson

**Agriculture and Environment**

**LEGISLATIVE BILL 137.** Placed on General File as amended.
Standing Committee amendments to LB 137:
AM0635

1. On page 3, in lines 2, 4, and 6 strike the new matter and reinstate the stricken matter.
2. Add the following new section:
"Sec. 5. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

(Signed) Rod Johnson, Chairperson

**SELECT FILE**

**LEGISLATIVE BILL 662.** Ms. Scofield offered the following amendment:
AM0657

1. Strike the original sections and all amendments thereto.
2. Insert the new sections as follows:
"Section 1. The Legislature hereby declares that it is the intent and purpose of of this act to provide:
(1) An examination of school financing, including, but not limited to:
(a) The heavy reliance on property tax;
(b) The decreasing valuations of agricultural land;
(c) The basis on which state aid is distributed;
(d) The potential effect of implementing the constitutional amendment authorizing agricultural and horticultural land to be taxed as a separate and distinct class of property;
(e) The use of nonresident tuition;
(f) Revenue from school lands;
(g) Equitable taxation; and

(h) Recognition of higher costs in rural areas;

(2) An examination of the quality of education provided in counties throughout the state; and

(3) A committee to propose recommendations for alleviating the inequities in the property tax burdens imposed to finance education and for addressing deficiencies in the current educational system.

Sec. 2. As used in this act, unless the context otherwise requires, committee shall mean a committee formed by the joint membership of the Legislature's Education Committee and Revenue Committee. The cochairpersons of the committee shall be the chairpersons of the Legislature's Education Committee and Revenue Committee.

Sec. 3. The committee shall serve until July 1, 1986, at which time it shall cease to exist. The committee shall hold at least four meetings once each calendar quarter at a time and place fixed by the committee. Special meetings may be called by the cochairpersons. Such special meetings shall be called by the cochairpersons upon receipt of a written request signed by three or more members of the committee. A majority of the members of the committee shall constitute a quorum.

Sec. 4. The committee shall:

(1) Study existing laws and practices affecting the public educational system;

(2) Study financing alternatives for public education;

(3) Propose recommendations for providing quality education financed equitably, taking into account the diverse needs of the state, and conduct a public hearing on such recommendations on or before December 21, 1985; and

(4) Present to the Legislature on or before February 1, 1986, the committee's recommendations for alleviating the inequities in the property tax burdens imposed to finance education and for addressing deficiencies in the current educational system.

Sec. 5. In performing its duties, the committee shall:

(1) Periodically meet and confer with officials of the state and its political subdivisions having responsibility for education services;

(2) Consult with and utilize the services of any office, department, or agency of the state; and

(3) Employ such personnel as may be necessary to assist it in the performance of its duties.".

Mr. V. Johnson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Ms. Scofield moved for a call of the house. The motion prevailed with 20 ayes, 0 nays, and 29 not voting.

Ms. Scofield requested a roll call vote on her amendment.

Voting in the affirmative, 22:

| | | | | |
|---|---|---|---|---|
| Abboud | DeCamp | Johnson, R. | Nelson | Rupp |
| Baack | Eret | Labedz | Peterson | Scofield |
| Barrett | Goll | Lamb | Remmers | Sieck |
| Beyer | Hefner | Morehead | Rogers | Smith |
| Chronister | Johnson, L. | | | |

Voting in the negative, 24:

| | | | | |
|---|---|---|---|---|
| Beutler | Haberman | Higgins | Lynch | Schmit |
| Carsten | Hall | Hoagland | Marsh | Vickers |
| Chizek | Hannibal | Johnson, V. | Miller | Wesely |
| Conway | Harris | Landis | Nichol | Withem |
| Goodrich | Hartnett | Lundy | Pappas | |

Present and not voting, 1:

Chambers

Excused and not voting, 2:

Pirsch Warner

The Scofield amendment lost with 22 ayes, 24 nays, 1 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

**MOTION - Override Veto on LB 113**

Mr. Withem moved that LB 113 shall pass notwithstanding the objections of the Governor.

Laid over.

## STANDING COMMITTEE REPORTS
### Judiciary

**LEGISLATIVE BILL 521.** Placed on General File.
**LEGISLATIVE BILL 526.** Placed on General File.

**LEGISLATIVE BILL 173.** Indefinitely postponed.
**LEGISLATIVE BILL 245.** Indefinitely postponed.
**LEGISLATIVE BILL 492.** Indefinitely postponed.
**LEGISLATIVE BILL 692.** Indefinitely postponed.

(Signed) Peter Hoagland, Chairperson

## VISITORS

Visitors to the Chamber were Mary Beth Fogarty from Omaha; 129 eleventh and twelfth grade students with the Nebraska Farm Bureau Federation Citizenship Seminar; and South Dakota State Senator, Doris Miner from Gregory, South Dakota.

## ADJOURNMENT

At 12:06 p.m., on a motion by Speaker Nichol, the Legislature adjourned until 9:00 a.m., Tuesday, March 19, 1985.

Patrick J. O'Donnell
Clerk of the Legislature

# FORTY-SECOND DAY - MARCH 19, 1985

# LEGISLATIVE JOURNAL

# LEGISLATIVE JOURNAL

## EIGHTY-NINTH LEGISLATURE
## FIRST SESSION

## FORTY-SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 19, 1985

Pursuant to adjournment, the Legislature met at 9:03 a.m., Speaker Nichol presiding.

## PRAYER

The prayer was offered by Elder Chet Freyer, The Reorganized Church of Jesus Christ of Latter-Day Saints, Omaha, Nebraska.

## ROLL CALL

The roll was called and all members were present except Messrs. Conway, Haberman, Hannibal, Harris, V. Johnson, Peterson, Rogers, Mrs. Higgins, and Ms. Scofield who were excused until they arrive.

## CORRECTIONS FOR THE JOURNAL

The Journal for the Forty-First Day was approved.

## STANDING COMMITTEE REPORTS
### Revenue

**LEGISLATIVE BILL 172.** Placed on General File as amended.
Standing Committee amendment to LB 172:
AM0273
1. Strike the original sections and insert the following new sections:
"Section 1. When the final actual valuation, as certified by the State Board of Equalization and Assessment pursuant to section 77-509, of a political

subdivision increases over the immediately preceding year for reasons other than new construction, additions of improvements, or additions of omitted property, the property tax levy of the political subdivision shall be reduced proportionate to the increase in actual valuation. The purpose of this act is to as nearly as possible maintain the revenue derived from property taxes at the same amount as it would have been had no such increase in the actual value occurred. Nothing in this act shall be construed to prohibit an increase in property taxes levied if such increase is due to a budget increase by a political subdivision.

Sec. 2. This act shall become operative for all taxable years commencing on or after January 1, 1985.

Sec. 3. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

**LEGISLATIVE BILL 186.** Indefinitely postponed.
**LEGISLATIVE BILL 331.** Indefinitely postponed.
**LEGISLATIVE BILL 363.** Indefinitely postponed.
**LEGISLATIVE BILL 554.** Indefinitely postponed.
**LEGISLATIVE BILL 591.** Indefinitely postponed.
**LEGISLATIVE BILL 609.** Indefinitely postponed.
**LEGISLATIVE BILL 698.** Indefinitely postponed.

(Signed) Vard Johnson, Chairperson

## ANNOUNCEMENTS

Mr. Chambers designates LB 70 as his priority bill.

Mrs. Nelson designates LB 280 as her priority bill.

Mr. Harris designates LB 713 as his priority bill.

## UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendment to LR 16 in the Journal. No objections. So ordered.

AM0636

1. On page 1, line 2, strike "XII, section VIII" and insert "III, section 18, and Article XII,

section 1, and repeal of Article XII, section 8"; strike beginning with "repeal" in line 7 through line 11 and insert: "following amendment to Article III, section 18, and Article XII, section 1, and the repeal the Article XII, section 8, of the Constitution of Nebraska, which is hereby proposed by the Legislature:

'Article III, Sec. 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 any special or exclusive privileges, immunity, or franchise whatever; PROVIDED, that notwithstanding any other provisions of this Constitution, the Legislature shall have authority to (1) 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 and (2) classify corporations or other entities for purposes of ownership and operation of agricultural land. In all of her cases where a general law can be made applicable, no special law shall be enacted.

Article XII, Sec. 1. The Legislature shall provide by general law for the organization, regulation, supervision, and general control of all corporations, and for the organization, supervision, and general control of mutual and ~~co-operative~~ cooperative companies and associations, and by such legislation shall insure the mutuality and ~~co-operative~~ cooperative features and functions thereof. Foreign corporations transacting or seeking to transact business in this state shall be subject, under general law, to regulation, supervision, and general control, and shall not be given greater rights or privileges than are given domestic corporations of a similar character. No corporations shall be created by special law, nor their charters be extended, changed, or amended, except those corporations organized for charitable, educational, penal, or reformatory purposes, which are to be and remain under the patronage and control of the state, except that the Legislature shall have authority to classify corporations for purposes of ownership and operation of agricultural land. The Legislature shall provide by law that in all elections for directors or managers of incorporated companies every stockholder owning voting stock shall have the right to vote in person or proxy for the number of such shares owned by him or her, for as many persons as there are directors or managers to be elected or to cumulate such shares and give one candidate as many votes as the number of directors multiplied by the number his or her shares shall equal, or to distribute them upon the same ~~principal~~ principle

among as many candidates as he or she shall think fit, and such directors or managers shall not be elected in any other manner; PROVIDED, that any mutual or cooperative company or association may, in its articles of incorporation, limit the number of shares of stock any stockholder may own, the transfer of such stock, and the right of each stockholder or member to one vote only in the meetings of such company or association. The Legislature shall by law prohibit the purchase of agricultural land in this state by certain corporations in order to protect and promote the farm and ranch operations of family farms. All general laws passed pursuant to this section may be altered from time to time, or repealed.

That Article XII, section 8, of the Constitution of Nebraska is repealed.'."; and in line 18 strike "repeal" and insert "provide that the Legislature shall have authority to classify corporations or other entities for purposes of ownership and operation of agricultural real estate, that the Legislature shall prohibit ownership of agricultural lands by certain corporations to promote family and small farming operations, and that Article XII, section 8, prohibiting certain corporate ownership of farm land in this state, is repealed.".

2. On page 2, strike lines 1 through 8.

## MOTION - Introduce New Bill

Mr. Barrett renewed his pending motion, pursuant to Rule 5, sec. 4(c), for the introduction of a new bill: REQ1043, found in the Journal on page 1028.

The Barrett motion prevailed with 33 ayes, 0 nays, 7 present and not voting, and 9 excused and not voting.

## BILL ON FIRST READING

The following bill was read for the first time by title:

**LEGISLATIVE BILL 718.** By Business and Labor Committee: Barrett, 39th District, Chairperson; Chronister, 18th District; Eret, 32nd District; Hall, 7th District; Labedz, 5th District; Vickers, 38th District; Wesely, 26th District.

A BILL FOR AN ACT relating to certain claims against the state; to make appropriations for the payment of certain claims against the state; to provide how payments shall be made; to authorize certain write-offs as prescribed; and to declare an emergency.

## MOTION - Introduce New Bill

Mr. Barrett renewed his pending motion, pursuant to Rule 5, sec. 4(c), for the introduction of a new bill: REQ1044, found in the Journal on page 1028.

The Barrett motion prevailed with 31 ayes, 1 nay, 12 present and not voting, and 5 excused and not voting.

## BILL ON FIRST READING

The following bill was read for the first time by title:

**LEGISLATIVE BILL 719.** By Business and Labor Committee: Barrett, 39th District, Chairperson; Chronister, 18th District; Eret, 32nd District; Hall, 7th District; Labedz, 5th District; Vickers, 38th District; Wesely, 26th District.

A BILL FOR AN ACT relating to disallowed claims against the state.

## SELECT FILE

**LEGISLATIVE BILL 662.** Mr. Landis offered the following amendment:

to add a new section.

"This Act shall become operative on May 1, 1986. The Attorney General shall file under §25-21,149 a petition seeking a declaratory judgment from the Nebraska Supreme Court on the constitutionality of the election procedures in §15."

Mr. Landis moved for a call of the house. The motion prevailed with 10 ayes, 0 nays, and 39 not voting.

Mr. Landis requested a roll call vote on his amendment.

Voting in the affirmative, 26:

| | | | | |
|---|---|---|---|---|
| Baack | Conway | Hall | Hartnett | Lundy |
| Beutler | Goodrich | Hannibal | Labedz | Lynch |
| Chizek | Haberman | Harris | Landis | Marsh |

| | | | | |
|---|---|---|---|---|
| Miller | Nichol | Pirsch | Schmit | Wesely |
| Morehead | Pappas | Rupp | Vickers | Withem |
| Nelson | | | | |

Voting in the negative, 15:

| | | | | |
|---|---|---|---|---|
| Barrett | Chronister | Hoagland | Lamb | Rogers |
| Beyer | Goll | Johnson, L. | Peterson | Sieck |
| Carsten | Hefner | Johnson, R. | Remmers | Warner |

Present and not voting, 6:

| | | | | |
|---|---|---|---|---|
| Abboud | DeCamp | Eret | Scofield | Smith |
| Chambers | | | | |

Excused and not voting, 2:

| | |
|---|---|
| Higgins | Johnson, V. |

The Landis amendment was adopted with 26 ayes, 15 nays, 6 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Mr. Schmit offered the following amendment:

(Amendments to E & R Amendments)

1. Insert the following new sections:

"Sec. 18. No new construction shall be initiated by any school board or board of education for any school district prior to September 1, 1989. This section shall not be construed to include projects underway or for which contracts have been let as of the effective date of this act or regular repair and maintenance.

2. On page 19, line 14, strike "20" and insert "22".

3. Renumber remaining sections accordingly.

Mr. Schmit requested a roll call vote on his amendment.

Voting in the affirmative, 20:

| | | | | |
|---|---|---|---|---|
| Abboud | DeCamp | Hartnett | Marsh | Rupp |
| Beutler | Eret | Labedz | Nichol | Schmit |
| Carsten | Hall | Landis | Pappas | Vickers |
| Chizek | Hannibal | Lynch | Rogers | Wesely |

Voting in the negative, 21:

| | | | | |
|---|---|---|---|---|
| Barrett | Hefner | Lamb | Peterson | Sieck |
| Beyer | Hoagland | Lundy | Pirsch | Smith |
| Goll | Johnson, L. | Miller | Remmers | Warner |
| Goodrich | Johnson, R. | Nelson | Scofield | Withem |
| Haberman | | | | |

Present and not voting, 6:

| | | | | |
|---|---|---|---|---|
| Baack | Chronister | Conway | Harris | Morehead |
| Chambers | | | | |

Excused and not voting, 2:

Higgins Johnson, V.

The Schmit amendment lost with 20 ayes, 21 nays, 6 present and not voting, and 2 excused and not voting.

Mr. Lamb offered the following amendment:
AM0490

(Amendments to the E & R amendment, AM5066)

1. On page 1, line 5, before "shall" insert "or affiliated with another school district prior to March 1, 1989,"; in line 12 after "to" insert "be affiliated with another school district,"; in line 13 after "district" insert an underscored comma; and in line 18 after "districts" insert "and affiliation shall be accomplished as provided in sections 18 to 21 of this act".

2. On page 2, lines 4 and 16, after "merged" insert ", affiliated,"; and in lines 6 and 18 after "district" insert "or affiliated".

3. On page 18, line 23, after "merged" insert "or affiliated"; and in line 24 after "has" insert "affiliated or".

4. On page 19, lines 3 and 13, after "merged" insert ", affiliated,"; and in line 14 strike "20" and insert "24".

5. On page 20, line 5, after "merge" insert ", affiliate,".

6. Insert new sections as follows:

"Sec. 18. Any Class I school district which is not part of a Class VI school district on the operative date of this section may, prior to March 1, 1989, become affiliated with an adjoining Class II, III,

IV, V, or VI school district as prescribed in sections 18 to 21 of this act. The voters in the Class I school district shall by a majority vote decide whether to be an affiliated school district and shall select the Class II, III, IV, V, or VI school district to which the Class I school district shall be affiliated. A Class I school district which is affiliated with another school district shall support the high school in such district by a tax levy as prescribed in sections 18 to 21 of this act. Transportation shall not be provided for high school students attending school from an affiliated Class I school district.

Sec. 19. A proposal to affiliate a Class I school district with a Class II, III, IV, V, or VI school district may be initiated by filing a petition or petitions signed by at least twenty-five per cent of the legal voters of the district with the county superintendent of the county in which the greater part of the Class I school district is located together with an affidavit listing all legal voters of the school district. Upon determination by him or her that the signatures are sufficient, the county superintendent shall transmit the petition to the school board of the Class I school district which may have the issue placed on the ballot at the next primary or general election or may call a special election to vote on the issue. The petition shall specify the school district to which the Class I school district is to be affiliated.

Sec. 20. Any Class II, III, IV, V, or VI school district to which a Class I school district elects to become affiliated pursuant to sections 18 to 21 of this act shall annually separate the budget of the school district into two portions. One portion shall be the high school portion and shall include the costs attributable to providing an education for children in grades nine through twelve, less student transportation costs, and the other portion shall include the balance of the budget including all student transportation costs. The separation of the high school portion of the budget shall be done in the manner and pursuant to the guidelines which the State Department of Education shall, by rules and regulations, established.

Sec. 21. (1) The county clerk of any county in which all or part of an affiliated Class I school district is located shall, on or before July 15 of each

year, certify the actual valuation of all taxable property of such Class I school district within the county to the county clerk of the county in which the high school of the school district with which the Class I school district is affiliated is located.

(2) The county board of the county in which the high school is located shall make a separate levy for the high school portion of the school district's budget. Such levy shall be upon the taxable property in both the Class II, III, IV, V, or VI school district and the affiliated Class I school district. The county clerk of the levying county shall certify the levy on or before September 1 in each year to the county clerk of each county in which a portion of the affiliated Class I school district is located. Such levy shall be collected in the same manner as other property taxes and shall be remitted by the collecting county to the county in which the high school is located.".

7. Renumber sections 18 to 20 as sections 22 to 24 respectively.

The Lamb amendment was adopted with 25 ayes, 11 nays, 11 present and not voting, and 2 excused and not voting.

Pending.

## UNANIMOUS CONSENT - Print in Journal

Mr. Lamb asked unanimous consent to print the following amendment to LB 38 in the Journal. No objections. So ordered.

AM0601

(Amendments to Standing Committee amendments)

1. On page 1, line 3; page 2, line 6; and page 3, line 9, strike "8" and insert "9".

2. On page 2, strike beginning with "The" in line 15 through the period in line 18 and insert "Each county shall file, on a semiannual basis, a report with the Department of Revenue listing all property taxes paid in the county by name, address, social security number or federal identification number, legal description of the property, amount of property taxes paid, and whether the taxes were timely paid. The semiannual report shall be filed under rules and regulations adopted and promulgated by the Tax

Commissioner."; and in line 20 strike "receipt" and insert "county's semiannual report".

3. Insert a new section as follows:

"Sec. 6. The Department of Revenue shall reimburse the county for all actual costs incurred by the county in collecting, compiling, and submitting the semiannual report pursuant to section 5 of this act.".

4. On page 3, line 2; and page 4, line 15, strike "6" and insert "7".

5. Renumber sections 6 to 10 as sections 7 to 11 respectively.

## STANDING COMMITTEE REPORTS

### Urban Affairs

**LEGISLATIVE BILL 372.** Placed on General File as amended.
(Standing Committee amendments printed separate from the Journal and on file in the Clerk's Office - Room 1102 - AM0495.)

(Signed) Ron Withem, Chairperson

### Agriculture and Environment

**LEGISLATIVE BILL 441.** Placed on General File.

**LEGISLATIVE BILL 127.** Placed on General File as amended.
Standing Committee amendment to LB 127:
AM0630

1. On page 2, line 6, strike "October" and insert "June".

**LEGISLATIVE BILL 380.** Placed on General File as amended.
Standing Committee amendment to LB 380:
AM0631

1. On page 3, strike beginning with "Department" in line 14 through "81-1108.17" in line 16 and insert "General Fund".

**LEGISLATIVE BILL 589.** Indefinitely postponed.
**LEGISLATIVE BILL 619.** Indefinitely postponed.

(Signed) Rod Johnson, Chairperson

## SELECT FILE

**LEGISLATIVE BILL 662.** Mr. R. Johnson offered the following amendment:
AM0652

(Amendments to the E & R Amendments, AM5066)

1. Insert the following new section:

"Section 1. That section 79-102.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-102.01. After June 1, 1971, no new school district shall be created unless such district provides instruction in kindergarten through grade twelve or a Class VI district providing instruction in grades seven through twelve. ~~but no Class VI district shall be formed within five miles of an existing Class III, IV, or V school district unless such Class III, IV, or V school district shall have voted by a fifty-five per cent majority vote to be a part of the Class VI district.~~".

2. On page 1, lines 7 and 14; page 2, lines 7, 11, 18, and 23; page 3, line 26; page, 5, line 22; and page 15, line 5, strike "an" and insert "a new or".

3. On page 2, line 2, strike "5" and insert "6"; and in lines 4 and 16 strike "1" and insert "2".

4. On page 3, line 3, strike "3" and insert "4"; and in line 26 strike "2" and insert "3".

5. On page 4, line 2, strike "1 to 3" and insert "2 to 4".

6. On page 5, line 6; and page 15, line 7, strike "1 to 5" and insert "2 to 6".

7. On page 16, line 1, strike "6" and insert "7"; and in line 26 strike "1 to 6" and insert "2 to 7".

8. On page 19, line 14, strike "6, 8 to 13, and 20" and insert "7, 9 to 14, and 21"; and in line 18 after "sections" insert "79-102.01," and after "79-411" insert a comma.

9. Renumber the remaining sections accordingly.

The R. Johnson amendment lost with 8 ayes, 23 nays, 16 present and not voting, and 2 excused and not voting.

Mr. Hoagland offered the following amendment:
AM0687

1. Strike section 17 and insert the following new sections:

"Sec. 12. That section 79-498, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-498. To be entitled under section 79-494 to nonresident public school education in the tenth, eleventh, or twelfth grade of any public school district maintaining such grade, a pupil must have a certificate signed by the county superintendent of the proper county that he or she has completed the course of study for the preceding grade, and ~~that he~~ is unable to secure instruction in the next advanced grade in the public school district of his or her residence, except ~~:~~ ~~PROVIDED,~~ that when a school district is annexed to or merged with another district, the board of education of the annexing district may pay the tuition in the amount provided for by section 79-4,102 of students who at the time of such annexation are attending high school in a district other than such annexing district, for such time as may be necessary to complete the prescribed high school course for graduation in such other district. When a school district is merged with another district pursuant to section 1, 6, or 13 of this act, the school district with which such school district merges may pay the tuition in the amount provided in section 79-4,102 of students who at the time of such merger are attending high school in another district for such time as may be necessary to complete the prescribed high school course for graduation in such other school district.

Sec. 15. That section 79-1108, Revised Statutes Supplement, 1984, be amended to read as follows:

79-1108. No transfer of property from an accredited school district to a nonaccredited school district of any class shall be permitted. ~~, except that as provided in section 79-403 transfers may be made from an accredited district to an accredited Class VI district which is served by a nonaccredited Class I district if any student residing in the land to be transferred pursuant to the petition attends high school.~~ This provision shall apply to all transfers made prior as well as subsequent to July 17, 1982.".

2. On page 1, lines 6, 7, and 14, strike "an" and insert "one or more"; in lines 7 and 13 strike "district" and insert "districts"; in lines 8 and 14 strike the first "district" and insert "districts or

both"; in line 9 strike "or" and insert "and"; in line 13 strike "a" and insert "one or more existing"; in line 15 insert paragraphing before "Merger" and after "Merger" insert "or addition"; in line 16 strike "79-402.08 or sections" and insert "79-402.09, 79-402.11, 79-402.12, or"; in line 17 strike "79-426.22" and insert "79-426.26"; and in lines 20 and 23 after "merger" insert "or addition".

3. On page 2, lines 5, 7, 10, 11, 17, 18, 21, and 23, strike "an" and insert "one or more"; in lines 6, 7, 12, 18, 19, and 22, strike "district" and insert "districts"; in line 11, strike the first "district" and insert "districts" and after "or" insert "to"; in line 22 after the second "or" insert "to"; and in line 23 strike the second "district" and insert "districts".

4. On page 3, line 1, after "attaching" insert "or adding"; in line 12 after "twelve" insert "and of each Class VI school district"; in lines 13 and 17 after "merger" insert "or addition"; in line 25 after "or" insert "to"; and in line 26 strike "an" and insert "one or more", strike "district" and insert "districts", and strike "gives" and insert "has failed to give".

5. On page 5, line 3, strike "an" and insert "one or more" and strike "district" and insert "districts or become a part of one or more existing Class VI school districts"; in line 4 after "Merger" insert "or addition" and after "be" insert "accomplished"; in line 5 strike "and accomplished pursuant to" and insert "in the same manner as provided in"; in line 20 after "and" insert "(1)"; in line 22 strike "or make it part of an" and insert ", (2) form a Class I school district and make it a part of one or more"; and in line 23 strike "district" and insert "districts, or (3) use a combination of subdivisions (1) and (2) of this section".

6. On page 7, line 2, strike "or of the" and insert "and of each"; and in line 17 after the first "the" insert "dissolving".

7. On page 8, line 20, after the second "the" insert "dissolving".

8. On page 9, lines 15, 24, and 26, after the first "the" insert "dissolving".

9. On page 15, line 3, strike "and" and insert "by the county superintendent pursuant to section 79-420 and (1)"; in line 4 strike "an" and insert "one

or more"; in line 5 strike "district or be made a part of an" and insert "districts or (2) formed into a Class I school district and made a part of one or more"; strike beginning with "district" in line 6 through "act" in line 7 and insert "districts"; in line 22 strike "average daily membership", show as stricken, and insert "projected enrollment"; and in line 24 after "superintendent" insert "pursuant to section 79-420".

10. On page 16, line 26, strike "6" and insert "5".

11. On page 17, strike lines 18 through 26.

12. On page 18, in line 9 strike "as a whole to a" and insert "to one or more"; in line 10 strike "district" and insert "districts" and strike "a" and insert "one or more"; in line 11 strike "district" and insert "districts"; in line 12 after "of" insert "any"; and in line 13 after the first "in" insert "the" and after "court" insert "for the county in which the majority of the students attending the elementary school attendance site reside".

13. On page 19, in line 14 strike "13, and 20" and insert "11, 13, 14, 22"; in line 18 after "79-411" insert ", 79-498,"; and in line 19 after "and" insert "section 79-1108, Revised Statutes Supplement, 1984, and".

14. Renumber the remaining sections accordingly.

Mr. Hoagland moved for a call of the house. The motion prevailed with 20 ayes, 0 nays, and 29 not voting.

Mr. Hoagland requested a roll call vote on his amendment.

Voting in the affirmative, 18:

| | | | | |
|---|---|---|---|---|
| Beutler | Hall | Labedz | Marsh | Vickers |
| Chizek | Hannibal | Landis | Morehead | Wesely |
| Goodrich | Hartnett | Lundy | Pappas | Withem |
| Haberman | Hoagland | Lynch | | |

Voting in the negative, 20:

| | | | | |
|---|---|---|---|---|
| Abboud | Beyer | DeCamp | Hefner | Peterson |
| Baack | Carsten | Eret | Johnson, L. | Pirsch |
| Barrett | Chronister | Goll | Lamb | Remmers |

| | | | | |
|---|---|---|---|---|
| Rogers | Rupp | Scofield | Smith | Warner |

Present and not voting, 9:

| | | | | |
|---|---|---|---|---|
| Chambers | Harris | Miller | Nichol | Sieck |
| Conway | Johnson, R. | Nelson | Schmit | |

Excused and not voting, 2:

| | |
|---|---|
| Higgins | Johnson, V. |

The Hoagland amendment lost with 18 ayes, 20 nays, 9 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Mr. Schmit offered the following amendment:
(Amendment printed separate from the Journal and on file in the Clerk's Office - Room 1102 - AM0677.)

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

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

The Schmit amendment was adopted with 26 ayes, 9 nays, 11 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Mr. Beutler offered the following amendment:
AM0674

1. Insert the following new sections:

"Sec. 18. The Legislature hereby declares that it is the intent and purpose of sections 18 to 24 of this act to provide:

(1) An examination of school financing, including, but not limited to:

(a) The heavy reliance on property tax;

(b) The decreasing valuations of agricultural land;

(c) The basis on which state aid is distributed;

(d) The potential effect of implementing the

constitutional amendment authorizing agricultural and horticultural land to be taxed as a separate and distinct class of property;

(e) The use of nonresident tuition;

(f) Revenue from school lands;

(g) Equitable taxation; and

(h) Recognition of higher costs in rural areas;

(2) An examination of the quality of education provided in counties throughout the state; and

(3) A committee to propose recommendations for alleviating the inequities in the property tax burdens imposed to finance education and for addressing deficiencies in the current educational system.

Sec. 19. As used in sections 18 to 24 of this act, unless the context otherwise requires:

(1) Board shall mean the Executive Board of the Legislative Council; and

(2) Committee shall mean the Education and Taxation Advisory Committee created by section 20 of this act.

Sec. 20. The Executive Board of the Legislative Council shall, within ten days after the operative date of this section, appoint six members of the Legislature to serve, together with the chairperson of the Committee on Education and the chairperson of the Committee on Revenue, who shall serve as cochairpersons, on a committee to be known as the Education and Taxation Advisory Committee. The board shall appoint two members of the Legislature from each of the congressional districts of this state.

Sec. 21. The committee shall serve until January 1, 1986, at which time it shall cease to exist. Any vacancy on such committee shall be filled by appointment from among the members of the Legislature in the same manner as original appointments were made, and any person named to fill a vacancy shall have the same qualifications as his or her immediate predecessor.

Sec. 22. The committee shall hold at least two meetings each calendar quarter at a time and place fixed by the committee. Special meetings may be called by the cochairpersons. Such special meetings shall be called by the cochairpersons upon receipt of a written request signed by three or more members of the committee. A majority of the members of the committee

shall constitute a quorum.

Sec. 23. The committee shall:

(1) Study existing laws and practices affecting the public educational system;

(2) Study financing alternatives for public education;

(3) Propose recommendations for providing quality education financed equitably, taking into account the diverse needs of the state, and conduct a public hearing on such recommendations on or before December 21, 1985; and

(4) Present to the Legislature on or before January 1, 1986, the committee's recommendations for alleviating the inequities in the property tax burdens imposed to finance education and for addressing deficiencies in the current educational system.

Sec. 24. In performing its duties, the committee shall:

(1) Periodically meet and confer with officials of the state and its political subdivisions having responsibility for education services;

(2) Consult with and utilize the services of any office, department, or agency of the state; and

(3) Employ such personnel as may be necessary to assist it in the performance of its duties.".

2. On page 19, line 14, strike "20" and insert "27".

3. Renumber remaining sections accordingly.

Mr. Barrett 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. Lamb requested a record vote on the Beutler amendment.

Voting in the affirmative, 28:

| | | | | |
|---|---|---|---|---|
| Abboud | Goodrich | Hoagland | Marsh | Pappas |
| Baack | Hall | Johnson, V. | Miller | Pirsch |
| Beutler | Hannibal | Labedz | Morehead | Schmit |
| Chizek | Harris | Landis | Nelson | Vickers |
| Conway | Hartnett | Lundy | Nichol | Withem |
| DeCamp | Higgins | Lynch | | |

Voting in the negative, 14:

| | | | | |
|---|---|---|---|---|
| Barrett | Eret | Lamb | Rogers | Smith |
| Carsten | Haberman | Peterson | Rupp | Warner |
| Chronister | Johnson, L. | Remmers | Scofield | |

Present and not voting, 6:

| | | | | |
|---|---|---|---|---|
| Beyer | Hefner | Johnson, R. | Sieck | Wesely |
| Chambers | | | | |

Excused and not voting, 1:

Goll

The Beutler amendment was adopted with 28 ayes, 14 nays, 6 present and not voting, and 1 excused and not voting.

Mrs. Smith offered the following amendment:

1. Strike the original sections except Sec. 15 - strike lines 25 and 26 up to "after"

2. Refer LB 662 to Revenue and Education Committees for the purpose of identifying problems and issues which need to be considered to address inequities in funding education in Nebraska. Committees shall report their findings to the Executive Board by May 15, 1985.

At that time the Executive Board will appoint a special committee of eight members of the Legislature representative of the various school districts and geographical regions of the state and charge them with drafting legislation to resolve the problems and issues identified by the Education and Revenue Committees. That special committee shall submit their recommendations back to the Executive Board no later than November 1, 1985.

In performing its duties, the committee shall:

(1) Periodically meet and confer with officials of the state and its political subdivisions having responsibility for education services;

(2) Consult with and utilize the services of any office, department, or agency of the state; and

(3) Employ such personnel as may be necessary to assist it in the performance of its duties.

Mrs. Marsh moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 2 nays, and 22 not voting.

Mrs. Smith requested a record vote on her amendment.

Voting in the affirmative, 18:

| | | | | |
|---|---|---|---|---|
| Abboud | Eret | Labedz | Rogers | Sieck |
| Barrett | Hefner | Lamb | Rupp | Smith |
| Chronister | Johnson, L. | Peterson | Scofield | Warner |
| DeCamp | Johnson, R. | Pirsch | | |

Voting in the negative, 27:

| | | | | |
|---|---|---|---|---|
| Baack | Goodrich | Hoagland | Marsh | Pappas |
| Beutler | Haberman | Johnson, V. | Miller | Remmers |
| Carsten | Hall | Landis | Morehead | Schmit |
| Chizek | Hannibal | Lundy | Nelson | Vickers |
| Conway | Harris | Lynch | Nichol | Withem |
| Goll | Hartnett | | | |

Present and not voting, 4:

| | | | |
|---|---|---|---|
| Beyer | Chambers | Higgins | Wesely |

The Smith amendment lost with 18 ayes, 27 nays, and 4 present and not voting.

Mrs. Labedz 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. Lamb requested a record vote on the advancement of the bill.

Voting in the affirmative, 28:

| | | | | |
|---|---|---|---|---|
| Baack | Haberman | Hoagland | Miller | Remmers |
| Beutler | Hall | Johnson, V. | Morehead | Schmit |
| Chizek | Hannibal | Landis | Nelson | Vickers |
| Conway | Harris | Lundy | Nichol | Wesely |
| Eret | Hartnett | Lynch | Pappas | Withem |
| Goodrich | Higgins | Marsh | | |

Voting in the negative, 19:

| | | | | |
|---|---|---|---|---|
| Abboud | Chronister | Johnson, L. | Peterson | Scofield |
| Barrett | DeCamp | Johnson, R. | Pirsch | Smith |
| Beyer | Goll | Labedz | Rogers | Warner |
| Carsten | Hefner | Lamb | Rupp | |

Present and not voting, 2:

Chambers Sieck

Advanced to E & R for Engrossment with 28 ayes, 19 nays, and 2 not voting.

## SELECT COMMITTEE REPORT
### Enrollment and Review

**LEGISLATIVE BILL 209.** Placed on Select File as amended.
E & R amendments to LB 209:
AM5089

1. In the Wesely amendment AM0571, on page 2, line 4, insert paragraphing before "Applications"; and in line 11 after "thereof" insert an underscored comma.

2. In the Standing Committee amendments AM0266:

a. On page 1, line 8, strike "is" and after "(a)" insert "is"; and

b. On page 2, line 4, after "medical" insert an underscored comma; and in line 21 insert paragraphing before "The".

3. On page 1, line 1, strike "hospitals" and insert "health care facilities"; in line 3 after "71-2017" insert ", 71-2020,"; in line 6 after the second semicolon insert "to provide for the applicability of definitions;"; and in line 7 strike "exceptions" and insert "waiver of rules, regulations, and standards; to change certain fees".

4. On page 5, line 18, after "71-2029" insert "and sections 5, 6, and 9 of this act", reinstate the first stricken comma, strike "and", show as stricken, and insert "section", and after "81-604.01" insert an underscored comma.

5. On page 6, line 14, insert paragraphing before "Any"; in line 22 after "71-2029" insert "and sections 5, 6, and 9 of this act"; and in line 27 insert paragraphing before "Nothing".

6. On page 7, line 1, after "71-2029" insert "and sections 5, 6, and 9 of this act", after the first comma insert "sections", and strike "and", show as stricken, and insert "section"; in line 3 strike the comma and show as stricken; and in line 20 after

"71-2029" insert "and sections 5, 6, and 9 of this act".

7. On page 16, line 22, strike "section" and insert "sections 5, 6, and"; and in line 23 strike the comma and show as stricken.

8. On page 17, line 26, insert paragraphing before "In".

9. On page 18, line 6, insert paragraphing before "The".

(Signed) Timothy Hall, Chairperson

## BILL ON FIRST READING

The following bill was read for the first time by title:

**LEGISLATIVE BILL 584A.** By Schmit, 23rd District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 584, Eighty-ninth Legislature, First Session, 1985.

## UNANIMOUS CONSENT - Print in Journal

Mr. Schmit asked unanimous consent to print the following amendment to LB 97 in the Journal. No objections. So ordered.

(Amendments printed separate from the Journal and on file in the Clerk's Office - Room 1102 - AM0659.)

## STANDING COMMITTEE REPORT
### Judiciary

**LEGISLATIVE BILL 367.** Placed on General File as amended.
Standing Committee amendment to LB 367:
AM0618

1. Strike the original section and insert the following sections:

"Section 1. The Attorney General shall establish within the Department of Justice a litigation unit to which he or she shall assign at least two assistant attorney generals. It shall be the primary duty of such unit to assist county attorneys upon request in the litigation of criminal cases including, but not limited to, homicide, conspiracy, and other crimes which are unusual, complex, or involve violations

in two or more counties. The unit shall also be available to prosecute cases in which the county attorney is ethically unable to appear.

Sec. 2. The Nebraska State Patrol, municipal police departments, and sheriffs' offices shall provide, upon the request of the Attorney General, such investigative assistance as the Attorney General may periodically determine necessary.".

(Signed) Peter Hoagland, Chairperson

**UNANIMOUS CONSENT - Print in Journal**

Mrs. Marsh asked unanimous consent to print the following amendment to LB 407 in the Journal. No objections. So ordered.

By adding a new section:
"The provisions of this act shall expire on July 1, 1988.

Mr. DeCamp asked unanimous consent to print the following amendments to LB 43 in the Journal. No objections. So ordered.

(1)

AM0646

1. On page 3, line 9, strike "twenty-five thousand" and insert "four thousand eight hundred" in line 12 strike "forty" and strike "thousand", show as stricken, and insert "twelve thousand eight hundred"; and in line 13 strike the comma, show as stricken, and insert ". As soon after July 1, 1987, as the same may be payable under the Constitution of Nebraska, each of the commissioners shall receive an annual salary of fourteen thousand eight hundred dollars. As soon after July 1, 1988, as the same may be payable under the Constitution of Nebraska, each of the commissioners shall receive an annual salary of eighteen thousand eight hundred dollars. Such salary shall be".

2. In the Standing Committee amendments, AM0251, found on page 617 of the Journal, on page 1 strike beginning with the semicolon in line 11 through the quotation marks in line 20.

3. Strike the Landis amendment, AM0335 found on page 816 of the Journal.

(2)

AM0637

1. Strike original section 3.
2. On page 5, line 6, strike "sections
3 24-201.01 and 75-104" and insert "section 24-201.01".
4. In the Standing Committee amendments,
5 AM0251, found on page 617 of the Journal, on page 1,
6 strike beginning with the semicolon in line 11 through
7 the quotation marks in line 20.
8 4. Strike the Landis amendment, AM0335, found
9 on page 816 of the Journal.
10 5. Renumber the remaining sections
11 accordingly.

(3)

AM0638

(Amendments to the Landis amendments, AM0335)

1. On page 1, line 3, strike "twenty-seven"
2 and insert "twenty-four"; in line 6 strike "thirty-five"
3 and insert "thirty-two"; in line 9 strike "thirty-seven"
4 and insert "thirty-four" and in line 12 strike "forty"
5 and insert "thirty-eight".

(4)

AM0639

(Amendments to the Landis amendments, AM0335)

1. On page 1, line 3, strike "twenty-seven"
2 and insert "twenty-three"; in line 6 strike
3 "thirty-five" and insert "thirty-one"; in line 9 strike
4 "thirty-seven" and insert "thirty-three"; and in line 12
5 strike "forty" and insert "thirty-seven".

Mr. DeCamp asked unanimous consent to print the following amendment to LB 38 in the Journal. No objections. So ordered.

AM0694

1. In the Standing Committee amendments
2 beginning on page 620 of the Journal strike sections 1
3 and 3 added by such amendments and insert:
4 "Section 1. As used in sections 1 to 8 of
5 this act, unless the context otherwise requires:
6 (1) Owner shall mean an owner of record, a
7 vendee in possession under a land contract, or his or
8 her surviving spouse; and
9 (2) Property taxes shall mean real property

taxes and taxes on dwelling units taxed as personal property exclusive of special assessments, delinquent taxes, and interest levied in this state in 1985 or any calendar year thereafter.

Sec. 3. Subject to the availability of funds in the Property Tax Rebate Fund, commencing in 1986, an owner shall be entitled to a twenty-five per cent rebate, not to exceed three hundred dollars, for all property taxes paid by him or her during such year. A claim for such rebate shall be made within six months after the property taxes become delinquent. The Department of Revenue shall proportionately reduce all rebates if the money in the Property Tax Rebate Fund is insufficient to fully fund all such rebates.".

## ANNOUNCEMENTS

Mrs. Morehead designates LB 496 as her priority bill.

Mr. Barrett designates LB 333 as his priority bill.

## 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.

Murrell B. McNeil - Board of Parole

Voting Aye: Senators Abboud, Beutler, Chambers, Chizek, Conway, Remmers, and Hoagland. Voting Nay: None. Absent: Senator Rupp.

(Signed) Peter Hoagland, Chairperson

## VISITORS

Visitors to the Chamber were Mr. and Mrs. Bill Podraza from Lexington; 56 students and instructor from Tekamah Herman High School; students and instructor from No. East Technical Community College, Norfolk; 80 women from Nebraska Federation of Womens' Clubs; 15 students and teacher from Palmer High School; and Vicky Schwarten, Vaughn Benson, and Tony Kochenesh.

## ADJOURNMENT

At 12:10 p.m., on a motion by Mr. Haberman, the Legislature adjourned until 9:00 a.m., Wednesday, March 20, 1985.

Patrick J. O'Donnell
Clerk of the Legislature

# FORTY-THIRD DAY - MARCH 20, 1985

# LEGISLATIVE JOURNAL

# FORTY-THIRD DAY - MARCH 20, 1985

## LEGISLATIVE JOURNAL

## EIGHTY-NINTH LEGISLATURE
## FIRST SESSION

## FORTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 20, 1985

Pursuant to adjournment, the Legislature met at 9:03 a.m., Speaker Nichol presiding.

## PRAYER

The prayer was offered by Dr. Robert Palmer, Westminster Presbyterian Church, Lincoln, Nebraska.

## ROLL CALL

The roll was called and all members were present except Messrs. Beutler, Conway, Goll, Haberman, Hannibal, V. Johnson, Peterson, Remmers, Rupp, Schmit, Warner, Mesdames Labedz, and Marsh who were excused until they arrive.

## CORRECTIONS FOR THE JOURNAL

The Journal for the Forty-Second Day was approved.

## SELECT COMMITTEE REPORTS
### Enrollment and Review

**LEGISLATIVE BILL 250.** Placed on Select File as amended.
E & R amendments to LB 250:
AM5091

Because of page and line number differences between the green copy and the bill as introduced, all amendments are to the green copy.

1. In the Standing Committee amendments, AM0178, adopted on March 14, 1985:

a. For purposes of correlation with section 11, LB 129:

(i) On page 4, line 7, after the second comma insert "as amended by section 11, Legislative Bill 129, Eighty-ninth Legislature, First Session, 1985,"; in line 13 strike "speech" and insert "speech-language"; and in line 14 strike the comma;

(ii) On page 5, line 10, strike the comma; and in line 17 strike the stricken matter and remove the underscoring; and

(iii) On page 16, line 18, after the second comma insert "strike 'and' and"; in line 19 strike "71-139,"; and in line 20 after the last quotation mark insert "and after the last comma insert 'and section 71-139, Revised Statutes Supplement, 1984, as amended by section 11, Legislative Bill 129, Eighty-ninth Legislature, First Session, 1985,' ";

b. On page 2, line 5, strike "board" and insert "Board of Examiners in Pharmacy";

c. On page 6, line 24, strike "board" and insert "Board of Examiners in Optometry"; and

d. On page 8, line 23, strike "5" and insert "15".

2. On page 1, line 5, strike "and" and after "sections" insert "71-131,"; in line 6 after the second comma insert "71-1,144.04,"; in line 7 after "1984" insert ", and section 71-139, Revised Statutes Supplement, 1984, as amended by section 11, Legislative Bill 129, Eighty-ninth Legislature, First Session, 1985"; and strike beginning with "regarding" in line 8 through the semicolon in line 14 and insert "relating to professional and occupational licenses; to provide for biennial licenses; to change provisions relating to examinations and continuing education; to provide requirements and for minimum standards for apprentices in massage; to harmonize provisions;".

3. On page 8, line 5; and page 13, line 17, strike the comma and show as stricken.

4. On page 19, line 15, insert paragraphing before "The".

**LEGISLATIVE BILL 250A.** Placed on Select File.

**LEGISLATIVE BILL 255.** Placed on Select File as amended.
E & R amendments to LB 255:

AM5090

1. In the Standing Committee amendments AM0322:

a. On page 2, line 17, strike the underscored period and insert an underscored semicolon;

b. On page 6, line 26, strike "Where" and insert "When";

c. On page 8, line 26, after "to" insert an underscored comma;

d. On page 11, line 4, strike "Where" and insert "When"; and in line 5 strike "where" and insert "when".

e. On page 13, line 21, after "Act" insert an underscored comma;

f. On page 14, line 17, after the second "act" insert an underscored comma.

g. On page 16, line 7, strike the second comma and show as stricken; and in line 9 strike the comma and show as stricken and after "file" insert an underscored comma;

h. On page 18, line 5; and page 24, line 16, reinstate the stricken matter;

i. On page 27, line 26, after "Code" insert an underscored comma;

j. On page 32, line 16, strike the second comma and show as stricken; and

k. On page 34, line 14, strike the comma and show as stricken.

2. On page 1, line 2, after the first comma insert "43-103," and strike "and 43-291" and insert "43-104.06, 43-109, 43-111, 43-111.01, 43-113, 43-130 to 43-132, 43-138, 43-143, 43-246, 43-247, 43-263, 43-279, 43-701, 43-906, 43-1203 to 43-1205, 43-1301, 43-1308, 43-1311, and 43-1314"; and strike beginning with "change" in line 3 through the semicolon in line 5 and insert "adopt the Nebraska Indian Child Welfare Act; to change a residency requirement for certain adoptions; to harmonize provisions; to provide severability;".

**LEGISLATIVE BILL 384.** Placed on Select File.

## Correctly Engrossed

The following bills were correctly engrossed: 269, 313A, 324, 326, 350, 391A, and 552.

(Signed) Timothy Hall, Chairperson

## UNANIMOUS CONSENT - Print in Journal

Mr. Vickers asked unanimous consent to print the following amendment to LB 217 in the Journal. No objections. So ordered.

Technical amendments to the Committee Amendment #484, Journal page 1004

1. page 1, line 23 after "all" insert: other

page 1, line 23, strike "having a capacity of one thousand one hundred gallons or more"

2. page 2, line 11, strike "One thousand one hundred"

page 2, line 11, after "(a)" insert: zero

Mr. Sieck asked unanimous consent to print the following amendment to LB 217 in the Journal. No objections. So ordered.

AM0549

1. On page 7, line 20, after "days" insert ", except that individuals and businesses engaged in the aerial application or crop dusting business need not report to any state regulatory agency between November 1 and March 31 of each year if such individuals and businesses send written notice to the State Fire Marshal stating that their storage tanks have been and will remain empty during such period".

## MOTION - Approve Appointments

Mr. Hefner moved the adoption of the report of the Miscellaneous Subjects Committee for the following Governor appointment found in the Journal on page 1033: Wayne Sides - State Electrical Board.

Voting in the affirmative, 27:

| | | | | |
|---|---|---|---|---|
| Abboud | Eret | Johnson, L. | Miller | Rogers |
| Baack | Goodrich | Johnson, R. | Morehead | Scofield |
| Barrett | Harris | Lamb | Nelson | Smith |
| Beyer | Hartnett | Landis | Pappas | Wesely |
| Carsten | Hefner | Lundy | Pirsch | Withem |
| Chizek | Hoagland | | | |

Voting in the negative, 0.

Present and not voting, 10:

| | | | | |
|---|---|---|---|---|
| Chambers | DeCamp | Hall | Lynch | Sieck |
| Chronister | Goll | Higgins | Nichol | Vickers |

Excused and not voting, 12:

| | | | | |
|---|---|---|---|---|
| Beutler | Hannibal | Marsh | Remmers | Schmit |
| Conway | Johnson, V. | Peterson | Rupp | Warner |
| Haberman | Labedz | | | |

This appointment was confirmed with 27 ayes, 0 nays, 10 present and not voting, and 12 excused and not voting.

Mr. Hoagland moved the adoption of the report of the Judiciary Committee for the following Governor appointment found in the Journal on page 1062: Murrell B. McNeil - Board of Parole.

Voting in the affirmative, 26:

| | | | | |
|---|---|---|---|---|
| Abboud | Eret | Hoagland | Morehead | Sieck |
| Baack | Goodrich | Johnson, R. | Nelson | Smith |
| Barrett | Harris | Landis | Nichol | Vickers |
| Beyer | Hartnett | Lundy | Pirsch | Wesely |
| Carsten | Hefner | Miller | Scofield | Withem |
| Chizek | | | | |

Voting in the negative, 0.

Present and not voting, 11:

| | | | | |
|---|---|---|---|---|
| Chambers | Goll | Higgins | Lamb | Pappas |
| Chronister | Hall | Johnson, L. | Lynch | Rogers |
| DeCamp | | | | |

Excused and not voting, 12:

| | | | | |
|---|---|---|---|---|
| Beutler | Hannibal | Marsh | Remmers | Schmit |
| Conway | Johnson, V. | Peterson | Rupp | Warner |
| Haberman | Labedz | | | |

This appointment was confirmed with 26 ayes, 0 nays, 11 present and not voting, and 12 excused and not voting.

## MOTION - Reconsider Action on LB 72

Mr. Chambers renewed his pending motion found in the Journal on page 936 to reconsider the motion to indefinitely postpone LB 72.

Mr. Hoagland moved the previous question. The question is, "Shall the debate now close?" The motion lost with 21 ayes, 0 nays, and 28 not voting.

Mr. Wesely moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The Chambers motion to reconsider prevailed with 25 ayes, 15 nays, 7 present and not voting, and 2 excused and not voting.

## ANNOUNCEMENT

Mr. R. Johnson announced the Standing Committee on Agriculture and Environment will hold an Executive Session on Thursday, March 21 at 1:30 p.m. in room 1019.

## STANDING COMMITTEE REPORT
### Banking, Commerce and Insurance

The Committee on Banking, Commerce and Insurance desires to report favorably upon the appointment listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

James Alan Beltzer - State Investment Council

Voting aye: Senators Harris, Higgins, Labedz, Pappas, Schmit, DeCamp. Voting nay: None. Absent: Senators Beyer and Haberman.

(Signed) John DeCamp, Chairperson

## REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative bills 718 and 719.

| LB | Committee |
|---|---|
| 718 | Business and Labor |
| 719 | Business and Labor |

(Signed) Chris Beutler, Chairperson
Legislative Council
Executive Board

## NOTICE OF COMMITTEE HEARINGS
### Business and Labor

| | | |
|---|---|---|
| LB 718 | Wednesday, March 27, 1985 | 1:30 p.m. |
| LB 719 | Wednesday, March 27, 1985 | 1:30 p.m. |

(Signed) Bill Barrett, Chairperson

## STANDING COMMITTEE REPORTS
### Public Health and Welfare

**LEGISLATIVE BILL 578.** Placed on General File.

(Signed) Don Wesely, Chairperson

### Judiciary

**LEGISLATIVE BILL 528.** Placed on General File as amended.
Standing Committee amendments to LB 528:
AM0614

1. On page 2, line 4, strike "a public" and insert "an"; and in line 7 after "agency" insert "or any private nonprofit organization which provides services intended to enhance the social welfare or general well-being of the community".

2. On page 3, line 1, strike "V or Class IV" and insert "IV or Class V"; in line 2 strike "forty" and insert "eighty"; in line 4 strike "eighty" and insert "one hundred fifty"; in line 5 strike "II or Class I" and insert "I or Class II"; in line 6 strike "two" and insert "four"; in line 8 strike "two" and insert "three"; and in line 10 strike "four" and insert "six".

3. On page 5, line 19, strike ", worker,"; and in line 22 reinstate the stricken "and" and strike the two commas.

4. On page 6, reinstate the stricken matter and strike the new matter.

5. On page 7, line 2, reinstate the stricken "such" and strike "the"; in line 3 strike ". Firefighters" and reinstate the stricken "; (d)

firefighters"; in line 11 strike ". Any" and reinstate the stricken "; (e) any"; in line 21 strike ". Any" and reinstate the stricken "; (f) any"; in line 22 after "probation" insert an underscored comma and strike the comma; in line 25 after "probation" insert an underscored comma; in line 26 strike the first comma; and in line 27 reinstate the stricken "such" and strike "the".

6. On page 8, reinstate the stricken matter and strike the new matter.

7. On page 9, reinstate the stricken matter and strike the new matter.

8. On page 10, reinstate the stricken matter and strike the new matter.

9. On page 11, reinstate the stricken matter and strike the new matter.

10. On page 12, reinstate the stricken matter and strike the new matter.

11. Insert the following new section:

"Sec. 6. That section 48-126.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

48-126.01. In determining the compensation to be paid any member of the military forces of this state, any member of a law enforcement reserve force, ~~or~~ any member of a volunteer fire department in any rural or suburban fire protection district, city, or village, or any member of the state Civil Defense Agency, any local organization for civil defense or civil defense mobile support unit, or member of a volunteer ambulance unit, which military forces, law enforcement reserve force, fire department, state Civil Defense Agency, local organization for civil defense or civil defense mobile support unit, or volunteer ambulance unit is regularly organized under the laws of the State of Nebraska, or any person fulfilling conditions of probation, or community service as defined in section 1 of this act, pursuant to any order of any court of this state who shall be working for a governmental body pursuant to any condition of probation or community service, for injuries resulting in disability or death received in the performance of his or her duties as a member of such military forces, reserve force, department, agency, organization or unit, or pursuant to an order of any court, the wages of such a member or person shall be

taken to be those received by him or her from his or her regular employer, and he or she shall receive such proportion thereof as he or she is entitled to under the provisions of section 48-121; PROVIDED, if such member or person is not regularly employed by some other person, for the purpose of such determination, it shall be deemed and assumed that he or she is receiving income from his or her business or from other employment equivalent to wages in an amount one and one half times the maximum compensation rate for total disability. If the wages received for the performance of duties as a member of such military forces, reserve force, department, agency, organization, or unit exceed the wages received from a regular employer, such member shall be entitled to a rate of compensation based upon wages received as a member of such military forces, reserve force, department, agency, organization, or unit.".

12. Renumber the remaining sections accordingly.

13. On page 12, line 15, strike "and" and insert a comma; and in line 16 after the first comma insert "and 48-126.01,".

**LEGISLATIVE BILL 530.** Placed on General File as amended.
Standing Committee amendment to LB 530:
AM0613

1. On page 2, line 4, strike the comma and insert "or"; strike beginning with the comma in line 6 through "revocation" in line 9; and in line 9 after the period insert "No hearing shall be required concerning any request for reduction denied under this section.".

**LEGISLATIVE BILL 663.** Placed on General File as amended.
Standing Committee amendments to LB 663:
AM0617

1. On page 3, strike beginning with the comma in line 21 through line 27.
2. On page 4, strike the new matter.

**LEGISLATIVE BILL 709.** Placed on General File as amended.
Standing Committee amendments to LB 709:
AM0615

1. On page 2, line 27, strike the new matter and reinstate the old matter.

2. On page 3, reinstate line 1 through the period in line 2.

(Signed) Peter Hoagland, Chairperson

**Agriculture and Environment**

**LEGISLATIVE BILL 389.** Placed on General File as amended.
Standing Committee amendments to LB 389:
AM0632

1. Strike original section 6 and insert the following new sections:

"Sec. 6. (1) Except as provided in subsection (2) of this section, no seller shall have recourse to the grain dealer security unless the seller:

(a) Demands payment from the grain dealer within ten days of the date the grain dealer takes possession of the seller's grain;

(b) Negotiates any negotiable instrument issued as payment for grain by the grain dealer within ten days of its issuance; and

(c) Notifies the commission within ten days of any apparent loss to be covered under the terms of the grain dealer's security.

(2) When grain is delivered to a grain dealer in multiple shipments comprising one contract, the seller shall not have recourse to the grain dealer security unless the seller notifies the commission within forty-five days of the date of the first shipment of any apparent loss to be covered under the terms of the grain dealer's security.

Sec. 7. In the event the commission determines that the conditions of a grain dealer's security has been violated, the commission may demand that such dealer's security be forfeited and place the proceeds of the security in an interest bearing trust until it fully determines each claim on the security. The commission shall disburse the security according to each claim determined. If the amount of the security is less than the claims against it, the security shall be distributed pro rata among the claimants. If the security is a bond or letter of credit, the surety or the issuer of such letter shall pay over the security on demand by the commission. If such issuer of a letter of credit or surety for a grain dealer fails or refuses to

pay the security to the commission within ten days, the commission may file a lawsuit in an appropriate court and recover the amount of the security plus interest at the highest legal rate from the date of its demand on the issuer of a letter of credit or surety if the court finds that any claim determined by the commission against the grain dealer's security was valid.".

2. On page 5, line 26, after "File" insert "security which may be"; and in line 27 after "commission" insert "an irrevocable letter of credit, or a certificate of deposit".

3. On page 6, line 2, strike "bond" and insert "security"; in line 7 strike "bond" and insert "security" and strike "written" and insert "furnished"; and in lines 26 and 27, strike "Department of Revenue".

4. Renumber the remaining sections accordingly.

**LEGISLATIVE BILL 491.** Placed on General File as amended.
Standing Committee amendments to LB 491:
AM0633

1. Strike section 1.
2. On page 2, line 13, strike "original".
3. Renumber original section 2 as section 1.

**LEGISLATIVE BILL 503.** Placed on General File as amended.
Standing Committee amendment to LB 503:
AM0634

1. Strike the original sections and insert the following new sections:

"Section 1. Any person, including any public power district or cooperative, firm, or corporation, who shall contract or agree to furnish (1) seed to be sown or planted or (2) electrical power and energy, or both, used in the production of crops shall have a lien upon all crops produced from the seed furnished or produced with the electrical power or energy furnished to secure the payment of the purchase price of the seed or the cost of the electrical power or energy used.

Sec. 2. The lien provided in section 1 of this act may be perfected by filing a notice of the lien with the county clerk of the county where the crop is growing or will be grown within sixty days of the last date on which (1) the seed was furnished or (2) the meter was read with respect to the electrical power or

energy furnished.

The notice of lien shall state (a) the name and address of the person claiming the lien, (b) the name of the person to whom the seed or electrical power or energy has been furnished, (c) the contract price or reasonable value of the seed or electrical power or energy, (d) the type and amount of the seed and the date of delivery of the seed or the type and amount of the electrical power or energy and the period during which such power or energy was furnished, (e) the social security or federal identification number of the debtor or debtors, if known, and (f) the legal description of the land upon which the crop is growing or will be grown. The fee for filing, amending, or releasing the lien shall be as provided in section 9-403, Uniform Commercial Code.

Sec. 3. The lien shall attach on the date of filing and time thereof if shown and may be foreclosed in the manner provided for the foreclosure of secured transactions as provided in Article 9, Uniform Commercial Code.

Sec. 4. This lien shall have its priority established by the date and time of filing and shall not be prior to a properly attached and perfected lien created under the Uniform Commercial Code unless such priority shall be agreed upon in writing by the prior attached and perfected lienholder.".

**LEGISLATIVE BILL 671.** Placed on General File as amended.
Standing Committee amendment to LB 671:
AM0649

1. On page 2, strike beginning with "Any" in line 1 through the period in line 4 and insert "Motor fuel dispensers shall be labeled on both faces with the product identity using the most descriptive terms commercially practicable. In addition, all alcohol-blended fuel dispensers shall have a label stating: With or containing ethanol, methanol, or ethanol and methanol or with similar wording if the motor fuel being dispensed contains one per cent or more, by volume, of alcohol."; in line 4 strike "gasohol"; and in line 5 strike "pump" and insert "motor fuel dispenser".

(Signed) Rod Johnson, Chairperson

**Public Works**

**LEGISLATIVE BILL 302.** Placed on General File as amended. (Standing Committee amendments printed separate from the Journal and on file in the Clerk's Office - Room 1102 - AM0710.)

**LEGISLATIVE BILL 404.** Placed on General File as amended. Standing Committee amendments to LB 404:
AM0682

1. On page 2, line 15, after "applications" insert "for registration of motor vehicles"; strike beginning with "a" in line 16 through "evidencing" in line 17; and in line 18 strike the new matter and insert ". Proof of financial responsibility may be evidenced by a copy of proof of financial responsibility filed pursuant to section 60-528 bearing the seal of the Department of Motor Vehicles or by a certificate of insurance. Such certificate of insurance shall be written by an insurance carrier duly authorized to do business in this state and shall certify that there is in effect a motor vehicle liability policy for the benefit of the person required to furnish proof of financial responsibility. Such certificate shall give the effective date of such motor vehicle liability policy, which date shall be the same as the effective date of the certificate, and designate, by explicit description or by appropriate reference all motor vehicles covered thereby, unless the policy is issued to a person who is not the owner of a motor vehicle.".

2. On page 3, line 24, reinstate "furnished" and strike the new matter.

3. On page 4, line 7, strike "50-562 to 50-564" and insert "60-562 to 60-564"; strike beginning with "prescribe" in line 8 through "furnished" in line 9 and insert "issue a copy of such filing with the department's seal affixed"; in line 10 after "a" insert "motor"; in line 11 strike "form" and insert "copy with seal affixed"; in line 15 after "has" insert "in his or her motor vehicle"; strike beginning with "one" in line 16 through "60-528" in line 17 and insert ", current and effective proof of financial responsibility required in section 60-302".

4. Insert the following new section:

"Sec. 4. When any person insured under an

automobile liability policy is involved in an accident in which the license of the operator of another vehicle is suspended pursuant to section 60-507 because the operator failed to provide proof of financial responsibility and there is a reasonable possibility of judgment being rendered against such operator, the insurance carrier covering the insured person shall not surcharge any of the automobile coverages in the insured party's current policy or any subsequent renewal policy for any loss which was sustained by the insured person and covered under such person's automobile liability policy.".

5. Renumber remaining section accordingly.

(Signed) Loran Schmit, Chairperson

**UNANIMOUS CONSENT - Print in Journal**

Mr. DeCamp asked unanimous consent to print the following amendment to LB 72 in the Journal. No objections. So ordered.

(Amendment printed separate from the Journal and on file in the Clerk's Office - Room 1102 - AM0535.)

**MOTION - Override Veto on LB 113**

Mr. Withem renewed his pending motion found in the Journal on page 1036 to pass LB 113 notwithstanding the objections of the Governor.

Mrs. Higgins 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. Haberman requested a record vote on the motion to override the Governor's veto.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 32:

Baack Beutler Beyer Chambers Chizek

| | | | | |
|---|---|---|---|---|
| Chronister | Hartnett | Lundy | Nelson | Schmit |
| Conway | Higgins | Lynch | Pappas | Smith |
| Goodrich | Hoagland | Marsh | Pirsch | Vickers |
| Hall | Johnson, L. | Miller | Rogers | Wesely |
| Hannibal | Labedz | Morehead | Rupp | Withem |
| Harris | Landis | | | |

Voting in the negative, 13:

| | | | | |
|---|---|---|---|---|
| Abboud | DeCamp | Hefner | Nichol | Remmers |
| Barrett | Goll | Johnson, R. | Peterson | Sieck |
| Carsten | Haberman | Lamb | | |

Present and not voting, 2:

Eret Scofield

Excused and not voting, 2:

Johnson, V. Warner

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the objections of the Governor.

## UNANIMOUS CONSENT - Member Excused

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

## GENERAL FILE

**LEGISLATIVE BILL 407.** Mrs. Marsh asked unanimous consent to withdraw her pending amendment found in the Journal on page 966. No objections. So ordered.

Mrs. Marsh renewed her pending amendment found in the Journal on page 1060.

The Marsh amendment was adopted with 25 ayes, 10 nays, 11 present and not voting, and 3 excused and not voting.

Pending.

## STANDING COMMITTEE REPORTS
### Banking, Commerce and Insurance

**LEGISLATIVE BILL 135.** Placed on General File as amended.
Standing Committee amendment to LB 135:
AM0697

1. On page 2, line 19, after "in" insert "the" and after "court" insert "for the county in which the property is located or in the court in which judgment was rendered against the debtor in favor of the creditor".

**LEGISLATIVE BILL 296.** Placed on General File as amended.
Standing Committee amendment to LB 296:
AM0159

1. On page 2, line 11, strike "absorbs heat: (1) From" and insert " (1) absorbs heat from"; in line 12 strike "; or (2)" and insert "or"; in line 15 after "waters" insert "if a water source heat pump", after the first comma insert "(2)" and after "and" insert "(3)"; and in line 17 strike ", if a water source heat pump".

**LEGISLATIVE BILL 297.** Placed on General File as amended.
Standing Committee amendment to LB 297:
AM0698

1. On page 2, lines 9 and 26; and page 3, line 16, strike "1996" and insert "1992".

(Signed) John DeCamp, Chairperson

## UNANIMOUS CONSENT - Print in Journal

Mr. Rupp asked unanimous consent to print the following amendment to LB 94 in the Journal. No objections. So ordered.

(Amendments printed separate from the Journal and on file in the Clerk's Office - Room 1102 - AM0707.)

Mr. Conway asked unanimous consent to print the following amendment to LB 132 in the Journal. No objections. So ordered.

AM0692

1. Insert the following new sections:
"Sec. 15. A physician assistant shall not

prescribe medications except as an agent of the supervising physician. A physician assistant may prescribe medications, except Schedule II controlled substances, in the name of the supervising physician if the authority has been assigned by the supervising physician. The prescription container label shall bear the name of the supervising physician and may also bear the name of the physician assistant.

Sec. 17. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

2. On page 6, lines 3 and 10; page 8, line 21; page 12, line 15; page 13, line 17; page 15, lines 16 and 21; and page 16, line 13, after "71-1,107.29" insert "and section 15 of this act".

3. On page 13, strike the new matter in lines 10 through 15.

4. Renumber the remaining sections accordingly.

Mr. Vickers asked unanimous consent to print the following amendment to LB 356 in the Journal. No objections. So ordered.

Page 2, line 8,
Insert after "pursuant to" : conviction or convictions for violation of
Insert after "any law" : or laws
Insert after "or" : by

## COMMUNICATION

March 20, 1985

The Honorable Allen Beermann
Secretary of State
State Capitol Building
Room 2300
Lincoln, NE 68509

Dear Mr. Beerman:

Pursuant to the provisions of 84-503, R.R.S., we are forwarding LB 113, with a Certificate attached thereto, signed by the President of the Legislature, certifying the passage of LB 113, notwithstanding the objections of the Governor.

Sincerely,
(Signed) Patrick J. O'Donnell
Clerk of the Legislature

PJO:rz
Enc.
cc: Governor Kerrey

## CERTIFICATE

Legislative Bill 113, 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 20th day of March, 1985.

(Signed) William E. Nichol
Presiding Officer
of the Legislature

## GENERAL FILE

**LEGISLATIVE BILL 407.** Mr. Chambers renewed his pending amendment found in the Journal on page 979.

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

Mr. Wesely renewed his pending amendment, AM0648, found in the Journal on page 1029.

The Wesely amendment was adopted with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

Mr. Chambers offered the following amendment:
Strike all of section 2 on page 2.

Mr. Chambers asked unanimous consent to withdraw his pending amendment. No objections. So ordered.

Mr. Barrett asked unanimous consent to be excused. No objections. So ordered.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 4 nays, and 18 not voting.

Mr. Chambers requested a record vote on the advancement of the bill.

Voting in the affirmative, 27:

| | | | | |
|---|---|---|---|---|
| Baack | Hall | Landis | Nichol | Smith |
| Beyer | Hartnett | Lynch | Peterson | Vickers |
| Carsten | Hefner | Miller | Rogers | Warner |
| Chizek | Hoagland | Morehead | Schmit | Wesely |
| DeCamp | Johnson, L. | Nelson | Scofield | Withem |
| Haberman | Lamb | | | |

Voting in the negative, 11:

| | | | | |
|---|---|---|---|---|
| Abboud | Goll | Higgins | Pappas | Rupp |
| Chambers | Hannibal | Labedz | Remmers | Sieck |
| Chronister | | | | |

Present and not voting, 8:

| | | | | |
|---|---|---|---|---|
| Conway | Goodrich | Johnson, R. | Marsh | Pirsch |
| Eret | Harris | Lundy | | |

Excused and not voting, 3:

| | | |
|---|---|---|
| Barrett | Beutler | Johnson, V. |

Advanced to E & R for Review with 27 ayes, 11 nays, 8 present and not voting, and 3 excused and not voting.

## UNANIMOUS CONSENT - Member Excused

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

## SELECT FILE

**LEGISLATIVE BILL 421.** E & R amendments, AM5074, found in the Journal on page 1013 for the Forty-First Day were adopted.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 373.** E & R amendment, AM5080, found in the Journal on page 1013 for the Forty-First Day was adopted.

Mr. Chambers requested a machine vote on the advancement of the bill.

Advanced to E & R for Engrossment with 26 ayes, 1 nay, 19 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 340.** E & R amendments, AM5081, found in the Journal on page 1013 for the Forty-First Day were adopted.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 235.** E & R amendment, AM5082, found in the Journal on page 1013 for the Forty-First Day was adopted.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 335.** E & R amendments, AM5078, found in the Journal on page 1014 for the Forty-First Day were adopted.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 568.** Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 308.** E & R amendment, AM5077, found in the Journal on page 1014 for the Forty-First Day was adopted.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 424.** E & R amendments, AM5079, found in the Journal on page 1015 for the Forty-First Day were adopted.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 33.** E & R amendments, AM5087, found in the Journal on page 1015 for the Forty-First Day were adopted.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 265.** E & R amendment, AM5084, found in the Journal on page 1015 for the Forty-First Day was adopted.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 625.** E & R amendment, AM5075, found in

the Journal on page 1015 for the Forty-First Day was adopted.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 28.** Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 423.** E & R amendment, AM5085, found in the Journal on page 1020 for the Forty-First Day was adopted.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 547.** E & R amendment, AM5086, found in the Journal on page 1020 for the Forty-First Day was adopted.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 63.** E & R amendment, AM5088, found in the Journal on page 1020 for the Forty-First Day was adopted.

Advanced to E & R for Engrossment.

## UNANIMOUS CONSENT - Print in Journal

Mr. Hoagland asked unanimous consent to print the following amendment to LB 516 in the Journal. No objections. So ordered.

AM0689

(Amendments to AM0214)

1. On page 8, strike lines 22 through 26 and insert:

"A district judge may appoint by order a consenting county judge residing in the district to act as a district judge in specific instances on any matter over which the district court has determined that it has jurisdiction over the parties and subject matter, except appeals from the county court. The appointed county judge shall have power to make any order or do any act relative to any suit, judicial matter, or proceeding or to any special matter which the district judge of such district could make or do if (1) all parties have consented to the appointment or (2) no party has objected to the appointment within ten days after service of the order of appointment upon him or her. Such order or act shall have the same effect as if made or done by the district judge of such district. A copy

of the order of appointment shall be filed in each action in which a county judge acts as a district judge.".

2. On page 9, strike lines 1 and 2.

Mr. Hoagland asked unanimous consent to print the following amendment to LB 71 in the Journal. No objections. So ordered.

AM0647

1. On page 2, line 26, page 4 in line 5, and page 5 in line 4, after "Highways" insert ", except when such highways are located within the corporate limits of a city of the metropolitan class".

2. On page 3, line 3, page 4 in line 10, and page 5 in lines 8 and 13, after "Highways" insert "located outside the corporate limits of a city of the metropolitan class".

Mr. Hannibal asked unanimous consent to print the following amendment to LB 612 in the Journal. No objections. So ordered.

AM0706

1. On page 2, line 8, strike "(4)", show as stricken, and insert "(5)".

2. On page 3, after line 4 insert the following new subdivision:

"(3) The court may place the custody of a child with both parents on a shared or joint-custody basis. In that event, the parents shall have equal rights to make decisions in the best interests of the child under their custody. When a child is placed in the joint custody of the child's parents, the court may further determine that the residency of the child shall be divided either in an equal manner with regard to time of residency or on the basis of a primary residency arrangement for the child. The court, in its discretion, may require the parents to submit a plan for implementation of a joint custody order upon finding that both parents are suitable parents or the parents, acting individually or in concert, may submit a custody implementation plan to the court prior to issuance of a custody decree."; in line 5 strike "(3)", show as stricken, and insert "(4)"; and in line 20, strike "(4)", show as stricken, and insert "(5)".

## STANDING COMMITTEE REPORTS
### Judiciary

**LEGISLATIVE BILL 368.** Placed on General File.

**LEGISLATIVE BILL 289.** Indefinitely postponed.
**LEGISLATIVE BILL 509.** Indefinitely postponed.
**LEGISLATIVE BILL 541.** Indefinitely postponed.
**LEGISLATIVE BILL 611.** Indefinitely postponed.

(Signed) Peter Hoagland, Chairperson

## ANNOUNCEMENTS

Mr. Chronister designates LB 190 as his priority bill.

Mr. Hefner designates LB 453 as his priority bill.

Mr. Rupp designates LB 372 as his priority bill.

Mr. Sieck designates LB 598 as his priority bill.

Mr. Vickers designates LB 488 as his priority bill.

The Agriculture and Environment Committee designates LB 284 and LB 389 as their priority bills.

The Constitutional Revision and Recreation Committee designates LR 32CA and LB 687 as their priority resolution and bill.

## BILL ON FIRST READING

The following bill was read for the first time by title:

**LEGISLATIVE BILL 631A.** By Hoagland, 6th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 631, Eighty-ninth Legislature, First Session, 1985; and to declare an emergency.

## STANDING COMMITTEE REPORTS
### Revenue

**LEGISLATIVE BILL 112.** Placed on General File.
**LEGISLATIVE BILL 531.** Placed on General File.

(Signed) Vard Johnson, Chairperson

**LEGISLATIVE BILL 110.** Placed on General File as amended.
Standing Committee amendment to LB 110:
AM0680

1. On page 2, line 10, after "then" insert "three per cent of the first five thousand dollars remitted each month and"; and in line 16 strike "one per cent" and show the old matter as stricken.

**LEGISLATIVE BILL 236.** Placed on General File as amended.
Standing Committee amendments to LB 236:
AM0608

1. On page 2, line 6, strike "two dollars" and insert "one dollar and fifty cents".
2. On page 3, line 11, strike "fifty" and insert "thirty-three and one-third".

**LEGISLATIVE BILL 425.** Placed on General File as amended.
Standing Committee amendment to LB 425:
AM0607

1. On page 2, line 3, strike "The", show as stricken, and insert "Within thirty days after the" and after "issuance" insert "and sale"; in line 4 after "bonds" insert "the issuer" and strike "be registered", show as stricken and insert "register the issuance"; in line 6 strike ", except that no", show as stricken, and insert "by forwarding to the office of the Auditor of Public Accounts the following information: (1) The name of the issuer; (2) the title or designation of the bonds; (3) the form or forms in which such bonds are issuable; (4) the total principal amount of such bonds initially to be issued; (5) the date or dates of maturity of principal and the amount of principal maturing on such date or dates; (6) the interest rate or rates and the date or dates such interest is payable; (7) the place or places where the principle of and interest on the bonds are payable; and (8) the purpose for which such bonds are being issued. No"; and in lines 8 through 12 strike the new matter.

**LEGISLATIVE BILL 507.** Placed on General File as amended.
Standing Committee amendment to LB 507:
AM0678

1. On page 2, line 8, strike "or" and show as stricken and after "paid" insert ", payable, or expected to become payable"; and in line 22 after "paid" insert ", payable, or expected to become payable".

**LEGISLATIVE BILL 594.** Placed on General File as amended.
Standing Committee amendments to LB 594:
AM0679

1. Strike original section 1 and insert the following new sections:

"Section 1. That section 77-1704.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-1704.01. (1) The county treasurer shall include ~~with~~ on each tax statement, except motor vehicle tax statements, ~~notice or receipt~~ to every taxpayer the ~~following information:~~

~~(1) The total~~ amount of ~~aid from~~ state aid distributed ~~sources appropriated~~ to all taxing subdivisions ~~the county and each city, village, and school district~~ in the county in which the property is located which is proportionately allocable to the taxes levied on the property based on the ratio of total state aid to total property taxes levied by the taxing subdivisions in the most recently preceding state fiscal year. If the county treasurer provides the tax statement to a lending institution or party responsible for paying the taxes, other than the property owner, a duplicate copy of the tax statement shall be provided by the county treasurer to the property owner. ~~; and~~

~~(2) The net amount of property taxes to be levied by the county and each city, village, and school district in the county.~~

~~The necessary form for furnishing such information shall be prescribed by the Department of Revenue.~~

(2) The necessary information on the amounts and ratio of total state aid distributed to and total property taxes levied by each taxing subdivision ~~required by subdivision (1) of this section~~ shall be furnished to the county treasurer by the Department of Revenue prior to October 1 of each year. The county treasurer shall calculate the amount of state aid proportionately allocable to the taxes on each property based on information provided by the department. The tax statement ~~form prescribed by the Department of Revenue~~ shall contain the following statement:

THE AMOUNT OF STATE FUNDS SHOWN ~~ABOVE~~ WOULD HAVE BEEN ADDITIONAL PROPERTY TAXES IF NOT ALLOCATED TO YOUR LOCAL GOVERNMENTS ~~THE COUNTY, CITY, VILLAGE, AND~~

~~SCHOOL DISTRICT~~ BY THE LEGISLATURE.

(3) For purposes of this section, state aid shall mean all state funds distributed to local governments for general and noncategorical purposes and funds distributed under Chapter 39, article 25.

(4) In order for a county to be eligible to receive aid to counties pursuant to sections 77-27,136 and 77-27,137, the county treasurer shall certify by affidavit to the State Treasurer prior to August 1 of each year that the county has complied with subsections (1) and (2) of this section for taxes levied for the prior calendar year. If the county treasurer fails to certify such compliance, or if it is determined by the State Treasurer that the county treasurer falsely certified such compliance, the State Treasurer shall not make distributions of aid to counties to such county pursuant to sections 77-27,136 and 77-27,137 for the current fiscal year. The State Treasurer shall notify the county treasurer prior to August 25 if the county is not eligible to receive such aid to counties. Such amount of aid to counties to which the county would have been entitled for the fiscal year shall lapse to the General Fund. A county may appeal the determination of the State Treasurer pursuant to Chapter 84, article 9.

Sec. 2. This act shall become operative for all taxable years commencing on and after January 1, 1986.".

2. Renumber original section 2 as section 3.

(Signed) Elroy M. Hefner, Vice Chairperson

**LEGISLATIVE BILL 656.** Indefinitely postponed.

(Signed) Vard Johnson, Chairperson

## VISITORS

Visitors to the Chamber were 34 ninth grade students and teachers from Homer; Kathy Riedmann from Omaha; and 25 Westside High School students and teachers from Omaha.

## ADJOURNMENT

At 11:59 a.m., on a motion by Mr. Eret, the Legislature adjourned until 9:00 a.m., Thursday, March 21, 1985.

Patrick J. O'Donnell
Clerk of the Legislature

# FORTY-FOURTH DAY - MARCH 21, 1985

# LEGISLATIVE JOURNAL

# FORTY-FOURTH DAY - MARCH 21, 1985

## LEGISLATIVE JOURNAL

## EIGHTY-NINTH LEGISLATURE
## FIRST SESSION

## FORTY-FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, March 21, 1985

Pursuant to adjournment, the Legislature met at 9:05 a.m., Speaker Nichol presiding.

## PRAYER

The prayer was offered by Pastor J. Keith Cook, Presbyterian Church of the Master, Omaha, Nebraska.

## ROLL CALL

The roll was called and all members were present except Mr. Beutler who was excused until he arrives.

## CORRECTIONS FOR THE JOURNAL

The Journal for the Forty-Third Day was approved.

## STANDING COMMITTEE REPORTS
### Urban Affairs

**LEGISLATIVE BILL 665.** Indefinitely postponed.
**LEGISLATIVE BILL 666.** Indefinitely postponed.

(Signed) Ron Withem, Chairperson

## MESSAGE FROM THE SECRETARY OF STATE

March 20, 1985

Patrick J. O'Donnell

Clerk of the Legislature
State Capitol
Lincoln, Nebraska

RE: L.B. 113, Eighty-Ninth Legislature, First Session

Dear Mr. O'Donnell:

This letter is to acknowledge that I have received on March 20, 1985, at 11:25 a.m., L.B. 113. Along with L.B. 113, I hereby acknowledge receipt of your cover letter and a signed certificate by William E. Nichol, Presiding Officer and President of the Legislature the contents of which are as follows:

"Legislative Bill 113, 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 20th day of March, 1985."

Further, I hereby acknowledge that L.B. 113, cover letter, certificate and copy of the Governor's message have all been filed in this office as a matter of record on the day and hour stated above.

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

AJB/mrh

**CERTIFICATE**

State of Nebraska
Department of State

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that Legislative Bill 113 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 20th day of March, 1985.

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

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

(SEAL) Allen J. Beermann, Secretary of State
Ralph Englert, Deputy

**UNANIMOUS CONSENT - Member Excused**

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

## MOTION - Approve Appointment

Mr. DeCamp moved the adoption of the report of the Banking, Commerce and Insurance Committee for the following Governor appointment found in the Journal on page 1069: James Alan Beltzer - State Investment Council.

Voting in the affirmative, 30:

| | | | | |
|---|---|---|---|---|
| Abboud | DeCamp | Higgins | Lynch | Remmers |
| Baack | Eret | Hoagland | Marsh | Rogers |
| Beyer | Goodrich | Johnson, L. | Miller | Sieck |
| Carsten | Haberman | Labedz | Morehead | Smith |
| Chronister | Hall | Landis | Nelson | Vickers |
| Conway | Hefner | Lundy | Nichol | Wesely |

Voting in the negative, 0.

Present and not voting, 17:

| | | | | |
|---|---|---|---|---|
| Barrett | Harris | Lamb | Pirsch | Scofield |
| Chizek | Hartnett | Pappas | Rupp | Warner |
| Goll | Johnson, R. | Peterson | Schmit | Withem |
| Hannibal | Johnson, V. | | | |

Excused and not voting, 2:

| | |
|---|---|
| Beutler | Chambers |

This appointment was confirmed with 30 ayes, 0 nays, 17 present and not voting, and 2 excused and not voting.

## BILLS ON FINAL READING

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 36.**

A BILL FOR AN ACT relating to eminent domain; to amend section 76-719.01, Reissue Revised Statutes of Nebraska, 1943; to provide for the deposit of certain funds as prescribed; to change an interest rate; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative

to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 48:

| | | | | |
|---|---|---|---|---|
| Abboud | Eret | Hoagland | Miller | Rupp |
| Baack | Goll | Johnson, L. | Morehead | Schmit |
| Barrett | Goodrich | Johnson, R. | Nelson | Scofield |
| Beutler | Haberman | Johnson, V. | Nichol | Sieck |
| Beyer | Hall | Labedz | Pappas | Smith |
| Carsten | Hannibal | Lamb | Peterson | Vickers |
| Chizek | Harris | Landis | Pirsch | Warner |
| Chronister | Hartnett | Lundy | Remmers | Wesely |
| Conway | Hefner | Lynch | Rogers | Withem |
| DeCamp | Higgins | Marsh | | |

Voting in the negative, 0.

Excused and not voting, 1:

Chambers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 89.** With Emergency.

A BILL FOR AN ACT relating to crimes and punishments; to amend section 28-703, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to incest; 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, 48:

| | | | | |
|---|---|---|---|---|
| Abboud | Chronister | Hall | Johnson, L. | Lynch |
| Baack | Conway | Hannibal | Johnson, R. | Marsh |
| Barrett | DeCamp | Harris | Johnson, V. | Miller |
| Beutler | Eret | Hartnett | Labedz | Morehead |
| Beyer | Goll | Hefner | Lamb | Nelson |
| Carsten | Goodrich | Higgins | Landis | Nichol |
| Chizek | Haberman | Hoagland | Lundy | Pappas |

| | | | | |
|---|---|---|---|---|
| Peterson | Rogers | Scofield | Vickers | Wesely |
| Pirsch | Rupp | Sieck | Warner | Withem |
| Remmers | Schmit | Smith | | |

Voting in the negative, 0.

Excused and not voting, 1:

Chambers

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**LEGISLATIVE BILL 315.**

A BILL FOR AN ACT relating to the Department of Public Institutions; to amend section 83-109, Reissue Revised Statutes of Nebraska, 1943; to authorize the release of certain records as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 48:

| | | | | |
|---|---|---|---|---|
| Abboud | Eret | Hoagland | Miller | Rupp |
| Baack | Goll | Johnson, L. | Morehead | Schmit |
| Barrett | Goodrich | Johnson, R. | Nelson | Scofield |
| Beutler | Haberman | Johnson, V. | Nichol | Sieck |
| Beyer | Hall | Labedz | Pappas | Smith |
| Carsten | Hannibal | Lamb | Peterson | Vickers |
| Chizek | Harris | Landis | Pirsch | Warner |
| Chronister | Hartnett | Lundy | Remmers | Wesely |
| Conway | Hefner | Lynch | Rogers | Withem |
| DeCamp | Higgins | Marsh | | |

Voting in the negative, 0.

Excused and not voting, 1:

Chambers

A constitutional majority having voted in the affirmative, the

bill was declared passed and the title agreed to.

**MOTION - Return LB 353 to Select File**

Mr. Lamb moved to return LB 353 to Select File for the following specific amendment:
Pg 6 line 26 strike "shall" and insert "may"

Mr. Lamb asked unanimous consent to withdraw his pending motion to return. No objections. So ordered.

Mr. Vickers moved to return LB 353 to Select File for the following specific amendment:
strike enacting clause

Mr. Vickers asked unanimous consent to withdraw his pending motion to return. No objections. So ordered.

Mr. Lamb moved to return LB 353 to Select File for the following specific amendment:
Strike Section 3

Mr. Lamb asked unanimous consent to withdraw his pending motion to return. No objections. So ordered.

**BILLS ON FINAL READING**

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 353.**

A BILL FOR AN ACT relating to retirement; to amend section 14-1022, Reissue Revised Statutes of Nebraska, 1943, and sections 23-1118 and 79-1531, Revised Statutes Supplement, 1984; to provide for the employer to pick up certain employee contributions; 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:

| | | | | |
|---|---|---|---|---|
| Baack | Beutler | Carsten | Chronister | DeCamp |
| Barrett | Beyer | Chizek | Conway | Eret |

| | | | | |
|---|---|---|---|---|
| Goll | Higgins | Lynch | Peterson | Sieck |
| Goodrich | Hoagland | Marsh | Pirsch | Smith |
| Hall | Johnson, L. | Miller | Remmers | Vickers |
| Hannibal | Johnson, V. | Morehead | Rogers | Warner |
| Harris | Labedz | Nelson | Rupp | Wesely |
| Hartnett | Landis | Pappas | Schmit | Withem |

Voting in the negative, 7:

| | | | | |
|---|---|---|---|---|
| Abboud | Hefner | Lamb | Lundy | Nichol |
| Haberman | Johnson, R. | | | |

Present and not voting, 1:

Scofield

Excused and not voting, 1:

Chambers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 486.** With Emergency.

A BILL FOR AN ACT relating to bingo and other gambling; to amend sections 9-173 and 9-185, Revised Statutes Supplement, 1984; to provide a special permit for certain raffles and lotteries; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 47:

| | | | | |
|---|---|---|---|---|
| Abboud | DeCamp | Hartnett | Lamb | Nichol |
| Baack | Eret | Hefner | Landis | Pappas |
| Barrett | Goll | Higgins | Lundy | Peterson |
| Beyer | Goodrich | Hoagland | Lynch | Pirsch |
| Carsten | Haberman | Johnson, L. | Marsh | Remmers |
| Chizek | Hall | Johnson, R. | Miller | Rogers |
| Chronister | Hannibal | Johnson, V. | Morehead | Rupp |
| Conway | Harris | Labedz | Nelson | Schmit |

Scofield Smith Warner Wesely Withem
Sieck Vickers

Voting in the negative, 0.

Present and not voting, 1:

Beutler

Excused and not voting, 1:

Chambers

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**LEGISLATIVE BILL 508.**

A BILL FOR AN ACT relating to insurance; to amend section 44-4103, Reissue Revised Statutes of Nebraska, 1943; to define and redefine terms; to provide for the establishment, operation, and regulation of fraternal benefit societies; to provide for certificates, benefit contracts, and specific benefits as prescribed; to provide the Director of Insurance with powers and duties; to provide for communications to fraternal benefit society members; to authorize a grievance procedure; to provide for indemnification and reimbursement as prescribed; to provide for the creation of certain institutions and funds as prescribed; to provide for merger; to provide for conversion into a mutual life insurance company; to provide for the discontinuance of business; to provide standards of valuation; to provide for reports; to provide for review of decisions; to provide penalties; to eliminate existing provisions relating to fraternal benefit societies; to harmonize provisions; to provide severability; and to repeal the original section, and also sections 44-1001 to 44-1011, 44-1013 to 44-1033, 44-1035 to 44-1039, 44-1041 to 44-1061, and 44-1063 to 44-1071, Reissue Revised Statutes of Nebraska, 1943.

**MOTION - Return LB 508 to Select File**

Mr. Beutler moved to return LB 508 to Select File for the following specific amendment:

strike the words "or after" and the word "either" on line 24, page 22

Pending.

## STANDING COMMITTEE REPORT
### Public Works

**LEGISLATIVE BILL 300.** Placed on General File as amended.
Standing Committee amendments to LB 300:
AM0708

1. On page 7, line 11, after the second "the" insert "Director of Motor Vehicles as directed by the".

2. Insert the following new section:

"Sec. 6. That section 60-305.09, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-305.09. (1) Any owner engaged in operating a fleet of apportionable vehicles in this state in interstate commerce may, in lieu of registration of such vehicles under the general provisions of sections 60-301 to 60-344, register and license such fleet for operation in this state by filing a sworn statement with the Department of Motor Vehicles, which shall be in such form and contain such information as the department shall require, declaring the total mileage operated by such vehicles in all states and in this state during the preceding year and describing and identifying each such vehicle to be operated in this state during the ensuing license year. The application shall be accompanied by payment of the registration fee determined as provided in this section. Upon receipt of such statement, the department shall determine the total fee payment which shall be equal to the amount obtained by applying the proportion of in-state fleet miles to total fleet miles, as reported in ~~said~~ such states, to a fee of thirty-two dollars per ton based upon gross vehicle weight of the empty weights of a truck or truck-tractor and the empty weights of any trailer, semitrailer, or combination thereof with which it is to be operated in combination at any one time, plus the weight of the maximum load to be carried thereon at any one time, and shall notify the applicant of the amount of any additional payment required to be made. Mileage operated in noncontracting reciprocity states by vehicles based in Nebraska shall be applied to the portion of the formula for determining the Nebraska in-state fleet miles.

Temporary authority which shall permit the

operation of a fleet or an addition to a fleet in this state while the application is being processed may be issued upon application to the department if necessary to complete processing of the application.

Upon completion of such processing and receipt of the appropriate fees, the department shall issue to the applicant a sufficient number of distinctive registration certificates and such other evidence of registration for display on the vehicle as the department determines appropriate for each of the vehicles of his or her fleet, identifying it as a part of an interstate fleet proportionately registered. All fees received as provided in this section shall be credited to the International Registration Plan Distributive Fund, which fund is hereby created. Such fund shall be disbursed to carry out the provisions of the International Registration Plan.

The vehicles so registered shall be exempt from all further registration and license fees under sections 60-301 to 60-344 for movement or operation in the State of Nebraska. The proportional registration and licensing provision of this section shall apply to vehicles added to ~~said~~ such fleets and operated in this state during the license year.

The right of applicants to proportional registration hereunder shall be subject to the terms and conditions of any reciprocity agreement, contract, or consent made by the Department of Motor Vehicles.

When a nonresident fleet owner has registered his or her vehicles on an apportionment basis, his or her vehicles shall be considered as fully registered for both interstate and intrastate commerce when the state of base registration for such fleet accords the same consideration for fleets with a base registration in Nebraska. Each vehicle of a fleet registered by a resident of Nebraska on an apportionment basis shall be considered as fully registered for both interstate and intrastate commerce.

(2) Mileage proportions for interstate fleets not operated in this state during the preceding year shall be determined by the department upon the sworn application of the applicant on forms to be supplied by the department which shall show the operations of the preceding year in other states and estimated operations in Nebraska, or if no operations were conducted the

previous year, a full statement of the proposed method of operation.

(3) Any owner complying with and being granted proportional registration shall preserve the records on which the application is made for a period of three years following the current registration year. Upon request of the department, the owner shall make such records available to the department at its office for audit as to accuracy of computation and payments, or pay the costs of an audit at the home office of the owner by a duly appointed representative of the department if the office where the records are maintained is not within the State of Nebraska. The department may enter into agreements with agencies of other states administering motor vehicle registration laws for joint audits of any such owner. All payments received to cover the costs of an audit shall be paid by the department into the state treasury and the State Treasurer shall credit the same to the state General Fund. No deficiency shall be assessed nor any claim for credit allowed for any license registration year for which records on which the application was made are no longer required to be maintained.

(4) If it is claimed by the Department of Motor Vehicles that the owner should have paid a greater amount of fee under ~~the provisions of~~ this act than was paid, the department shall notify the owner of the additional amount claimed to be due. The owner may accept such claim and pay the amount due, or he or she may dispute the claim and submit to the department any information which he or she may have in support of his or her position. If the dispute cannot otherwise be resolved within the department, the entire matter shall be submitted to the director for his or her final departmental determination thereof. The director shall incorporate his or her determination into a written order. Such order may be appealed to the district court in the manner provided in section 60-420, except that the bond shall be filed with the clerk of the district court and shall be a surety bond or a cash bond equal to the amount claimed to be due plus two hundred dollars as security for costs that might be assessed against the owner and a certified copy of the director's order shall be filed in lieu of a transcript. Upon expiration of the time for perfecting an appeal, if no appeal is

taken, or upon final judicial determination, if an appeal is taken, the department shall deny the owner the right to further registration for a fleet license until the amount finally determined to be due, together with any costs assessed against the owner, has been paid. This subsection shall apply to all disputes which have not been processed to final determination as of September 2, 1977.

(5) Every applicant who shall license any vehicles under ~~the provisions of~~ this act shall have ~~their~~ his or her registration certificates issued only after all fees are paid and, if applicable, has furnished proof of payment, in the form prescribed by the Director of Motor Vehicles as directed by the United States Secretary of the Treasury, of the federal heavy vehicle use tax imposed by the Internal Revenue Code, 26 U.S.C. section 4481.

(6) In the event of the transfer of ownership of any registered motor vehicle, or in the case of loss of possession because of fire or theft or because the motor vehicle was wrecked, junked, or dismantled, its registration shall expire, except that the registered owner, if he or she applies to the department after such transfer or loss of possession and accompanies the application with the fee of one dollar and fifty cents, may have assigned to another motor vehicle the registration identification of the motor vehicle so transferred or lost. If the assigned motor vehicle has a greater gross weight than the transferred or lost motor vehicle, the owner of the assigned motor vehicle shall additionally pay only the registration fee for the increased gross weight for the remaining months of the registration year based on the factors determined by the department in the original fleet application.

(7) Whenever a Nebraska-based fleet owner files an application with the department to delete a registered motor vehicle from a fleet of registered motor vehicles because of (a) the transfer of ownership, or (b) the loss of possession due to fire or theft or because the motor vehicle was wrecked, junked, or dismantled, the registered owner may, by returning the registration certificate or certificates and such other evidence of registration used by the department or, if such certificate or certificates or such other evidence of registration is unavailable, then by making an

affidavit to the department of such transfer or loss, receive a refund of the registration fee based upon the number of unexpired months remaining in the registration year. When such motor vehicle is transferred or lost within the same month as acquired, no refund shall be allowed for such month. Such refund may be in the form of a credit against any registration fees that have been incurred or are, at the time of the refund, being incurred by the registered motor vehicle owner.

(8) Whenever a Nebraska-based fleet owner files an application with the department to delete a registered motor vehicle from a fleet of registered motor vehicles because the vehicle is disabled and has been removed from service, the registered owner may, by returning the registration certificate or certificates and such other evidence of registration used by the department or, in the case of the unavailability of such certificate or certificates or such other evidence of registration, then by making an affidavit to the department of such disablement and removal from service, receive a credit for that portion of the registration fee deposited in the Highway Trust Fund based upon the number of unexpired months remaining in the registration year. When such motor vehicle is removed from service within the same month in which it was registered, no credit shall be allowed for such month. Such credit may be applied against registration fees for new or replacement vehicles incurred within one year after cancellation of registration of the motor vehicle for which the credit was allowed. When any such vehicle is reregistered within the same registration year in which its registration has been canceled, the fee shall be that portion of the registration fee provided to be deposited in the Highway Trust Fund for the remainder of the registration year.

(9) In case of addition to the registered fleet during the registration year, the owner engaged in operating the fleet shall pay the proportionate registration fee from the date of the application for the remaining balance of the registration year.

(10) In lieu of registration under subsections (1) to (9) of this section, the title holder of record may apply to the department for special registration, to be known as an unladen-weight registration, for any commercial vehicle or combination of vehicles. Such

registration shall be valid only for a period of thirty days and shall give no authority to operate the vehicle except when empty. The fee for such registration shall be twenty dollars for each vehicle, which fee shall be remitted to the State Treasurer for deposit in the Highway Trust Fund. The issuance of such permits shall be governed by subsection (1) of section 60-305.03.".

3. On page 19, line 7, strike "on the application for certificate of" and show as stricken; in line 8 strike "title or" and show the old matter as stricken; in line 17 after "who" insert "sells three or more motor vehicles per year who"; and in line 24 strike "8, 9, and 15" and insert "9, 10, and 16".

4. On page 20, line 1, after the second comma insert "60-305.09,".

5. Renumber remaining sections accordingly.

(Signed) Loran Schmit, Chairperson

## ATTORNEY GENERAL'S OPINION

Opinion No. 38
March 18, 1985

Dear Senator Hoagland:

This is in response to your inquiry concerning LB 406 concerning so-called "look-alike" drugs.

Section 1 (8) of said bill provides in part:

Any person who knowingly ~~or~~ and intentionally manufactures, distributes, delivers, or possesses with intent to distribute or deliver any substance which is not a controlled substance, but which by way of representations made or by appearance, including color, texture, shape, size, packaging, or markings, would lead a reasonable person to believe that the substance is a controlled substance shall:

The language starting with "or by appearance" in the above portion of said bill immediately raises doubts as to its validity.

This is so because intentional delivery of an innocent substance which, by appearance alone, would lead a reasonable person to believe that it is a controlled substance, would be a violation of the act.

Such language could cover a perfectly innocent, albeit intentional, delivery as well as one intended to mislead.

For example, a person bringing a white powdery substance known as "coffee-mate" to work in a clear bag with intent to share with his

fellow coffee drinkers could be in violation of this section if it led a reasonable observer to believe that the substance was a controlled substance. We are sure it is not the intent of the bill to punish such innocent behavior.

In State v. Huffman, 202 Neb. 434 (1979), the Supreme Court of Nebraska was construing the meaning of "any person who operates a vehicle in a manner so as to endanger or be likely to endanger any person or property shall be guilty of careless driving." That language is probably more definite than the language from LB 406 set forth above. Nevertheless, a majority of the court held that it was unconstitutionally vague. In discussing this language, the court stated:

> The dividing line between what is lawful and unlawful cannot be left to conjecture. State v. Adams, supra; State v. Nelson, supra. The citizen cannot be held to answer charges based upon penal statutes whose mandates are so uncertain that they will reasonably admit of different constructions. A criminal statute cannot rest upon an uncertain foundation. . . . Penal statutes prohibiting the doing of certain things and providing a punishment for their violation should not admit of such a double meaning that the citizen may act upon one conception of its requirements and the courts upon another. State, ex rel. English v. Ruback, 135 Neb. 335, 281 N.W. 607; Connally v. General Construction Co., 269 U.S. 385, 46 S. Ct. 126, 70 L.Ed. 322.

In State v. Metzger, 211 Neb. 593 (1982), the Supreme Court of Nebraska quoted from State v. Huffman and several other cases as follows:

> A statute which forbids the doing of an act in terms so vague that men of common intelligence must necessarily guess as to its meaning and differ as to its application violates the first essential elements of due process of law. Connally v. General Const. Co., 269 U.S. 385, 46 S.Ct. 126, 70 L.Ed. 322 (1925); State v. Pocras, 166 Neb. 642, 90 N.W.2d 263 (1958). It is not permissible to enact a law which in effect spreads an all-inclusive net for the feet of everybody upon the chance that, while the innocent will surely be entangled in its meshes, some wrongdoers may also be caught. State v. Adkins, 196 Neb. 76, 241 N.W.2d 655 (1976).

In light of the position of the Supreme Court of Nebraska, evidenced by the foregoing, and other recent cases, it is our opinion that the provisions of Section 1(8) of LB 406 would likely, if challenged, be ultimately held to be in violation of due process and unconstitutional.

You have also asked for guidance in developing appropriate language.

We certainly do not question your concern or the wisdom for some

type of legislation in this field. As you know, the provisions of Article II, Section 1, of the Nebraska Constitution providing for three distinct departments of government prevents us from extending any authoritative guidance to you.

With the above caution, we are happy to suggest that nearly all the statutes from other jurisdictions submitted with your letter contain explanatory language enlarging upon the meaning of an "imitation controlled substance" which was not included in LB 406. For example, see, Section 1d of the Model Imitation Controlled Substances Act, subsection 19(a), (b), (c), (d), (e), (f) of Section 195.010 of the Federal Drug Regulations and Section 18-5-603 of the Colorado Criminal Code.

We are hoping this will be of assistance to you.

Very truly yours,
ROBERT M. SPIRE
Attorney General
(Signed) Mel Kammerlohr
Assistant Attorney General

MK:bmh
cc: Patrick J. O'Donnell
Clerk of the Legislature

## RESOLUTION

**LEGISLATIVE RESOLUTION 76.**

Introduced by Baack, 47th District.

WHEREAS, the year 1985 marks the one hundredth anniversary of the City of Sidney, Nebraska; and

WHEREAS, the City of Sidney is the county seat and an important cornerstone to all residents of Cheyenne County, Nebraska; and

WHEREAS, Sidney is proud of being the home for Safeplay Tuf-wear which manufactured the equipment for the Rocky III movie and Cabela's Sporting Goods; and

WHEREAS, Sidney is known as "The Toughest Town on the Track"; and

WHEREAS, Cheyenne County is Nebraska's largest producer of winter wheat and Sidney is known for its oil wells; and

WHEREAS, many citizens of Sidney have contributed to its growth and stability in the past one hundred years; and

WHEREAS, a centennial celebration offers a community a unique opportunity to reflect upon those citizens whose efforts were

responsible for its accomplishments; and

WHEREAS, Sidney has been, is, and will continue to be an outstanding community and the citizens of Sidney deserve special recognition during the centennial celebration which takes place on July 4-7, 1985.

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

1. That the members of the Legislature recognize and commend the City of Sidney for its one hundredth anniversary.

2. That the Legislature congratulates and extends best wishes to the citizens of the Sidney community.

3. That a copy of this resolution shall be sent to the Mayor, E. C. Petroff, and the citizens of Sidney.

Laid over.

## GENERAL FILE

**LEGISLATIVE BILL 38.** Mr. Lamb asked unanimous consent to withdraw his pending amendment found in the Journal on page 968. No objections. So ordered.

Mr. Lamb renewed his pending amendment, AM0601, found in the Journal on page 1047 to the Standing Committee amendment.

The Lamb amendment was adopted with 16 ayes, 0 nays, 32 present and not voting, and 1 excused and not voting.

Mr. DeCamp asked unanimous consent to withdraw his pending amendments (2), (3), (4) found in the Journal on pages 1007 and 1008 and AM0694 found in the Journal on page 1061. No objections. So ordered.

Mr. DeCamp renewed his pending amendment (1), AM0588, found in the Journal on page 1006 to the Standing Committee amendment.

Pending.

## SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 36, 89, 315, 353, and 486.

## UNANIMOUS CONSENT - Member Excused

Mr. Chronister asked unanimous consent to be excused. No objections. So ordered.

## GENERAL FILE

**LEGISLATIVE BILL 38.** The DeCamp pending amendment (1), AM0588, found in the Journal on page 1006 to the Standing Committee amendment was considered.

**MRS. LABEDZ PRESIDING**

Mrs. Marsh asked unanimous consent to be excused. No objections. So ordered.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion lost with 20 ayes, 10 nays, and 19 not voting.

Mr. DeCamp moved for a call of the house. The motion prevailed with 17 ayes, 1 nay, and 31 not voting.

Mr. DeCamp requested a roll call vote on his amendment.

Voting in the affirmative, 20:

| | | | | |
|---|---|---|---|---|
| Abboud | Conway | Hartnett | Labedz | Pirsch |
| Baack | DeCamp | Higgins | Lynch | Smith |
| Beutler | Hall | Hoagland | Morehead | Wesely |
| Chizek | Hannibal | Johnson, V. | Pappas | Withem |

Voting in the negative, 26:

| | | | | |
|---|---|---|---|---|
| Barrett | Haberman | Lamb | Nichol | Schmit |
| Beyer | Harris | Landis | Peterson | Scofield |
| Carsten | Hefner | Lundy | Remmers | Sieck |
| Eret | Johnson, L. | Miller | Rogers | Vickers |
| Goll | Johnson, R. | Nelson | Rupp | Warner |
| Goodrich | | | | |

Excused and not voting, 3:

| | | |
|---|---|---|
| Chambers | Chronister | Marsh |

The DeCamp amendment lost with 20 ayes, 26 nays, and 3 excused and not voting.

Mrs. Higgins moved to bracket LB 38 until Monday, March 25, 1985.

The Chair declared the call raised.

Mr. Miller asked unanimous consent to be excused. No objections. So ordered.

Mrs. Higgins asked unanimous consent to withdraw her motion to bracket. No objections. So ordered.

Mrs. Nelson offered the following amendment to the Standing Committee amendment:

In the Standing Committee amendments beginning on page 620 of the Journal strike section 3 and insert:

Sec. 3 Commencing in 1986, an owner shall be entitled to a twenty per cent rebate, not to exceed four hundred dollars, for all property taxes paid by him or her during such year. A claim for such rebate shall be made within six months after the property taxes become delinquent.

Mr. Lamb moved for a call of the house. The motion prevailed with 17 ayes, 4 nays, and 28 not voting.

Mr. Lamb requested a roll call vote on the Nelson amendment.

Voting in the affirmative, 22:

| | | | | |
|---|---|---|---|---|
| Abboud | Conway | Higgins | Lynch | Pirsch |
| Baack | DeCamp | Hoagland | Morehead | Smith |
| Beutler | Hall | Johnson, V. | Nelson | Wesely |
| Beyer | Hannibal | Labedz | Pappas | Withem |
| Chizek | Hartnett | | | |

Voting in the negative, 20:

| | | | | |
|---|---|---|---|---|
| Barrett | Haberman | Lamb | Remmers | Scofield |
| Carsten | Hefner | Landis | Rogers | Sieck |
| Eret | Johnson, L. | Nichol | Rupp | Vickers |
| Goll | Johnson, R. | Peterson | Schmit | Warner |

Present and not voting, 3:

Goodrich Harris Lundy

Excused and not voting, 4:

Chambers Chronister Marsh Miller

The Nelson amendment was adopted with 22 ayes, 20 nays, 3 present and not voting, and 4 excused and not voting.

Pending.

## BILL ON FIRST READING

The following bill was read for the first time by title:

**LEGISLATIVE BILL 606A.** By DeCamp, 40th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 606, Eighty-ninth Legislature, First Session, 1985.

## STANDING COMMITTEE REPORTS
### Public Health and Welfare

The Public Health and Welfare Committee met in executive session on March 19, 1985, to take action on the following confirmations:

Burrell Williams - State Foster Care Review Board
Janet Coleman - State Board of Health
Dr. Richard Powell - State Board of Health
Bruce Gilmore - State Board of Health
Dr. Norman R. Schneider - State Board of Health
Dr. Robert J. Hilkeman - State Board of Health

Senators Chronister, Hall, Lynch, Peterson, Wesely, and Withem voted aye for these confirmations. Senator Smith was absent.

**LEGISLATIVE BILL 77.** Indefinitely postponed.
**LEGISLATIVE BILL 659.** Indefinitely postponed.

(Signed) Don Wesely, Chairperson

## UNANIMOUS CONSENT - Print in Journal

Mr. Sieck asked unanimous consent to print the following amendment to LB 127 in the Journal. No objections. So ordered.

AM0704

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. The intent of this act is to create incentives for the manufacturer, distributor, dealer, and consumer of beverage containers to reuse or recycle such containers, thereby removing the blight on the landscape caused by the disposal of these containers on the highways and streets of the state and reducing the cost of litter collection and solid waste disposal. This act is also intended to encourage the conservation of energy and natural resources by promoting the use of refillable beverage containers.

Sec. 2. As used in this act, unless the context otherwise requires:

(1) Beverage shall mean beer or other malt beverages, mineral waters, soda water, and similar carbonated soft drinks in liquid form intended for human consumption;

(2) Beverage container shall mean the individual, separate, sealed glass, metal, or plastic bottle, can, jar, or carton containing a beverage;

(3) Dealer shall mean any person in this state who engages in the sale of beverages in beverage containers to a consumer;

(4) Distributor shall mean any person who engages in the sale of beverages in beverage containers to a dealer in this state including any manufacturer who engages in such sale;

(5) In this state shall mean within the exterior limits of the State of Nebraska and includes all territory within such limits owned by or ceded to the United States of America;

(6) Manufacturer shall mean any person who bottles, cans, or otherwise fills beverage containers for sale to any distributor or dealer;

(7) Place of business of a dealer shall mean the location at which a dealer sells or offers for sale beverages in beverage containers to consumers; and

(8) Use or consumption shall include the exercise of any right or power over a beverage incident

to the ownership thereof, other then the sale or the keeping or retention of a beverage for the purpose of sale.

Sec. 3. Every beverage container sold or offered for sale in this state shall have a refund value of not less than five cents.

Sec. 4. Except as provided in section 5 of this act:

(1) A dealer shall not refuse to accept from any person any empty beverage containers of the kind, size, and brand sold by the dealer, or refuse to pay to such person the refund value of a beverage container as established by section 3 of this act; and

(2) A distributor shall not refuse to accept from a dealer any empty beverage container of the kind, size, and brand sold by the distributor, or refuse to pay the dealer the refund value of a beverage container as established by section 3 of this act.

Sec. 5. (1) A dealer may refuse to accept from a person, and a distributor may refuse to accept from a dealer, any empty beverage container which does not state thereon a refund value as established by section 3 of this act.

(2) No dealer shall be required to accept from a person, nor shall a distributor be required to accept from a dealer, any container which is broken, not empty, or not reasonably clean.

Sec. 6. (1) Every beverage container sold or offered for sale in this state by a dealer shall clearly indicate by embossing or by a stamp, or by a label or other method securely affixed to the beverage container, the refund value of the container.

(2) Subsection (1) of this section shall not apply to glass beverage containers designed for beverages having a brand name permanently marked thereon which, on July 1, 1986, had a refund value of not less than five cents.

Sec. 7. Any person who violates section 3, 4, or 6 of this act shall be guilty of a Class IV misdemeanor. Each day shall constitute a separate offense in cases of continuing violation.

Sec. 8. The Nebraska Liquor Control Commission shall adopt and promulgate rules and regulations necessary for the enforcement of labelling, embossing, or exemptions from such labelling or

embossing requirements as specified in section 6 of this act. It shall also develop necessary procedures for adequate public notice and enforcement of this act.

Sec. 9. This act shall become operative on July 1, 1986.

Sec. 10. That sections 31-1534 to 81-1566, Reissue Revised Statutes of Nebraska, 1943, are repealed.".

## STANDING COMMITTEE REPORTS
### Banking, Commerce and Insurance

**LEGISLATIVE BILL 451.** Placed on General File.
**LEGISLATIVE BILL 604.** Placed on General File.

(Signed) John DeCamp, Chairperson

## UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendment to LB 593 in the Journal. No objections. So ordered.

AM0696

1. Insert the following new section:

"Section 1. In addition to the annual statement required by section 44-322, every insurer doing business in this state shall file with the Department of Insurance quarterly reports showing its condition for each of the first three calendar quarters on or before the forty-fifth day following the last day of each such calendar quarter. The quarterly report shall consist of the information which the director, by rule and regulation, deems pertinent to the determination of solvency of an insurer.".

2. Renumber the remaining sections accordingly.

## STANDING COMMITTEE REPORTS
### Revenue

**LEGISLATIVE BILL 364.** Indefinitely postponed.
**LEGISLATIVE BILL 365.** Indefinitely postponed.
**LEGISLATIVE BILL 366.** Indefinitely postponed.
**LEGISLATIVE BILL 409.** Indefinitely postponed.

(Signed) Vard Johnson, Chairperson

**Public Health and Welfare**

**LEGISLATIVE BILL 562.** Indefinitely postponed.

(Signed) Don Wesely, Chairperson

**Judiciary**

**LEGISLATIVE BILL 370.** Placed on General File as amended.
Standing Committee amendment to LB 370:
AM0672

1. On page 2, line 11, strike "is" and insert "and also section 42-372, Reissue Revised Statutes of Nebraska, 1943, are".

**LEGISLATIVE BILL 447.** Placed on General File as amended.
Standing Committee amendment to LB 447:
AM0721

1. On page 11, line 12, strike the comma; in line 13 strike "excluding nonjudicial days,"; in line 15 strike ", excluding"; and in line 16 strike "nonjudicial days,".

**LEGISLATIVE BILL 448.** Placed on General File as amended.
Standing Committee amendment to LB 448:
AM0367

1. On page 2, line 16, after "Family" insert "or household members shall include"; strike beginning with "shall" in line 16 through "mean" in line 18 and show as stricken; in line 20 after the comma insert "children,"; in line 24 after "and" insert "other"; and in line 26 strike "(5)", show as stricken, and insert "(4)".

**LEGISLATIVE BILL 493.** Placed on General File as amended.
Standing Committee amendments to LB 493:
AM0616

1. On page 2, line 10, strike "MINORS", show as stricken, and insert "PERSONS UNDER 21"; in line 15 strike "A MINOR", show as stricken, and insert "YOU ARE UNDER 21"; in line 25 strike "OVER 21", show as stricken, and insert "YOU ARE 21 OR OVER"; and in line 26 strike "MINOR", show as stricken, and insert "PERSON

UNDER 21".

2. On page 3, line 26, strike "III", show as stricken, and insert "I"; and strike beginning with "Prosecution" in line 26 through line 27 and show as stricken.

3. On page 4, strike lines 1 through 4 and show as stricken; strike beginning with the comma in line 10 through the second comma in line 12 and show as stricken; and strike beginning with the comma in line 13 through "subsection" in line 21 and show as stricken.

**LEGISLATIVE BILL 504.** Placed on General File as amended.
Standing Committee amendments to LB 504:
AM0719

1. On page 4, line 11, after the second comma insert "or" and strike ", or (8)"; and strike beginning with "not" in line 11 through "shall" in line 12.

2. On page 6, strike lines 25 through 27.

**LEGISLATIVE BILL 522.** Placed on General File as amended.
Standing Committee amendments to LB 522:
AM0718

1. Insert the following new sections:

"Sec. 2. After the effective date of this act, no suit shall be brought against any employee of a political subdivision for money, on account of damage to or loss of property or on account of personal injury or death allegedly caused by the negligent act or omission of any employee of a political subdivision while acting within the scope of his or her office or employment, unless notice is first filed in the form of a written claim setting forth the time and place of the occurrence giving rise to the claim and such other facts pertinent to the claim as are known to the claimant. Such notice shall be filed with the clerk, secretary, or other official whose duty it is to maintain the official records of the political subdivision by which the employee is employed, except that the governing body of a political subdivision may provide that such claims may be filed with the duly constituted law department of such political subdivision. No suit shall be permitted under this section unless the governing body of the political subdivision has made final disposition of the claim, except that if the governing body does not make final disposition of a claim within six months after it

is filed, the claimant may, by notice in writing, withdraw the claim from consideration by the governing body and begin suit under this section.

Unless such notice is filed within two years after the claim has accrued, the claim shall be forever barred, except as provided in section 25-213. Any suit shall be forever barred unless commenced within two years after such claim has accrued. The time to commence the suit shall be extended for a period of six months from the date (1) the governing body mails notice to the claimant as to the final disposition of the claim or (2) the claimant withdraws the claim from consideration by the governing body, if the time to begin suit would otherwise expire before the end of such period.

Sec. 3. That section 23-2420, Revised Statutes Supplement, 1984, be amended to read as follows:

23-2420. Sections 23-2401 to 23-2420 and section 2 of this act shall be known and may be cited as the Political Subdivisions Tort Claims Act.".

2. On page 4, line 13, strike "section 23-2416" and insert "sections 23-2416 and 23-2420".

3. Renumber remaining sections accordingly.

**LEGISLATIVE BILL 180.** Indefinitely postponed.
**LEGISLATIVE BILL 703.** Indefinitely postponed.

(Signed) Peter Hoagland, Chairperson

## UNANIMOUS CONSENT - Print in Journal

Mr. Landis asked unanimous consent to print the following amendment to LB 157 in the Journal. No objections. So ordered.

AM0728

1. Strike original section 1 and all amendments thereto and insert new sections as follows:

"Section 1. That section 45-103, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

45-103. (1) Interest on all decrees and judgments for the payment of money, subject to subsections (2) to (4) of this section and except when the state or any of its political subdivisions is party

thereto, shall be from thirty days after the date the summons is served ~~the date of the rendition thereof~~ at the rate specified in section 45-104.01, as such rate may from time to time be adjusted by the Legislature until the same shall be paid. If ~~; PROVIDED, if~~ such judgment or decree shall be founded upon any contract, either verbal or written, by the terms of which a greater rate of interest, not exceeding the amount allowed by law, than the rate specified in section 45-104.01, as such rate may from time to time be adjusted by the Legislature, shall have been agreed upon, the rate of interest upon such judgment or decree shall be the same as provided for by the terms of the contract upon which the same was founded. Interest on a judgment appealed to the district court shall be determined in accordance with subsection (3) of section 24-541.06.

(2) Interest prior to judgment shall only accrue on lost wages and special damages if no compensation was previously received for such lost wages or special damages.

(3) If a plaintiff has refused to accept an offer by defendant to confess judgment pursuant to section 25-906 or 25-907 or sections 25-1309 to 25-1312 and if the judgment is for an amount equal to or less than the amount confessed, no interest shall accrue between the time of the offer to confess judgment and the time of rendition of the judgment.

(4) This section shall not apply to any action arising under Chapter 42 or to any action arising under Nebraska law in which judgment interest rates are otherwise specifically provided.

Sec. 2. (1) No prejudgment interest or defense expenses shall be allowed under section 3 or 4 of this act on any tort action which is completed within the time specified by the Nebraska Supreme Court standards or guidelines for the progression of civil cases in existence on the effective date of this act.

(2) A delay, under section 3 or 4 of this act, which is caused by a party's counsel or insurer shall be deemed a delay by the party.

Sec. 3. (1) In a tort action in which a judgment has been entered for the payment of money, any party, by appropriate motion within thirty days of entry of judgment, may allege to the court that any other

party caused unreasonable delay in the progress and final disposition of the action.

(2) If the court, upon notice and hearing, finds that there was such delay by a party against whom a judgment was entered, the court shall assess interest on the total judgment at a rate specified in section 45-104.01, as such rate may from time to time be adjusted by the Legislature, against the dilatory party for the period of the delay. Such period of interest shall not commence prior to the date on which service of process was accomplished on the dilatory party in the action nor subsequent to the date of entry of judgment. The prejudgment interest, if awarded pursuant to this section, shall be in lieu of any prejudgment interest provided for in section 45-103 and shall be in addition to the post-judgment interest provided for in section 45-103.

(3) If the court, upon notice and hearing, finds that there was such delay by the party in whose favor the judgment was entered, the court shall award the moving party that portion of his or her total defense expenses as are reasonably attributable to the delay.

Sec. 4. In a tort action seeking payment of money which results in a judgment that no money is owed, or which is dismissed or otherwise disposed of without settlement or trial, any defendant may allege by appropriate motion filed within thirty days of such judgment or other disposition that any other party caused unreasonable delay in the progress and final disposition of the action. If the court, upon notice and hearing, finds that there was such delay, it may order the dilatory party to pay such portion of defense expenses as are reasonably attributable to the delay. Such amounts shall be in addition to any taxable court costs otherwise allowed by law.

Sec. 5. If a tort action is tried by a jury, the jury shall be instructed by the court that it is not to include in an award of damages any sums for prejudgment interest, as such interest will be added by the court in those instances where it is allowed by law.

Sec. 6. This act shall be operative for all causes of action filed on or after April 1, 1986.".

2. Renumber original section 2 as section 7.

## PRESENTED TO THE GOVERNOR

Presented to the Governor on March 21, 1985, at 11:07 a.m., were the following bills: 36, 89, 315, 353, and 486.

(Signed) Pam Moravec, Enrolling Clerk

## ANNOUNCEMENTS

Mr. Abboud designates LB 383 as his priority bill.

Mr. Baack designates LB 287 as his priority bill.

Mr. Beutler designates LB 516 as his priority bill.

Mr. Beyer designates LB 395 as his priority bill.

Mr. Carsten designates LB 581 as his priority bill.

Mr. Chizek designates LB 493 as his priority bill.

Mr. Conway designates LB 404 as his priority bill.

Mr. DeCamp designates LR 16 as his priority resolution.

Mr. Eret designates LB 709 as his priority bill.

Mr. Goll designates LB 426 as his priority bill.

Mr. Goodrich designates LB 645 as his priority bill.

Mr. Haberman designates LB 183 as his priority bill.

Mr. Hall designates LB 216 as his priority bill.

Mr. Hannibal designates LB 612 as his priority bill.

Mr. Hartnett designates LB 112 as his priority bill.

Mr. Hoagland designates LB 524 as his priority bill.

Mr. L. Johnson designates LB 132 as his priority bill.

Mr. V. Johnson designates LB 632 as his priority bill.

Mrs. Labedz designates LB 556 as her priority bill.

Mr. Lamb designates LB 38 as his priority bill.

Mr. Landis designates LB 546 as his priority bill.

Mr. Lundy designates LB 288 as his priority bill.

Mr. Lynch designates LB 393 as his priority bill.

Mrs. Marsh designates LB 130 as her priority bill.

Mr. Miller designates LB 204 as his priority bill.

Mr. Nichol designates LB 503 as his priority bill.

Mr. Pappas designates LB 144 as his priority bill.

Mr. Peterson designates LB 445 as his priority bill.

Mrs. Pirsch designates LB 247 as her priority bill.

Mr. Remmers designates LB 505 as his priority bill.

Mr. Rogers designates LB 60 as his priority bill.

Mr. Schmit designates LB 628 as his priority bill.

Ms. Scofield designates LB 537 as her priority bill.

Mrs. Smith designates LB 61 as her priority bill.

Mr. Warner designates LB 260 as his priority bill.

Mr. Wesely designates LB 382 as his priority bill.

Mr. Withem designates LB 208 as his priority bill.

The Appropriations Committee designates LB 212 and LB 599 as its priority bills.

The Banking, Commerce and Insurance Committee designates LB 157 and LB 452 as its priority bills.

The Business and Labor Committee designates LB 457 and LB 608

as its priority bills.

The Education Committee designates LB 518 and LB 633 as its priority bills.

The Government, Military and Veterans Affairs Committee designates LB 401 and LB 439 as its priority bills.

The Judiciary Committee designates LB 447 and LB 600 as its priority bills.

The Miscellaneous Subjects Committee designates LB 408 and LB 548 as its priority bills.

The Public Health and Welfare Committee designates LB 201 and LB 407 as its priority bills.

The Public Works Committee designates LB 102 and LB 553 as its priority bills.

The Revenue Committee designates LB 271 and LB 717 as its priority bills.

The Urban Affairs Committee designates LB 207 and LB 532 as its priority bills.

The Nebraska Retirement Systems Committee designates LB 325 and LB 432 as its priority bills.

## VISITORS

Visitors to the Chamber were 30 fourth grade students and teacher from Crete; 6 students and teacher from Westside High School, Omaha; Oline Marvel from Hastings; Richard and Pam James from Bellevue; 65 students and teachers from Crete; Tom, Evelyn, and Tasha Freitas and Amy Handy from Omaha; 4 students and teacher from Shelton; 10 students and teachers from Sidney; and 12 students and teacher from Emerald.

## MOTION - Adjournment

Mr. Lamb moved to adjourn. The motion prevailed with 27 ayes, 3 nays, and 19 not voting, and at 11:55 a.m., on a motion by Mr. Lamb, the Legislature adjourned until 9:00 a.m., Friday, March 22, 1985.

Patrick J. O'Donnell
Clerk of the Legislature

# FORTY-FIFTH DAY - MARCH 22, 1985

# LEGISLATIVE JOURNAL

# FORTY-FIFTH DAY - MARCH 22, 1985

## LEGISLATIVE JOURNAL

## EIGHTY-NINTH LEGISLATURE
## FIRST SESSION

## FORTY-FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, March 22, 1985

Pursuant to adjournment, the Legislature met at 9:02 a.m., Mrs. Marsh presiding.

## PRAYER

The prayer was offered by Dr. Robert Palmer, Westminster Presbyterian Church, Lincoln, Nebraska.

## ROLL CALL

The roll was called and all members were present except Messrs. Hoagland and Landis who were excused; and Messrs. Carsten, Chambers, Chizek, Goodrich, Hall, Hannibal, V. Johnson, Lynch, Remmers, Schmit, Mesdames Labedz, Nelson, and Ms. Scofield who were excused until they arrive.

## CORRECTIONS FOR THE JOURNAL

The Journal for the Forty-Fourth Day was approved.

## UNANIMOUS CONSENT - Print in Journal

Mr. Hoagland asked unanimous consent to print the following amendment to LB 496 in the Journal. No objections. So ordered.

AM0622

(Amendments to the Standing Committee Amendments)

1. On page 1, line 1, strike "sections 1 to" and insert "section"; and strike lines 4 through 8 and insert:

"Sec. 6. Evidence that a person was not wearing a seat belt at the time he or she was injured shall not be admissible in regard to the issue of liability. Such evidence may be introduced in regard to the issue of mitigation of damages in any action accruing on or after September 1, 1989.".

## SELECT COMMITTEE REPORT
### Enrollment and Review

### Correctly Engrossed

The following bill was correctly engrossed: 662.

(Signed) Timothy Hall, Chairperson

### Enrollment and Review Change to LB 662

The following changes, required to be reported for publication in the Journal, have been made:
ER0036

1. In the Beutler amendment, AM0674, adopted March 19, 1985, amendment 2 has been struck.

2. In the Schmit amendment, AM0677, adopted March 19, 1985:

a. Sections 8 to 10, 14, 15, 17 to 23, 25 to 32, 35 to 38, and 39 have been renumbered as sections 27 to 29, 34, 35, 37 to 43, 45 to 52, 55 to 58, and 17 respectively and internal references changed accordingly;

b. For purposes of correlation with section 1, LB 405:

(i) On page 7, line 2, "as amended by section 1, Legislative Bill 405, Eighty-ninth Legislature, First Session, 1985," has been inserted after the second comma;

(ii) On page 8, line 23, "1985" has been struck and "1987" inserted; and

(iii) On page 25, line 13, "and" has been inserted before "79-701"; in line 14 "79-4,207," has been struck; and in line 16 "and section 79-4,207, Revised Statutes Supplement, 1984, as amended by section 1, Legislative Bill 405, Eighty-ninth Legislature, First Session, 1985," has been inserted after the quotation mark; and

c. On page 25, the matter beginning with "14" in line 6 through "line" in line 8 has been struck.

3. In the Lamb amendment, AM0490, adopted March 19, 1985:

a. On page 1, line 7, "18 to 21" has been struck and "8 to 11" inserted; in line 11 "with" has been inserted after "affiliated"; and the matter beginning with the semicolon in line 16 through the last

quotation mark in line 17 has been struck;

b. On page 3, line 18, "established" has been struck and "establish" inserted"

c. Sections 18 to 21 have been renumbered as sections 8 to 11 respectively and internal references changed accordingly; and

d. Amendments 5 and 7 have been struck.

4. In lieu of the Landis amendment adopted March 19, 1985, in the E & R amendment, AM5066, section 18 and all amendments thereto have been struck and the following new sections inserted:

"Sec. 14. The Attorney General shall file a petition under section 25-21,149 seeking a declaratory judgment from the Nebraska Supreme Court on the constitutionality of the election provisions in section 12 of this act.

Sec. 59. Sections 1 to 5, 7 to 13, 15 to 17, 25 to 30, 40 to 42, 45, 54, and 60 of this act shall become operative on May 1, 1986. Sections 6, 31 to 39, 43, 44, 46 to 53, 55 to 58, and 61 of this act shall become operative September 1, 1989. The remaining sections shall become operative on their effective date.".

5. In the Vickers amendment, AM0582, adopted March 18, 1985:

a. Sections 8 and 10 have been renumbered as sections 25 and 30 respectively; and

b. Amendment 2 has been struck and in lieu thereof:

(i) In the E & R amendments, AM5066, on page 19, line 18, "79-402.07," has been inserted after "sections"; and

(ii) In the Schmit amendment, AM0677, on page 25, line 8, "79-426.11," has been inserted after the last comma.

6. In the Vickers amendment, AM0485, adopted March 18, 1985:

a. Section 16 has been renumbered as section 13;

b. On page 1, line 3, "15" has been struck and "12" inserted;

c. On page 2, line 3, the comma has been struck;

d. On page 3, line 1, "16" has been struck and "13" inserted; and

e. Amendment 3 has been struck.

7. In the E & R amendments, AM5066, adopted March 18, 1985:

a. Sections 7 to 17, 19, and 20 have been renumbered as sections 26, 31 to 33, 36, 44, 53, 54, 12, 15, 16, 60, and 61 respectively;

b. On page 17, line 11, an underscored comma has been inserted after "district"; and in line 12 an underscored comma has been inserted after "reorganization";

c. On page 19, line 10, ", affiliated," has been inserted after "merged";

d. Amendment 2 has been struck.

8. On page 1, the matter beginning with "77-201" in line 1 through line 14 has been struck and "79-402.07, 79-411, 79-422, 79-424, 79-425, 79-426.11, 79-426.23, 79-426.25, 79-426.26, 79-432, 79-436, 79-451, 79-471, 79-4,104, 79-506.01, 79-506.04, 79-542, 79-548.01,

79-810, 79-903, 79-904, 79-1007 to 79-1007.02, 79-1103.03, 79-1107, 79-12,104, 79-2313, and 79-2315, Reissue Revised Statutes of Nebraska, 1943, sections 79-701, 79-1052, 79-1303, and 79-1435.03, Revised Statutes Supplement, 1984, and section 79-4,207, Revised Statutes Supplement, 1984, as amended by section 1, Legislative Bill 405, Eighty-ninth Legislature, First Session, 1985; to provide that certain Class I school districts merge, affiliate, or become a part of certain other school districts; to change provisions relating to the dissolution of Class II school districts; to change provisions relating to high schools maintained by Class II school districts; to change provisions relating to the withdrawal of a Class I school district from a Class VI school district; to require a vote in certain circumstances; to authorize a class action; to provide for a choice of high school; to require the Attorney General to seek a declaratory judgment; to provide for a study; to limit certain tax levies and bonded indebtedness as prescribed; to change certain vote requirements; to eliminate provisions relating to the transfer of land and pupils between school districts; to eliminate provisions relating to the attachment of land to another school district; to harmonize provisions; to provide operative dates; and to repeal the original sections, and also sections 79-403.01 to 79-403.04, 79-407, 79-478 to 79-485, and 79-506.03, Reissue Revised Statutes of Nebraska, 1943, and sections 79-403 and 79-406, Revised Statutes Supplement, 1984." inserted.

(Signed) Mary Sommermeyer
E & R Attorney

**MOTION - Approve Appointments**

Mr. Wesely moved the adoption of the report of the Public Health and Welfare Committee for the following Governor appointments found in the Journal on page 1109: Burrell Williams - State Foster Care Review Board; Janet Coleman, Dr. Richard Powell, Bruce Gilmore, Dr. Norman R. Schneider, and Dr. Robert J. Hilkeman - State Board of Health.

Voting in the affirmative, 28:

| | | | | |
|---|---|---|---|---|
| Abboud | Conway | Higgins | Marsh | Pirsch |
| Baack | Eret | Johnson, L. | Miller | Rogers |
| Barrett | Goll | Johnson, R. | Morehead | Rupp |
| Beyer | Haberman | Lamb | Pappas | Sieck |
| Chronister | Hartnett | Lundy | Peterson | Smith |

Warner Wesely Withem

Voting in the negative, 0.

Present and not voting, 15:

| | | | | |
|---|---|---|---|---|
| Beutler | Goodrich | Hefner | Nelson | Schmit |
| Chizek | Hannibal | Labedz | Nichol | Scofield |
| DeCamp | Harris | Lynch | Remmers | Vickers |

Excused and not voting, 6:

| | | | | |
|---|---|---|---|---|
| Carsten | Hall | Hoagland | Johnson, V. | Landis |
| Chambers | | | | |

These appointments were confirmed with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

**UNANIMOUS CONSENT - Withdraw Amendment to LB 94**

Mr. Rupp asked unanimous consent to withdraw his pending amendment, AM0481, found in the Journal on page 872. No objections. So ordered.

**MOTION - Return LB 94 to Select File**

Mr. Rupp moved to return LB 94 to Select File for his specific amendment, AM0707, printed separate from the Journal and referred to on page 1079.

Mr. Beutler requested a ruling of the Chair on whether the Rupp amendment is germane to the bill.

The Chair ruled the amendment not germane to the bill.

**MOTION - Suspend Rules**

Mr. Rupp moved to suspend the rules, Rule 7, Section 3(d) to permit consideration of AM0707 to LB 94.

The motion to suspend the rules prevailed with 35 ayes, 0 nays, 10 present and not voting, and 4 excused and not voting.

**MOTION - Return LB 94 to Select File**

Mr. Rupp moved to return LB 94 to Select File for his specific amendment, AM0707, printed separate from the Journal and referred to on page 1079.

The motion to return prevailed with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

## SELECT FILE

**LEGISLATIVE BILL 94.** The Rupp specific amendment, AM0707, referred to on page 1079 was adopted with 29 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

Advanced to E & R for Re-Engrossment.

## BILLS ON FINAL READING

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 40.**

A BILL FOR AN ACT relating to fire regulations; to amend section 81-538, Reissue Revised Statutes of Nebraska, 1943; to eliminate certain requirements relating to buildings; to harmonize provisions; and to repeal the original section, and also sections 81-532, 81-533, and 81-535 to 81-537, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'

Voting in the affirmative, 45:

| | | | | |
|---|---|---|---|---|
| Abboud | DeCamp | Hefner | Miller | Rupp |
| Baack | Eret | Higgins | Morehead | Schmit |
| Barrett | Goll | Johnson, L. | Nelson | Scofield |
| Beutler | Goodrich | Johnson, R. | Nichol | Sieck |
| Beyer | Haberman | Labedz | Pappas | Smith |
| Carsten | Hall | Lamb | Peterson | Vickers |
| Chizek | Hannibal | Lundy | Pirsch | Warner |
| Chronister | Harris | Lynch | Remmers | Wesely |
| Conway | Hartnett | Marsh | Rogers | Withem |

Voting in the negative, 0.

Excused and not voting, 4:

Chambers Hoagland Johnson, V. Landis

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 47.** With Emergency.

A BILL FOR AN ACT relating to real property; to amend sections 25-1292, 76-502, 76-504, 76-505, 76-509 to 76-515, 76-518, 76-519, 76-521 to 76-530, and 76-532, Reissue Revised Statutes of Nebraska, 1943, and sections 81-198 and 81-199, Revised Statutes Supplement, 1984; to adopt the Abstracters Act; to reestablish the Abstracters Board of Examiners; to harmonize provisions; to provide a penalty; to eliminate provisions on bonds and insurance for abstracters; to repeal the original sections, and also sections 76-501, 76-506 to 76-508, 76-517, 76-520, 76-531, 76-533, and 76-534, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 43:

| | | | | |
|---|---|---|---|---|
| Abboud | Eret | Higgins | Morehead | Rupp |
| Baack | Goll | Johnson, L. | Nelson | Schmit |
| Barrett | Goodrich | Johnson, R. | Nichol | Scofield |
| Beutler | Haberman | Labedz | Pappas | Smith |
| Carsten | Hall | Lamb | Peterson | Vickers |
| Chizek | Hannibal | Lundy | Pirsch | Warner |
| Chronister | Harris | Lynch | Remmers | Wesely |
| Conway | Hartnett | Marsh | Rogers | Withem |
| DeCamp | Hefner | Miller | | |

Voting in the negative, 2:

Beyer Sieck

Excused and not voting, 4:

Chambers Hoagland Johnson, V. Landis

A constitutional two-thirds majority having voted in the

affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**LEGISLATIVE BILL 76.**

A BILL FOR AN ACT relating to insurance; to amend section 44-710.04, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to cancellation of sickness and accident insurance; 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 | DeCamp | Hefner | Nelson | Schmit |
| Baack | Eret | Higgins | Nichol | Scofield |
| Barrett | Goll | Johnson, L. | Pappas | Sieck |
| Beutler | Goodrich | Johnson, R. | Peterson | Smith |
| Beyer | Haberman | Lamb | Pirsch | Vickers |
| Carsten | Hall | Lundy | Remmers | Warner |
| Chizek | Hannibal | Marsh | Rogers | Wesely |
| Chronister | Harris | Miller | Rupp | Withem |
| Conway | Hartnett | Morehead | | |

Voting in the negative, 0.

Present and not voting, 2:

Labedz Lynch

Excused and not voting, 4:

Chambers Hoagland Johnson, V. Landis

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 114.**

A BILL FOR AN ACT relating to elections; to amend section 32-1221, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to electioneering; to prohibit certain polls and interviews as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

| | | | | |
|---|---|---|---|---|
| Abboud | DeCamp | Hefner | Miller | Rupp |
| Baack | Eret | Higgins | Morehead | Schmit |
| Barrett | Goll | Johnson, L. | Nelson | Scofield |
| Beutler | Goodrich | Johnson, R. | Nichol | Sieck |
| Beyer | Haberman | Labedz | Pappas | Smith |
| Carsten | Hall | Lamb | Peterson | Vickers |
| Chizek | Hannibal | Lundy | Pirsch | Warner |
| Chronister | Harris | Lynch | Remmers | Wesely |
| Conway | Hartnett | Marsh | Rogers | Withem |

Voting in the negative, 0.

Excused and not voting, 4:

| | | | |
|---|---|---|---|
| Chambers | Hoagland | Johnson, V. | Landis |

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 307.**

A BILL FOR AN ACT relating to aeronautics; to amend sections 3-507, 3-617, and 3-710, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the issuance of bond anticipation notes by an airport authority; 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 | Chizek | Goodrich | Hefner | Lundy |
| Baack | Chronister | Haberman | Higgins | Lynch |
| Barrett | Conway | Hall | Johnson, L. | Marsh |
| Beutler | DeCamp | Hannibal | Johnson, R. | Miller |
| Beyer | Eret | Harris | Labedz | Morehead |
| Carsten | Goll | Hartnett | Lamb | Nelson |

| | | | | |
|---|---|---|---|---|
| Nichol | Pirsch | Rupp | Sieck | Warner |
| Pappas | Remmers | Schmit | Smith | Wesely |
| Peterson | Rogers | Scofield | Vickers | Withem |

Voting in the negative, 0.

Excused and not voting, 4:

Chambers Hoagland Johnson, V. Landis

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

## MOTION - Return LB 487 to Select File

Mr. DeCamp moved to return LB 487 to Select File for his following specific amendment:
AM0711
1. On page 2, line 7, strike the first comma and insert "or" and strike ", or other facility".

The motion to return prevailed with 36 ayes, 0 nays, 9 present and not voting, and 4 excused and not voting.

## SELECT FILE

**LEGISLATIVE BILL 487.** The DeCamp specific amendment, AM0711, found in this day's Journal was adopted with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

Advanced to E & R for Re-Engrossment.

## BILLS ON FINAL READING

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 292.**

A BILL FOR AN ACT relating to powers of attorney; to amend sections 30-2201, 30-2639, and 30-2640, Reissue Revised Statutes of Nebraska, 1943, and section 30-2627, Revised Statutes Supplement, 1984; to adopt the Uniform Durable Power of Attorney Act; to change provisions relating to the appointment of guardians and conservators; to harmonize provisions; to provide duties for the Revisor of Statutes; to eliminate certain provisions relating to powers

of attorney; and to repeal the original sections, and also sections 30-2662 and 30-2663, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

| | | | | |
|---|---|---|---|---|
| Abboud | DeCamp | Hefner | Miller | Rupp |
| Baack | Eret | Higgins | Morehead | Schmit |
| Barrett | Goll | Johnson, L. | Nelson | Scofield |
| Beutler | Goodrich | Johnson, R. | Nichol | Sieck |
| Beyer | Haberman | Labedz | Pappas | Smith |
| Carsten | Hall | Lamb | Peterson | Vickers |
| Chizek | Hannibal | Lundy | Pirsch | Warner |
| Chronister | Harris | Lynch | Remmers | Wesely |
| Conway | Hartnett | Marsh | Rogers | Withem |

Voting in the negative, 0.

Excused and not voting, 4:

| | | | |
|---|---|---|---|
| Chambers | Hoagland | Johnson, V. | Landis |

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 293.**

A BILL FOR AN ACT relating to decedents' estates; to amend sections 30-2314, 30-2317, and 30-2429.01, Revised Statutes Supplement, 1984; to change provisions relating to augmented estates; to change provisions relating to elective shares; to change provisions relating to formal testacy proceedings; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

| | | | | |
|---|---|---|---|---|
| Abboud | Barrett | Beyer | Chizek | Conway |
| Baack | Beutler | Carsten | Chronister | DeCamp |

| | | | | |
|---|---|---|---|---|
| Eret | Hefner | Lynch | Peterson | Sieck |
| Goll | Higgins | Marsh | Pirsch | Smith |
| Goodrich | Johnson, L. | Miller | Remmers | Vickers |
| Haberman | Johnson, R. | Morehead | Rogers | Warner |
| Hall | Labedz | Nelson | Rupp | Wesely |
| Hannibal | Lamb | Nichol | Schmit | Withem |
| Hartnett | Lundy | Pappas | Scofield | |

Voting in the negative, 0.

Present and not voting, 1:

Harris

Excused and not voting, 4:

Chambers Hoagland Johnson, V. Landis

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**SPEAKER NICHOL PRESIDING**

**LEGISLATIVE BILL 592.**

A BILL FOR AN ACT relating to schools; to amend section 79-447, Reissue Revised Statutes of Nebraska, 1943, and section 79-445, Revised Statutes Supplement, 1984; to provide for the admission of certain nonresident students as prescribed; to change tuition rates for certain students as prescribed; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

| | | | | |
|---|---|---|---|---|
| Abboud | Conway | Harris | Lynch | Pirsch |
| Baack | DeCamp | Hefner | Marsh | Remmers |
| Barrett | Eret | Higgins | Miller | Rogers |
| Beutler | Goll | Johnson, L. | Morehead | Rupp |
| Beyer | Goodrich | Johnson, R. | Nelson | Schmit |
| Carsten | Haberman | Labedz | Nichol | Scofield |
| Chizek | Hall | Lamb | Pappas | Sieck |
| Chronister | Hannibal | Lundy | Peterson | Smith |

Vickers Warner Wesely Withem

Voting in the negative, 0.

Present and not voting, 2:

Chambers Hartnett

Excused and not voting, 3:

Hoagland Johnson, V. Landis

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

## MOTION - Return LR 23CA to Select File

Mr. DeCamp moved to return LR 23CA to Select File for his specific amendment, AM0569, found in the Journal on page 936.

Mr. Wesely requested a ruling of the Chair on whether the amendment is germane to the bill.

The Chair ruled the amendment not germane to the bill.

Mr. DeCamp challenged the ruling of the Chair. The question is "Shall the Chair be overruled?"

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

Mr. R. Johnson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

The motion to overrule the Chair lost with 18 ayes, 21 nays, 6 present and not voting, and 4 excused and not voting.

## RESOLUTION ON FINAL READING

The following resolution was read and put upon final passage:

**LEGISLATIVE RESOLUTION 23CA.**

A Resolution to propose an amendment to Article III, section 10, of the Constitution of Nebraska.

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

Section 1. That at the general election in November 1986 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article III, section 10, of the Constitution of Nebraska, which is hereby proposed by the Legislature:

"Sec. 10. Regular ~~Beginning with the year 1975, regular~~ sessions of the Legislature shall be held for ninety and sixty days on an alternating basis. Beginning December 1, 1986, ninety-day sessions shall commence at 10 a.m. on the fifth Wednesday after the general election in each even-numbered year and sixty-day sessions shall commence ~~annually, commencing~~ at 10 a.m. on the first Wednesday after the first Monday in January of each even-numbered year. Commencing in 1986 the terms of members of the Legislature shall commence on the first day of the regular ninety-day legislative session and the preceding terms shall terminate on such date. The duration of regular sessions held shall not exceed ninety or sixty legislative days, respectively, ~~in odd-numbered years~~ unless extended by a vote of four-fifths of all members elected or appointed 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 ninety-day 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 or appointed 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 or appointed 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 Article XVI, section 1, of the Constitution of Nebraska. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

"Constitutional amendment to change the date on which the Legislature convenes in regular ninety-day sessions and on which the terms of members shall commence.

For

Against".

Sec. 3. That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.

Mr. Wesely 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 resolution pass?' "

Voting in the affirmative, 30:

| | | | | |
|---|---|---|---|---|
| Baack | Goll | Higgins | Nelson | Sieck |
| Barrett | Goodrich | Labedz | Nichol | Smith |
| Beutler | Hall | Lundy | Pappas | Vickers |
| Chizek | Hannibal | Lynch | Rupp | Warner |
| Conway | Harris | Miller | Schmit | Wesely |
| Eret | Hartnett | Morehead | Scofield | Withem |

Voting in the negative, 14:

| | | | | |
|---|---|---|---|---|
| Abboud | Chambers | Johnson, L. | Marsh | Remmers |
| Beyer | Haberman | Johnson, R. | Peterson | Rogers |
| Carsten | Hefner | Lamb | Pirsch | |

Present and not voting, 1:

DeCamp

Excused and not voting, 4:

| | | | |
|---|---|---|---|
| Chronister | Hoagland | Johnson, V. | Landis |

Mr. Chambers requested a ruling of the Chair on whether the vote had been announced, thus precluding any member from changing his or her vote.

The Chair ruled that the Clerk had not completed announcing the tally, so it was in order for a member to change his or her vote.

A constitutional three-fifths majority having voted in the affirmative, the resolution was declared passed for the general election.

## UNANIMOUS CONSENT - Print in Journal

Mr. Hoagland asked unanimous consent to print the following amendment to LB 496 in the Journal. No objections. So ordered.

AM0727

1. In the Standing Committee amendment, AM0185, found on page 631 of the Journal:

(a) On page 1, line 3, strike "section" and insert "sections"; and after line 8 insert:

"Sec. 2. That section 25-1151, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

25-1151. ~~In all actions brought to recover damages for injuries to a person or to his property caused by the negligence or act or omission giving rise to strict liability in tort of another, the fact that the plaintiff may have been guilty of contributory negligence shall not bar a recovery when the contributory negligence of the plaintiff was slight and the negligence or act or omission giving rise to strict liability in tort of the defendant was gross in comparison, but the contributory negligence of the plaintiff shall be considered by the jury in the mitigation of damages in proportion to the amount of contributory negligence attributable to the plaintiff; and all questions of negligence or act or omission giving rise to strict liability in tort and contributory negligence shall be for the jury.~~ Contributory negligence shall not bar recovery in an action by any person or his or her legal representative to recover damages for negligence resulting in death, injury to person, or damage to property if such negligence was not greater than the negligence of the person or persons

against whom recovery is sought, but any damages allowed shall be diminished in the proportion to the amount of negligence attributable to the person recovering such damages. All questions of negligence shall be for the jury. This section shall apply only to events giving rise to liability occurring on or after the effective date of this act.

Sec. 3. That original section 25-1151, Reissue Revised Statutes of Nebraska, 1943, is repealed."; and

(b) Underscore section 1 of the amendment.

## STANDING COMMITTEE REPORT
### Miscellaneous Subjects

The Committee on Miscellaneous Subjects desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Hod Kosman - Nebraska Arts Council

Voting yes: Senators Haberman, Higgins, Hefner, V. Johnson, Morehead, Pappas. Voting no: None. Abstain: None. Absent: Senators Conway, Hartnett.

(Signed) Elroy M. Hefner, Chairperson

## SELECT COMMITTEE REPORTS
### Enrollment and Review

#### Correctly Engrossed

The following bills were correctly engrossed: 235, 308, 335, 340, 344, 373, 421, 424, and 568.

(Signed) Timothy Hall, Chairperson

#### Enrollment and Review Change to LB 344

The following changes, required to be reported for publication in the Journal, have been made:
ER0035

1. On page 1, line 3, "77-2711," has been inserted after the last comma; in line 7 "to repeal the Multistate Tax Compact; to

harmonize provisions;" has been inserted after the semicolon; and in line 8 ", and also sections 77-2901, 77-2902, and 77-2903, Reissue Revised Statutes of Nebraska, 1943" has been inserted after "sections".

2. Because of the V. Johnson amendment adopted March 18, 1985:

a. On page 20, the matter beginning with "The" in line 3 through line 12 has been struck and shown as stricken; and in line 25 "77-2711," has been inserted after the first comma;

b. The following new section has been inserted:

"Sec. 4. That section 77-2711, Revised Statutes Supplement, 1984, be amended to read as follows:

77-2711. (1)(a) The Tax Commissioner shall enforce ~~the provisions of~~ sections 77-2702 to 77-2713 and may prescribe, adopt, and enforce rules and regulations relating to the administration and enforcement of such sections.

(b) The Tax Commissioner may prescribe the extent to which any ruling or regulation shall be applied without retroactive effect.

(2) The Tax Commissioner may employ accountants, auditors, investigators, assistants, and clerks necessary for the efficient administration of sections 77-2701 to 77-27,135 and may delegate authority to his or her representatives to conduct hearings, prescribe regulations, or perform any other duties imposed by sections 77-2701 to 77-2713.

(3)(a) Every seller, every retailer, and every person storing, using, or otherwise consuming in this state tangible personal property purchased from a retailer shall keep such records, receipts, invoices, and other pertinent papers in such form as the Tax Commissioner may reasonably require.

(b) Every such seller, retailer, or person shall keep such records for not less than three years from the making of such records unless the Tax Commissioner in writing sooner authorized their destruction.

(4) The Tax Commissioner or any person authorized in writing by him or her may examine the books, papers, records, and equipment of any person selling tangible personal property and any person liable for the use tax and may investigate the character of the business of the person in order to verify the accuracy of any return made or, if no return is made by the person, to ascertain and determine the amount required to be paid.

(5) The taxpayer shall have the right to keep or store his or her records at a point outside this state and shall make his or her records

available to the Tax Commissioner at all times.

(6) In administration of the use tax, the Tax Commissioner may require the filing of reports by any person or class of persons having in his, her, or their possession or custody information relating to sales of tangible personal property, the storage, use, or other consumption of which is subject to the tax. The report shall be filed when the Tax Commissioner requires ; and shall set forth the names and addresses of purchasers of the tangible personal property, the sales price of the property, the date of sale, and such other information as the Tax Commissioner may require.

(7) It shall be a Class I misdemeanor for the Tax Commissioner or any official or employee of the Tax Commissioner to make known in any manner whatever the business affairs, operations, or information obtained by an investigation of records and activities of any retailer or any other person visited or examined in the discharge of official duty or the amount or source of income, profits, losses, expenditures, or any particular thereof, set forth or disclosed in any return, or to permit any return or copy thereof, or any book containing any abstract or particulars thereof to be seen or examined by any person not connected with the Tax Commissioner. Nothing in this section shall be construed to prohibit (a) the delivery to a taxpayer, his or her duly authorized representative, or his or her successors, receivers, trustees, executors, administrators, assignees, or guarantors, if directly interested, of a certified copy of any return or report in connection with his or her tax, (b) the publication of statistics so classified as to prevent the identification of particular reports or returns and the items thereof, (c) the inspection by the Attorney General or other legal representative of the state of the reports or returns of any taxpayer when information on the reports or returns is considered, by the Attorney General, to be relevant to any action or proceeding instituted by the taxpayer or against whom an action or proceeding is being considered or has been commenced by any state agency, (d) the furnishing of any information to the United States government or to states allowing similar privileges to the Tax Commissioner, or (e) the disclosure of information and records to a collection agency contracting with the Tax Commissioner pursuant to sections 77-377.01 to 77-377.04.

(8) Notwithstanding the provisions of subsection (7) of this section, the Tax Commissioner may permit the Postal Inspector of the United States Postal Service or his or her delegates to inspect the reports or returns of any person filed pursuant to sections 77-2701 to 77-27,135 when information on the reports or returns is relevant to any action or proceeding instituted or being considered by the United States Postal Service against such person for the fraudulent use of the mails to carry and deliver false and fraudulent tax returns to the Tax

Commissioner with the intent to defraud the State of Nebraska or to evade the payment of Nebraska state taxes.

(9) Notwithstanding the provisions of subsection (7) of this section, the Tax Commissioner may permit other tax officials of this state to inspect the tax returns, reports, and applications filed under sections 77-2701 to 77-2713, but such inspection shall be permitted only for purposes of enforcing a tax law and only to the extent and under the conditions prescribed by the rules and regulations of the Tax Commissioner. ~~The Tax Commissioner may furnish to the Multistate Tax Commission any information contained in the tax returns and reports and related schedules and documents filed pursuant to the laws of this state and in the report of an audit or investigation made with respect thereto. Such information may be furnished solely for tax purposes. The Multistate Tax Commission may make such information available to the tax officials of any other state, the District of Columbia, or the United States and its territories for tax purposes.~~

(10) In all proceedings under ~~the provisions of~~ sections 77-2701 to 77-27,135, the Tax Commissioner may act for and on behalf of the people of the State of Nebraska. The commissioner in his or her discretion may waive all or part of any penalties provided by ~~the provisions of~~ sections 77-2701 to 77-27,135, but may not waive the minimum interest on delinquent taxes specified in section 45-104.01, as such rate may from time to time be adjusted by the Legislature."; and

c. Sections 4 to 8 have been renumbered as sections 5 to 9.

(Signed) Mary Sommermeyer
E & R Attorney

**Enrollment and Review Change to LB 373**

The following changes, required to be reported for publication in the Journal, have been made:
ER0037

1. On page 1, line 4, after the semicolon "to change provisions relating to the matters which may be assigned to associate county judges;" has been inserted.

2. On page 2, line 12, "for the Small Claims Court" has been inserted after "established".

(Signed) Mary Sommermeyer
E & R Attorney

## STANDING COMMITTEE REPORTS
### Business and Labor

**LEGISLATIVE BILL 608.** Placed on General File as amended.
Standing Committee amendments to LB 608:
AM0725

1. On page 2, strike lines 17 through 25.
2. On page 3, strike lines 12 through 20.
3. On page 7, strike lines 5 through 13.
4. On page 8, strike lines 17 through 25.
5. Strike section 3.
6. Renumber the remaining section

accordingly.

(Signed) Bill Barrett, Chairperson

### Judiciary

**LEGISLATIVE BILL 716.** Placed on General File as amended.
Standing Committee amendments to LB 716:
AM0720

1. Insert the following new sections:

"Sec. 5. That section 24-541.04, Revised Statutes Supplement, 1984, be amended to read as follows:

24-541.04. (1) Upon perfection of the appeal the clerk of the county court shall transmit within ten days to the clerk of the district court a certified copy of the transcript and the docket fee, whereupon the clerk of the district court shall docket the appeal. Any bond or undertaking shall be transmitted to the clerk of the district court within ten days of filing.

(2) ~~The transcript shall contain all pleadings, orders, filings, and docket entries in the case.~~ The Supreme Court shall, by rule, specify the method of ordering the transcript and the form and content of the transcript.

Sec. 6. That section 24-541.05, Revised Statutes Supplement, 1984, be amended to read as follows:

24-541.05. (1) Testimony in all civil and criminal cases in county court shall be preserved by tape recording, but the court may order the use of a court reporter in any case.

(2) Standards for equipment for tape-recording

testimony and rules for using such equipment shall be prescribed by the Supreme Court. Such standards shall require that the equipment be capable of multiple track recording and of instantaneous monitoring by the clerk or other court employee operating the equipment.

(3) The transcription of such testimony, when certified to by the stenographer or court reporter who made it and settled by the court as such, shall constitute the bill of exceptions in the case. The cost of preparing the bill of exceptions shall be paid initially by the party for whom it is prepared.

(4) ~~Within sixty days of a demand by any party the clerk of the county court shall prepare the bill of exceptions and file it with the clerk of the district court.~~ The procedure for preparation, settlement, signature, allowance, certification, filing, and amendment of a bill of exceptions shall be governed by rules of practice prescribed by the Supreme Court.

"Sec. 13. That section 48-182, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

48-182. In case either party at interest refuses to accept any final order of the Nebraska Workmen's Compensation Court after rehearing, such party may, within thirty days ~~one month~~ thereafter, file with the Nebraska Workmen's Compensation Court a notice of intention to appeal and within thirty days ~~one month~~ from the date of such final order file with the Nebraska Workmen's Compensation Court a praecipe for a bill of exceptions. Within two months from the date of the filing of the praecipe, the court reporter or transcriber shall deliver to the clerk of the Nebraska Workmen's Compensation Court a bill of exceptions which shall include a transcribed copy of the testimony and the evidence taken before the compensation court, which transcript when certified to by the person who made or transcribed the record shall constitute the bill of exceptions. The transcript and bill of exceptions shall be paid for by the party ordering the same; PROVIDED, that upon the affidavit of any claimant for workmen's compensation, filed with or before the praecipe, that he or she is without means wherewith to pay, and unable to secure such means, payment may, in the discretion of the Nebraska Workmen's Compensation Court, be waived as to such claimant and the bill of exceptions shall be paid

for by the compensation court in the same manner as other compensation court expenses.

The procedure for preparation, settlement, signature, allowance, certification, filing, and amendment of a bill of exceptions shall be regulated and governed by rules of practice prescribed by the Supreme Court, except as otherwise provided in this section.

When a bill of exceptions has been ordered according to law, and the court reporter or transcriber fails to prepare and file the bill of exceptions with the clerk of the Nebraska Workmen's Compensation Court within two months from the date of the filing of the praecipe, the Supreme Court may, on the motion of any party accompanied by a proper showing, grant additional time for the preparation and filing of the bill of exceptions under such conditions as the court may require. Applications for such an extension of time shall be regulated and governed by rules of practice prescribed by the Supreme Court. A copy of such order granting an extension of time shall be filed with the Nebraska Workmen's Compensation Court by the party requesting such extension within five days after the date of such order.

Sec. 14. That section 48-185, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

48-185. Any appeal from the judgment of the Nebraska Workmen's Compensation Court after a rehearing shall be prosecuted and the procedure, including the designation of parties, handling of costs and the amounts thereof, filing of briefs, certifying the opinion of the Supreme Court to the Nebraska Workmen's Compensation Court, handling of the bill of exceptions, and issuance of the mandate, shall be in accordance with the general laws of the state and procedures regulating appeals in actions at law from the district courts to the Supreme Court except as otherwise provided in section 48-182 and this section. The proceedings to obtain a reversal, vacation, or modification of judgments, awards, or final orders made by the Nebraska Workmen's Compensation Court after a rehearing shall be by filing in the office of the clerk of the Nebraska Workmen's Compensation Court within ~~one month~~ thirty days after the rendition of such judgment or decree, or the making of such final order, a notice of intention to

prosecute such appeal signed by the appellant or his or her attorney of record. No motion for a new trial shall be required to be filed. An appeal shall be deemed perfected and the Supreme Court shall have jurisdiction of the cause when such notice of appeal shall have been filed in the office of the clerk of the Nebraska Workmen's Compensation Court, and after being so perfected no appeal shall be dismissed without notice, and no step other than the filing of such notice of appeal shall be deemed jurisdictional. The clerk of the Nebraska Workmen's Compensation Court shall forthwith forward a certified copy of such notice of appeal to the Clerk of the Supreme Court, whereupon the Clerk of the Supreme Court shall forthwith docket such appeal. Within thirty days ~~one month~~ from the date of filing of notice of appeal, the clerk of the Nebraska Workmen's Compensation Court shall prepare and file with the Clerk of the Supreme Court a transcript certified as a true copy of the proceedings contained therein. The transcript shall contain the judgment, decree, or final order sought to be reversed, vacated, or modified and all pleadings filed with such clerk. Neither the form nor the substance of such transcript shall affect the jurisdiction of the Supreme Court. Such appeal shall be perfected within thirty days ~~one month~~ from the rendition of judgment by the Nebraska Workmen's Compensation Court, the cause shall be advanced for argument before the Supreme Court, and the Supreme Court shall render its judgment and write an opinion in such cases as speedily as possible. The findings of fact made by the Nebraska Workmen's Compensation Court after rehearing shall have the same force and effect as a jury verdict in a civil case. A judgment, order, or award of the Nebraska Workmen's Compensation Court may be modified, reversed, or set aside only upon the grounds that (1) the court acted without or in excess of its powers, (2) the judgment, order, or award was procured by fraud, (3) there is not sufficient competent evidence in the record to warrant the making of the order, judgment, or award, or (4) the findings of fact by the court do not support the order or award.".

2. On page 18, line 8, strike "7, 8, and 12" and insert "9, 10, 13, 14, and 16"; in line 12 after "original" insert "sections 48-182 and 48-185, Reissue Revised Statutes of Nebraska, 1943, and "; and in line

16 strike "24-541.03" and insert "24-541.05".

3. Renumber the remaining sections accordingly.

(Signed) Peter Hoagland, Chairperson

**Public Works**

**LEGISLATIVE BILL 102.** Placed on General File as amended.
Standing Committee amendments to LB 102:
AM0717

1. On page 5, after line 27, insert the following new paragraph:

"No project, including all related phases, segments, parts, or divisions, shall receive more than ten million dollars from the fund.".

2. Strike original section 9.

3. On page 26, line 2, strike "existing or" and in line 22 before "the" insert "where".

4. On page 27, line 16, strike "2-4513,".

5. Renumber the remaining sections accordingly.

(Signed) Loran Schmit, Chairperson

**SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills and resolution: 40, 47, 76, 114, 307, 292, 293, 592, and LR 23CA.

**MOTION - Place LR 4 on General File**

Mr. Warner moved to place LR 4 on General File notwithstanding the action of the committee.

Laid over.

**STANDING COMMITTEE REPORTS**
**Public Health and Welfare**

**LEGISLATIVE BILL 433.** Placed on General File as amended.
Standing Committee amendment to LB 433:
AM0564

1. On page 6, in lines 2 to 16 strike the new

matter and reinstate the stricken matter; and strike beginning with "The" in line 21 through "Committee" in line 22 and insert "The advisory committee".

**LEGISLATIVE BILL 314.** Placed on General File as amended.
Standing Committee amendments to LB 314:
AM0736

1. Strike original sections 4 through 13 and 15 through 17.

2. On page 25, strike beginning with "71-5834" in line 6 through line 11 and insert "71-5853,".

3. Renumber remaining sections accordingly.

(Signed) Don Wesely, Chairperson

**MOTION - Introduce New Bill**

Mr. Warner moved to suspend the rules, Rule 5, Section 4(c) to permit the introduction of Request 0228.

The Warner motion prevailed with 31 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

**BILL ON FIRST READING**

The following bill was read for the first time by title:

**LEGISLATIVE BILL 720.** By Warner, 25th District.

A BILL FOR AN ACT relating to the Commission of Industrial Relations; to amend sections 48-817, 48-818, and 48-819, Reissue Revised Statutes of Nebraska, 1943; to require legislative approval of certain commission orders; to harmonize provisions; and to repeal the original sections.

**UNANIMOUS CONSENT - Member Excused**

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

**GENERAL FILE**

**LEGISLATIVE BILL 38.** Mr. Lamb offered the following amendment to the Standing Committee amendment:

By striking "four hundred dollars" and inserting "one thousand dollars" and strike "twenty percent" and insert "ten percent"

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

Mr. Lamb moved for a call of the house. The motion prevailed with 6 ayes, 0 nays, and 43 not voting.

The Lamb amendment was adopted with 21 ayes, 18 nays, 5 present and not voting, and 5 excused and not voting.

Mr. DeCamp renewed his amendment, AM0694, found in the Journal on page 1061 to the Standing Committee amendment.

The Chair declared the call raised.

Mr. DeCamp asked unanimous consent to withdraw his pending amendment, AM0694, found in the Journal on page 1061. No objections. So ordered.

Mr. DeCamp moved to recommit LB 38 to Revenue Committee.

Messrs. Barrett and Lynch asked unanimous consent to be excused. No objections. So ordered.

The DeCamp motion lost with 15 ayes, 19 nays, 8 present and not voting, and 7 excused and not voting.

Mr. DeCamp 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. Hefner moved for a call of the house. The motion prevailed with 20 ayes, 1 nays, and 28 not voting.

Mr. Hefner requested a roll call vote on the Standing Committee amendment, as amended.

Voting in the affirmative, 20:

| | | | | |
|---|---|---|---|---|
| Beyer | Haberman | Lamb | Nichol | Rogers |
| Carsten | Hefner | Lundy | Peterson | Scofield |
| Eret | Johnson, L. | Miller | Pirsch | Sieck |
| Goll | Johnson, R. | Morehead | Remmers | Warner |

Voting in the negative, 19:

| | | | | |
|---|---|---|---|---|
| Abboud | Conway | Hannibal | Marsh | Vickers |
| Beutler | DeCamp | Hartnett | Nelson | Wesely |
| Chambers | Goodrich | Higgins | Pappas | Withem |
| Chizek | Hall | Labedz | Smith | |

Present and not voting, 3:

| | | |
|---|---|---|
| Baack | Harris | Rupp |

Excused and not voting, 7:

| | | | | |
|---|---|---|---|---|
| Barrett | Hoagland | Landis | Lynch | Schmit |
| Chronister | Johnson, V. | | | |

The Standing Committee amendment, as amended, lost with 20 ayes, 19 nays, 3 present and not voting, and 7 excused and not voting.

## BILL ON FIRST READING

The following bill was read for the first time by title:

**LEGISLATIVE BILL 407A.** By Wesely, 26th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 407, Eighty-ninth Legislature, First Session, 1985; and to declare an emergency.

## REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative bill 720.

| **LB** | **Committee** |
|---|---|
| 720 | Business and Labor |

(Signed) Chris Beutler, Chairperson
Legislative Council
Executive Board

## STANDING COMMITTEE REPORTS
### Banking, Commerce and Insurance

**LEGISLATIVE BILL 194.** Placed on General File.

**LEGISLATIVE BILL 276.** Placed on General File as amended.
Standing Committee amendments to LB 276:
AM0423

1. On page 2, line 6, strike the new matter and insert "Sections 44-1636 to 44-1638 shall apply to group insurance coverage offered to employees in this state when the covered group includes fifty or more persons. Sections 44-1636 to 44-1638 shall not apply to any policy or contract which provides benefits for specific diseases or for accidental injuries only."; in line 7 strike "in this state", show as stricken, insert "Group insurance coverage,", and after "act" insert an underscored comma; in line 8 strike "nursing" and insert "outpatient service"; in line 9 strike "or" and reinstate the stricken matter; in line 16 after the first comma insert "retired employee,"; strike line 18 and show the old matter as stricken; and in line 21 strike "such", show as stricken, and insert "an".

2. On page 3, line 10, strike ", retiree's"; in line 11 strike "spouse,"; in line 12 after "remarries" insert an underscored semicolon and strike "or", show as stricken, and insert:

"(b) With respect to the former spouse, retired employee, retiree's spouse, surviving spouse, or dependent children, the date such covered person"; in line 13 strike "nursing" and insert "outpatient service" and strike "or"; in line 14 reinstate the stricken matter; in line 16 strike "spouse", show as stricken, and insert "person"; in line 18 strike "(b)", show as stricken, and insert "(c)"; in line 19 after the comma insert "retired employee,"; in line 22 strike "(c)", show as stricken, and insert "(d)", and after the comma insert "retired employee,"; in line 26 strike "or"; and in line 27 strike "(d)", show as stricken, and insert "(e)".

3. On page 4, line 1, strike "and" and insert "or"; in line 6 before the stricken "(e)" insert "(f)", reinstate beginning with "The" through the second "of", and after the second "of" insert "five years"; in line 7 reinstate "following the date of the death", after "death" insert ", retirement, or divorce", and reinstate "of the covered"; in line 8 reinstate the stricken matter; in line 13 after the first comma insert "retired

employee,"; strike lines 18 and 19 and show the old matter as stricken; and in line 20 strike "electing" and insert "Persons under".

4. On page 5, line 1, strike "insurer" and insert "employer"; in line 2 strike "conversion" and insert "continuation"; strike beginning with "The" in line 11 through the underscored period in line 12; in line 14 after "of" insert "the retirement or divorce of such member"; strike beginning with "any" in line 14 through "spouse" in line 16; in line 17 strike "and the insurer"; in line 18 after "dependents" insert "at their last-known address"; in line 19 strike "insurer's"; in line 21 after the comma insert "retired employee,"; and in line 26 after the comma insert "retired employee,".

5. On page 6, line 6, after the comma insert "retired employee,"; in line 12 strike "ninety" and insert "sixty"; in line 15 strike "ninety-day" and insert "sixty-day"; in line 17 after the first comma insert "retired employee,"; and in line 20 strike "ninety-day" and insert "sixty-day".

**LEGISLATIVE BILL 434.** Placed on General File as amended.
Standing Committee amendments to LB 434:
AM0086

1. On page 2, line 8, strike ", for a franchise fee," and show the old matter as stricken; in line 9 strike "trade mark", show as stricken, and insert "trademark"; and strike beginning with "(5)" in line 26 through "payment" in line 27 and show as stricken.

2. On page 3, strike beginning with the first "for" in line 1 through "(6)" in line 4, show the old matter as stricken, and insert "(5)"; in line 8 strike "(7)", show as stricken, and insert "(6)"; and in line 14 strike "(8)", show as stricken, and insert "(7)".

3. On page 8, line 24, strike "franchisee or the"; and in line 25 strike "desires to cancel or discontinue" and insert "terminates, cancels, or fails to renew" and after "franchise" insert "in violation of the Franchise Practices Act".

**LEGISLATIVE BILL 573.** Placed on General File as amended.
Standing Committee amendments to LB 573:
AM0701

1. On page 2, line 1, strike "13" and insert "10".

2. Strike original sections 9, 10, and 11.

3. On page 7 strike beginning with "(1)" in line 8 through line 27.

4. On page 8 strike lines 1 through 6; in line 7 strike "(2)" and insert "(1)"; in line 13 strike "(3)" and insert "(2)"; in line 17 strike "(4)" and insert "(3)"; and in line 22 strike "(5)" and insert "(4)".

5. On page 10, strike beginning with "and" in line 9 through "are" in line 11 and insert "is".

6. Renumber remaining sections accordingly.

**LEGISLATIVE BILL 647.** Placed on General File as amended.
Standing Committee amendments to LB 647:
AM0712

1. On page 3, strike lines 10 through 12; in line 13 strike "(4)" and insert "(3)"; in line 15 strike "(5)" and insert "(4)"; strike lines 17 through 20 and insert the following:

"Sec. 3. Commencing on July 1, 1987, an insurer which offers group long-term-care insurance coverage shall do so in accordance with the rules and regulations adopted and promulgated by the director pursuant to section 4 of this act."; and in line 21 strike "The" and insert "On or before July 1, 1986, the" and after "shall" insert ", after consultation with representatives of the long-term-care industry, consumers, and insurance groups,".

2. On page 4, strike lines 4 through 11 and insert the following:

"(3) Benefits shall include coverage for a minimum of two years of confinement in a skilled or intermediate care nursing facility after hospitalization for at least three days and shall include a ninety-day waiting period;"; in line 12 strike "(5)" and insert "(4)"; and in line 16 strike "(6)" and insert "(5)".

(Signed) John DeCamp, Chairperson

## SELECT COMMITTEE REPORT
### Enrollment and Review

**LEGISLATIVE BILL 407.** Placed on Select File as amended.
E & R amendments to LB 407:
AM5092

1. In lieu of the Marsh amendment adopted on March 20, 1985:

a. Insert the following new section:

"Sec. 30. This act shall terminate on July 1, 1988."; and

b. Renumber remaining sections accordingly.

2. In the Standing Committee amendments, AM0267, adopted March 20, 1985:

a. Because of the Chambers amendment adopted March 20, 1985, on page 1, strike beginning with the semicolon in line 2 through the last quotation mark in line 3

b. On page 1, line 23; and page 3, line 11, strike "Nebraska"; and

c. Because sections 84-1401 to 84-1407 are repealed, on page 2, line 16, strike "84-1401" and insert "84-1408".

3. On page 1, line 2, strike "and" and insert "to provide a termination date for the act;"; and in line 3 after "severability" insert "; and to declare an emergency".

4. On page 4, line 20, strike "him or her" and insert "them".

5. On page 5, line 27, strike the first comma and after the second "and" insert a comma.

6. On page 7, line 14, after "When" insert "it is"; in line 19 insert paragraphing before "The" and in line 26 strike the comma.

7. On page 8, line 2, strike the comma and insert "and"; and in line 15 strike the comma.

**Correctly Engrossed**

The following bills were correctly engrossed: 28, 33, 63, 265, 423, 547, and 625.

(Signed) Timothy Hall, Chairperson

**Enrollment and Review Change to LB 423**

The following changes, required to be reported for publication in the Journal, have been made:
ER0038

1. On page 1, line 4, "provide" has been struck and "change the" inserted; and in line 5 "additional" has been struck.

(Signed) Mary Sommermeyer
E & R Attorney

## ANNOUNCEMENT

Speaker Nichol announced the following bills are his priority bills: 253, 593, 122, 301, 644, 217, 107, 172, 127, 663, 302, 459, 653, 681, LR 29, 710, 714, 410, 520, 529, 540, 277, 643, 154, 616.

## REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of March 21, 1985. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Bones, Amy S. - Omaha, Norwich Eaton Pharmaceuticals
Boyer, John K. - Omaha, Norwich Eaton Pharmaceuticals
Carpenter, Elaine K. - Lincoln, Lincoln Telephone & Telegraph Company
Crews, Anne - Dallas, Texas, Mary Kay Cosmetics
Cutshall, Bruce A. - Lincoln, Rocky Mountain Energy
Hedden, Herbert A. - Washington, D.C., International Franchise Association
Morrison, Clint - Mitchell, Scotts Bluff County
Pratt, Barbara Hanson - Lincoln, Nebraska Technical Community College Association
Williams, Patricia K. - Lincoln, Security Mutual Life Insurance Company of Lincoln, Nebraska

## PRESENTED TO THE GOVERNOR

Presented to the Governor on March 22, 1985, at 11:30 a.m., were the following bills and resolution: 40, 47, 76, 114, 307, 292, 293, 592, & LR 23.

(Signed) Pam Moravec, Enrolling Clerk

## UNANIMOUS CONSENT - Member Excused

Mrs. Marsh asked unanimous consent to be excused March 25 & 26, 1985. No objections. So ordered.

## VISITORS

Visitors to the Chamber were Fr. Charles Broderson and Fr. Merwold from Omaha; Lorrie, Mandy, and Nichole Bargas, and Carla Pisel-Nixon and Taylor Nixon from Lincoln; 11 students and teacher from Maxwell; 8 students and teacher from Leyton; Dr. Joachim Korner and son from Germany; Hans Brisch from Lincoln; Michele, Brian, Scott, Steve, and Lisa Schram from Lincoln; Lou and Beth Ninegar from Kearney; 40 seventh and eighth grade students and teachers from Paxton; 12 students and teacher from Hampton; 17 students and teacher from Springview; 40 students and teacher from Crete; and Senator Beyer's grandchildren, Jason, Jeromy, and Tami Schnell.

## ADJOURNMENT

At 12:12 p.m., on a motion by Mrs. Smith, the Legislature adjourned until 9:00 a.m., Monday, March 25, 1985.

Patrick J. O'Donnell
Clerk of the Legislature

# FORTY-SIXTH DAY - MARCH 25, 1985

# LEGISLATIVE JOURNAL

# FORTY-SIXTH DAY - MARCH 25, 1985

## LEGISLATIVE JOURNAL

## EIGHTY-NINTH LEGISLATURE
## FIRST SESSION

## FORTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, March 25, 1985

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

## PRAYER

The prayer was offered by Senator Miller.

## ROLL CALL

The roll was called and all members were present except Mr. Hartnett and Mrs. Marsh who were excused; and Messrs. Beutler, Haberman, Hannibal, R. Johnson, Landis, Lynch, Rupp, Schmit, and Mrs. Higgins who were excused until they arrive.

## CORRECTIONS FOR THE JOURNAL

The Journal for the Forty-Fifth Day was approved.

## ATTORNEY GENERAL'S OPINIONS

Opinion No. 39
March 21, 1985

Dear Senators Warner and Landis:

This is in response to your letters of March 11 and March 12 concerning agricultural land valuation. Your letters essentially deal with the same issue and you both indicate that one response would be adequate. For that reason we have consolidated your opinion requests within the following response.

The basic issue is the effect of the recently enacted constitutional Amendment 4 concerning agricultural land values, upon the existing greenbelt provisions of the Constitution. Both provisions are found in Article VIII, Section 1, of the Constitution which provides initially that, "Taxes shall be levied by valuation uniformly and proportionately upon all tangible property and franchises, . . ." Amendment 4 was intended to provide an exemption from this uniform valuation requirement to allow agricultural land to be valued in a different manner than other types of property. It provides as follows, "The Legislature may provide that agricultural land and horticultural land used solely for agricultural or horticultural purposes shall constitute a separate and distinct class of property for purposes of taxation." Likewise, the so-called green belt provision was also intended to be an exemption from the uniformity requirement. It provides as follows:

> The Legislature may enact laws to provide that the value of land actively devoted to agricultural or horticultural use shall, for property tax purposes, be that value which such land has for agricultural or horticultural use without regard to any value which such land might have for other purposes or uses, and prescribed standards and methods for the determination of the value of real or other tangible property at uniform and proportionate values.

Senator Warner's understanding of these two provisions is essentially correct. Each provision was intended to address a completely different issue and thus each has a separate purpose and effect. The greenbelt provision deals with the problem of land which is being used for agricultural production, but which has a much higher value than land used solely for agricultural production because of its proximity to urban development. In essence, it could be considered that such land is actually vacant residential or commercial property. The principle of the highest and the best use would thus have required this land to be valued at the higher level of value due to its status as undeveloped urban land, rather than any lesser value it might otherwise have solely for agricultural purposes. The purpose of the greenbelt provision was not only to allow preferential tax treatment for this particular agricultural land, but to promote the conservation of agricultural land and the orderly and controlled growth of urban areas. This was in turn accomplished through the passage of the greenbelt laws, Neb.Rev.Stat. §77-1343, et seq. (Reissue 1981) which not only allow such land to be valued solely on the basis of its value for agricultural use, but also contains a recapture provision which comes into play when the land is subsequently developed. In such a case the taxes which would otherwise have been assessed upon the land if it had been valued at its highest and best use would then be required to be paid by the landowner.

Amendment 4, on the other hand, was intended solely to provide a separate basis for valuing agricultural land different than that used for all other types of property. By itself, it has no impact on land which, while it may be presently being used for agricultural production, also has a much higher value due to its status as undeveloped urban commercial or residential property. Consequently, the two provisions are separate and distinct and both can be given meaning without one repealing or otherwise diminishing the effect of the other.

In response to the more specific questions of Senator Landis, Amendment 4 does not render Neb.Rev.Stat. §77-1348 unconstitutional. Likewise, the present greenbelt laws when placed into effect by the actions of local governments can require the owners of agricultural land, which would otherwise have a higher value because of its potential for urban development, to apply for a special assessment in order to allow the land to be treated solely as agricultural land. Such landowners would thus not automatically be eligible for any preferential tax treatment they might otherwise be accorded under the legislation implementing Amendment 4, because the land nevertheless has another and higher use than agricultural land. Landowners currently receiving special assessments under the existing greenbelt provisions would therefore continue to be subject to the recapture provisions of these laws upon a change in use. The Legislature thus can define agricultural land for purposes of Amendment 4, to exclude land having a higher and better use, and subsequently a higher value, than it would as agricultural land, unless the landowner seeks the relief afforded under the greenbelt provisions.

Finally, since both provisions are specific exemptions from the uniformity requirements of Article VIII, Section 1, of the Constitution, and each provision addresses a separate and distinct issue, there are no real issues of non-uniform treatment of agricultural land. This would be true, even though some counties may not have implemented the greenbelt provisions. In this regard, it must be remembered that when the land is accorded its highest and best value, it is no longer being valued as agricultural land but in effect as a different class of land. This would also be true for agricultural land which was never subject to the greenbelt special assessment options, and which in turn is later developed and is thus not subject to the recapture provisions as would be similar agricultural land that was subject to the greenbelt laws. This is merely a reflection of the fact that at the time the land in question was valued it presumably had only one apparent use, as agricultural land, and not as urban commercial or residential property. This would not be true of agricultural land which was adjacent to a developing urban area and

clearly had a separate and distinct use and value other than as agricultural land. The issue simply does not involve non-uniform treatment of agricultural land because we are actually dealing with two separate classes of land, only one of which is truly agricultural land.

We trust that this response adequately addresses all of the questions contained in your requests.

Sincerely,
ROBERT M. SPIRE
Attorney General
(Signed) John Boehm
Assistant Attorney General

JB:ejg
cc: Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 40
March 21, 1985

Dear Senator Remmers:

This is in response to your letter of March 7, 1985, concerning your proposed amendment to LB 158. This amendment would provide as follows:

> (4) A buyer who purchases farm products, including livestock, or a person who sells farm products, including livestock, for another for a fee or commission shall pay the seller the total purchase price by means of a check payable to such seller and a lending institution who shall be specified by such seller, and if the lending institution authorizes the cashing of such check, such buyer or person shall be free of any security interest in such farm products, including livestock, held by any security interest holder up to the amount of the check. Any such buyer or person who does not include the name of a lending institution on such check shall take such farm products, including livestock, subject to any valid security interest which may exist in such farm products, including livestock.

As we read this amendment, there is no requirement that the designated financial institution be the actual security interest holder in the property. Likewise, there is nothing in the amendment which provides that this designated financial institution actually assumes responsibility for any security interest in the property if it cashes such check. In effect, this legislation would extinguish an otherwise valid security interest in the property sold without any knowledge on behalf

of the security interest holder. Such a result would undoubtedly be an impermissible impairment of the obligation of contract under Article I, Section 16, of the Nebraska Constitution and the taking of property without due process of law.

Sincerely,
ROBERT M. SPIRE
Attorney General
(Signed) John Boehm
Assistant Attorney General

JB:ejg
cc: Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 41
March 22, 1985

Dear Senator Landis:

This is in response to your letter of March 16, 1985, concerning the constitutionality of your subcommittee's proposed amendment to LB 271. Specifically, you ask for our opinion on section 13 of the amendment which provides as follows:

> If the total value of agricultural and horticultural land in any county decreases, as a result of implementation of a new agricultural land valuation manual, by more than ten per cent in any one taxable year, the county shall be required to implement a ten per cent decrease each year until the full amount of the decrease is reflected in the values of agricultural land. This section shall apply for taxable years beginning on or after January 1, 1987.

The result of this proposal would mean that such property would be subject to a tax levy in a year in which its total value had been decreased by more than ten percent without a true determination of its actual value for that year. It was this same result which led the court to conclude that the former biennial valuation statute, Neb.Rev.Stat. §77-1301(1) (Reissue 1981) was unconstitutional and a violation of the Nebraska Constitution, Article VIII, Section 1, in Xerox Corp. v. Karnes, 217 Neb. 728 at 733, ___ N.W.2d ___ (1984). This provision of your proposed amendment would be subject to the same challenge and the result would undoubtedly be the same.

Sincerely,
ROBERT M. SPIRE
Attorney General
(Signed) John Boehm

Assistant Attorney General

JB:ejg
cc: Patrick J. O'Donnell
Clerk of the Legislature

## REPORTS

Received from the Department of Roads a statement of deposits to the Highway Cash Fund and Roads Operation Cash Fund for the calendar month of February, 1985.

Received minutes of the Board of Public Roads Classification and Standards.

## MOTION - Approve Appointments

Mr. Hefner moved the adoption of the report of the Miscellaneous Subjects Committee for the following Governor appointment found in the Journal on page 1138: Hod Kosman - Nebraska Arts Council.

Voting in the affirmative, 30:

| | | | | |
|---|---|---|---|---|
| Baack | DeCamp | Johnson, L. | Pappas | Sieck |
| Barrett | Eret | Johnson, R. | Peterson | Smith |
| Beyer | Goll | Johnson, V. | Pirsch | Vickers |
| Chizek | Goodrich | Lundy | Remmers | Warner |
| Chronister | Hall | Morehead | Rogers | Wesely |
| Conway | Hefner | Nichol | Scofield | Withem |

Voting in the negative, 0.

Present and not voting, 9:

| | | | | |
|---|---|---|---|---|
| Abboud | Chambers | Hoagland | Lamb | Nelson |
| Carsten | Harris | Labedz | Miller | |

Excused and not voting, 10:

| | | | | |
|---|---|---|---|---|
| Beutler | Hannibal | Higgins | Lynch | Rupp |
| Haberman | Hartnett | Landis | Marsh | Schmit |

This appointment was confirmed with 30 ayes, 0 nays, 9 present and not voting, and 10 excused and not voting.

## GENERAL FILE

**LEGISLATIVE BILL 38.** Mr. Wesely moved to indefinitely postpone.

Laid over.

**LEGISLATIVE BILL 268.** Title read. Considered.

Standing Committee amendments, AM0261, found in the Journal on page 647 for the Twenty-Sixth Day were adopted with 33 ayes, 0 nays, 10 present and not voting, and 6 excused and not voting.

Advanced to E & R for Review with 34 ayes, 0 nays, 10 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 691.** Title read. Considered.

Standing Committee amendments, AM0265, found in the Journal on page 666 for the Twenty-Seventh Day were adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Mr. DeCamp renewed his pending amendment found in the Journal on page 1029.

Speaker Nichol asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. DeCamp moved for a call of the house. The motion prevailed with 10 ayes, 0 nays, and 39 not voting.

The DeCamp amendment was adopted with 25 ayes, 10 nays, 10 present and not voting, and 4 excused and not voting.

Pending.

The Chair declared the call raised.

## NOTICE OF COMMITTEE HEARING
### Business and Labor

LB 720 Wednesday, April 3, 1985 7:00 p.m.

(Signed) Bill Barrett, Chairperson

## SELECT COMMITTEE REPORTS

**Enrollment and Review**

**Correctly Re-Engrossed**

The following bills were correctly re-engrossed: 94 and 487.

(Signed) Timothy Hall, Chairperson

**Enrollment and Review Change to LB 94**
**(Final Reading Copy)**

The following changes, required to be reported for publication in the Journal, have been made:
ER0040
1. In the Rupp amendment, AM0707, adopted March 22, 1985, on page 6, line 20, "has furnished proof" has been struck and "proof has been furnished" inserted.

**Enrollment and Review Change to LB 487**
**(Final Reading Copy)**

The following changes, required to be reported for publication in the Journal, have been made:
ER0039
1. The DeCamp amendment, AM0711, adopted March 22, 1985, which was to the bill as introduced has been incorporated into the Final Reading copy as follows: On page 2, line 9, "or other facility" has been struck.

(Signed) Mary Sommermeyer
E & R Attorney

**STANDING COMMITTEE REPORT**
**Public Works**

**LEGISLATIVE BILL 704.** Indefinitely postponed.

(Signed) Loran Schmit, Chairperson

**MOTION - Place LB 289 on General File**

Mr. Hannibal moved to place LB 289 on General File notwithstanding the action of the Committee.

Laid over.

## UNANIMOUS CONSENT - Expedite LB 268

Mr. V. Johnson asked unanimous consent to expedite LB 268. No objections. So ordered.

## GENERAL FILE

**LEGISLATIVE BILL 691.** Messrs. Vickers and Beutler moved to indefinitely postpone.

Laid over.

**LEGISLATIVE BILL 117.** Title read. Considered.

Standing Committee amendment, AM0269, found in the Journal on page 676 for the Twenty-Seventh Day was adopted with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

Mr. Haberman asked unanimous consent to to withdraw his pending amendment, AM0238, found in the Journal on page 604. No objections. So ordered.

Mr. Vickers offered the following amendment:
AM0771

1. Strike original sections 1 and 2 and all amendments thereto and insert the following new sections:

"Section 1. That section 84-1410, Revised Statutes Supplement, 1984, be amended to read as follows:

84-1410. (1) Any public body may hold a closed session by the affirmative vote of a majority of its voting members if a closed session is clearly necessary for the protection of the public interest or for the prevention of needless injury to the reputation of an individual and if such individual has not requested a public meeting. Closed sessions may be held for, but shall not be limited to, such reasons as:

(a) Strategy sessions with respect to collective bargaining, real estate purchases, or litigation

(b) Discussion regarding deployment of security personnel or devices

(c) Investigative proceedings regarding

allegations of criminal misconduct; or

(d) Evaluation of the job performance of a person when necessary to prevent needless injury to the reputation of a person and if such person has not requested a public meeting.

Nothing in this section shall permit a closed meeting for discussion of the appointment or election of a new member to any public body.

(2) The vote to hold a closed session shall be taken in open session. The vote of each member on the question of holding a closed session, the reason for the closed session, and the time when the closed session commenced and concluded shall be recorded in the minutes. The public body holding such a closed session shall restrict its consideration of matters during the closed portions to only those purposes set forth in the minutes as the reason for the closed session. The meeting shall be reconvened in open session before any formal action may be taken.

(3) Any member of any public body shall have the right to challenge the continuation of a closed session if the member determines that the session has exceeded the reason stated in the original motion to hold a closed session or if the member contends that the closed session is neither clearly necessary for (a) the protection of the public interest or (b) the prevention of needless injury to the reputation of an individual. Such challenge shall be overruled only by a majority vote of the members of the public body. Such challenge and its disposition shall be recorded in the minutes.

(4) Nothing in this section shall be construed to require that any meeting be closed to the public. No person or public body shall fail to invite a portion of its members to a meeting nor shall a public body designate itself a subcommittee of the whole body for the purpose of circumventing sections 79-327, 84-1408 to 84-1414, or 85-104, nor shall any closed session, informal meeting, chance meeting, social gathering, or electronic communication be used for the purpose of circumventing the requirements of sections 79-327, 84-1408 to 84-1414, or 85-104.

(5) ~~The provisions of sections~~ Sections 79-327, 84-1408 to 84-1414, and 85-104 shall not apply to chance meetings ~~,~~ or to attendance at or travel to conventions or workshops of members of a public body at

which there is no meeting of the body then intentionally convened, if ~~and~~ there is no vote or other action taken regarding any matter over which the public body has supervision, control, jurisdiction, or advisory power.

Sec. 2. That section 84-1412, Revised Statutes Supplement, 1984, be amended to read as follows:

84-1412. (1) Subject to ~~the provisions of~~ sections 79-327, 84-1408 to 84-1414, and 85-104, the public shall have the right to attend and the right to speak at meetings of public bodies and all or any part of a meeting of a public body, except for closed sessions called pursuant to section 84-1410, may be videotaped, televised, photographed, broadcast, or recorded by any person in attendance by means of a tape recorder, camera, video equipment, or any other means of pictorial or sonic reproduction or in writing.

(2) It shall not be a violation of subsection (1) of this section for any public body to make and enforce reasonable rules and regulations regarding the conduct of persons attending, speaking at, videotaping, televising, photographing, broadcasting, or recording its meetings. A body ~~is~~ may not be required to allow citizens to speak at each meeting, ~~nor~~ but it may not ~~it~~ forbid public participation at all meetings.

(3) No public body shall require members of the public to identify themselves as a condition for admission to the meeting. The body may ~~, however,~~ require any member of the public desiring to address the body to identify himself or herself.

(4) No public body shall for the purpose of circumventing ~~the provisions of~~ sections 84-1408 to 84-1414 hold a meeting in a place known by the body to be too small to accommodate the anticipated audience. No public body shall be deemed in violation of this section if it holds its meeting in its traditional meeting place which is located in this state. No public body shall hold a meeting outside the State of Nebraska.

(5) The public body shall, upon request, make a reasonable effort to accommodate the public's right to hear the discussion and testimony presented at the meeting.

(6) Public bodies shall make available at the meeting, for examination and copying by members of the public, at least one copy of all reproducible written

material to be discussed at an open meeting.

Sec. 3. That original sections 84-1410 and 84-1412, Revised Statutes Supplement, 1984, are repealed.".

The Vickers amendment was adopted with 29 ayes, 2 nays, 14 present and not voting, and 4 excused and not voting.

Advanced to E & R for Review with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 415.** Title read. Considered.

Mr. Vickers moved for a call of the house. The motion prevailed with 17 ayes, 0 nays, and 32 not voting.

Mr. Vickers requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 20:

| | | | | |
|---|---|---|---|---|
| Baack | Eret | Hoagland | Miller | Rupp |
| Beyer | Hall | Labedz | Morehead | Schmit |
| Chronister | Hefner | Lamb | Nelson | Sieck |
| Conway | Higgins | Lynch | Rogers | Vickers |

Voting in the negative, 27:

| | | | | |
|---|---|---|---|---|
| Abboud | DeCamp | Johnson, L. | Nichol | Scofield |
| Barrett | Goll | Johnson, R. | Pappas | Smith |
| Beutler | Goodrich | Johnson, V. | Peterson | Warner |
| Carsten | Haberman | Landis | Pirsch | Wesely |
| Chambers | Hannibal | Lundy | Remmers | Withem |
| Chizek | Harris | | | |

Excused and not voting, 2:

Hartnett Marsh

Failed to advance to E & R for Review with 20 ayes, 27 nays, and 2 excused and not voting.

The Chair declared the call raised.

Ms. Scofield, Messrs. R. Johnson, Schmit, Haberman, and Pappas asked unanimous consent to be excused until they return. No

objections. So ordered.

## STANDING COMMITTEE REPORTS
### Banking, Commerce and Insurance

**LEGISLATIVE BILL 431.** Placed on General File as amended.
Standing Committee amendment to LB 431:
AM0700

1. Strike the original sections and insert the following new sections:

"Section 1. That section 87-302, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

87-302. (1) ~~(a)~~ A person engages in a deceptive trade practice when, in the course of his or her business, vocation, or occupation, he or she:

(a) ~~(1)~~ Passes off goods or services as those of another

(b) ~~(2)~~ Causes likelihood of confusion or of misunderstanding as to the source, sponsorship, approval, or certification of goods or services

(c) ~~(3)~~ Causes likelihood of confusion or of misunderstanding as to affiliation, connection, or association with, or certification by, another

(d) ~~(4)~~ Uses deceptive representations or designations of geographic origin in connection with goods or services

(e) ~~(5)~~ Represents that goods or services have sponsorship, approval, characteristics, ingredients, uses, benefits, or quantities that they do not have or that a person has a sponsorship, approval, status, affiliation, or connection that he or she does not have

(f) ~~(6)~~ Represents that goods are original or new if they are deteriorated, altered, reconditioned, reclaimed, used, or secondhand, except that sellers may repair damage to and make adjustments on or replace parts of otherwise new goods in an effort to place such goods in compliance with factory specifications

(g) ~~(7)~~ Represents that goods or services are of a particular standard, quality, or grade, or that goods are of a particular style or model, if they are of another

(h) ~~(8)~~ Disparages the goods, services, or business of another by false or misleading representation of fact

(i) ~~(9)~~ Advertises goods or services with intent not to sell them as advertised

(j) ~~(10)~~ Advertises goods or services with intent not to supply reasonably expectable public demand, unless the advertisement discloses a limitation of quantity

(k) ~~(11)~~ Makes false or misleading statements of fact concerning the reasons for, existence of, or amounts of price reductions

(l) ~~(12)~~ Uses or promotes the use of a chain distributor scheme in connection with the solicitation of business or personal investments from members of the public

(m) ~~(13)~~ With respect to a sale or lease to a natural person of goods or services purchased or leased primarily for personal, family, household, or agricultural purposes, uses or employs any referral or chain referral sales technique, plan, arrangement, or agreement; or

(n) ~~(14)~~ Installs ~~or uses~~ an automatic dialing-announcing device ~~without first obtaining a~~ unless there is in force with respect to such device a current permit issued pursuant to sections 87-308 to 87-311.

(2) ~~(b)~~ In order to prevail in an action under sections 87-301 to 87-306, a complainant need not prove competition between the parties.

(3) ~~(c)~~ This section does not affect unfair trade practices otherwise actionable at common law or under other statutes of this state.

Sec. 2. That section 87-307, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

87-307. As used in this act and section 5 of this act, unless the context otherwise requires, automatic dialing-announcing device shall mean a device which selects and dials telephone numbers and ~~without obtaining permission of the recipient~~ plays a recorded ~~advertising~~ message and person shall mean any individual, corporation, governmental agency or subdivision, partnership, company, association, or any other legal or commercial entity.

Sec. 3. That section 87-308, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

87-308. No person shall connect or operate any automatic dialing-announcing device ~~to~~ on any telephone line ~~without first obtaining~~ unless there is in force with respect to such device a current permit from the Public Service Commission. Each person desiring such a permit shall make a written application to the Public Service Commission. Such application shall be in the form prescribed by the Public Service Commission and shall require the applicant to provide information as to the type of automatic dialing-announcing device proposed to be connected, the time of day such telephone calls are proposed to be placed using such device, the anticipated number of calls proposed to be placed during the specified calling period, the average length of a completed call, and such additional information as the Public Service Commission may require. Such application shall include an application fee of fifty dollars. Upon receiving such an application for service, the Public Service Commission may deny the application or modify the application and grant the application as so modified if the commission determines that (1) the applicant is unwilling or unable to meet the requirements placed on such operations by law, rule, or regulation, or has failed to comply with such requirements in the past, (2) the operation of such device would result in a significant decline in the quality of service or access to service for other telephone users, (3) the applicant's equipment is unable to meet the requirements of law, rule, or regulation, or (4) the application does not contain adequate information. If a permit is granted, such permit shall remain in force for two years from the date of issuance, and each application for the renewal of a permit shall be treated as a new application. Prior to connecting any automatic dialing-announcing device to any telephone line, the permit holder shall notify the local telephone company of the telephone line to which the device is proposed to be connected. Such telephone service shall be considered business telephone service.

Sec. 4. That section 87-309, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

87-309. Prior to issuing a permit pursuant to section 87-308, the Public Service Commission shall

require each applicant to agree to: (1) Include, on all calls made on the automatic dialing-announcing device, a statement of the nature of the call and the name, address, and telephone number of the business or organization being represented, if any, ~~and~~ (2) as soon as the serving telephone company's central office equipment allows, disconnect the automatic dialing-announcing device from the telephone line upon the termination of the call by either the person calling or the person called, (3) allow the device to make calls only to numbers listed in a telephone directory published by a telephone company, and (4) prevent the device from calling emergency telephone numbers of police or fire stations or medical or other facilities providing emergency services as designated by the Public Service Commission. Any or all of the provisions of such agreement may be suspended by a written agreement between the called and calling parties. When making an application for a permit, or at any time after obtaining a permit, any owner or operator of an automatic dialing-announcing device may apply to the Public Service Commission for an exemption to any or all of the provisions of such agreement. The commission may grant a permanent or temporary exemption from some or all of the provisions of such agreement upon finding that it would be in the public interest. Failure to comply with the provisions of such an agreement shall, after ten days' notice and a hearing, be grounds for revocation or suspension of a permit.

Sec. 5. No person shall operate any automatic dialing-announcing device in such a manner as to allow it to dial telephone numbers sequentially or cause it to dial unpublished or emergency telephone numbers in violation of any agreement under section 87-309. Such operation shall, after ten days' notice and a hearing, be grounds for revocation or suspension of the permit allowing such operation.

Sec. 6. That section 87-310, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

87-310. The Public Service Commission shall adopt and promulgate all rules and regulations necessary to carry out ~~the provisions of~~ this act and section 5 of this act. Such rules and regulations shall include, but not be limited to, limitations on the length of

messages, days of the week, holidays, and the time of day when calls can be made. The commission may investigate and enforce sections 87-302, 87-303.08, 87-307 to 87-311, and section 5 of this act. A person may appeal any decision of the Public Service Commission made pursuant to section 87-308, 87-309, or section 5 of this act as provided in section 75-137.

Sec. 7. That section 87-311, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

87-311. It is the intent of the Legislature that this act and section 5 of this act shall apply to any automatic dialing-announcing devices connected to any telephone line both prior and subsequent to August 24, 1979. Each person who has obtained a permit prior to the effective date of this act, or who was operating such device in compliance with the requirements of law prior to the effective date of this act, may continue to operate such device for up to six months after the effective date of this act, but shall not continue to operate the device after the six-month period without a valid permit issued by the Public Service Commission.

Sec. 8. That original sections 87-302 and 87-307 to 87-311, Reissue Revised Statutes of Nebraska, 1943, are repealed.".

**LEGISLATIVE BILL 603.** Placed on General File as amended.
Standing Committee amendments to LB 603:
AM0713

1. Strike original sections 1, 2, 9, 10, 11, 12, and 13.

2. On page 2, in lines 21 through 27 reinstate the stricken matter.

3. On pages 3, 13, 14, and 15, reinstate the stricken matter and strike the new matter.

4. On page 16, in lines 12 through 15 reinstate the stricken matter and strike the new matter.

5. On page 18, line 1, reinstate the stricken matter.

6. On page 26, line 4, strike "1-101, 9-101,"; and in line 5 strike "and 9-412 to 9-414,".

7. Renumber remaining sections accordingly.

**LEGISLATIVE BILL 667.** Placed on General File as amended.
(Standing Committee amendments printed separate from the Journal

and on file in the Clerk's Office - Room 1102 - AM0723.)

(Signed) John DeCamp, Chairperson

**Revenue**

**LEGISLATIVE BILL 140.** Indefinitely postponed.
**LEGISLATIVE BILL 294.** Indefinitely postponed.
**LEGISLATIVE BILL 397.** Indefinitely postponed.
**LEGISLATIVE BILL 615.** Indefinitely postponed.
**LEGISLATIVE BILL 616.** Indefinitely postponed.
**LEGISLATIVE BILL 629.** Indefinitely postponed.
**LEGISLATIVE BILL 677.** Indefinitely postponed.
**LEGISLATIVE BILL 682.** Indefinitely postponed.

(Signed) Vard Johnson, Chairperson

**Public Health and Welfare**

**LEGISLATIVE BILL 643.** Placed on General File as amended.
Standing Committee amendments to LB 643:
AM0735

1. On page 2, line 14, strike "crypts" and insert "crypt", strike "niches" and insert "niche", and after "in" insert "a"; and in line 15 strike "mausoleums" and insert "mausoleum", and strike "crypts" and insert "crypt".

2. On page 4, line 15, after "deposited" insert "by the pre-need seller".

3. On page 5, line 19, strike "held" and insert "placed"; and in line 20 after "trust" insert "by the pre-need seller".

4. On page 8, line 26, strike "amount" and insert "all amounts"; strike beginning with the comma in line 26 through the comma in line 27, and in line 27 after "seller" insert "pursuant to subsection (2) of section 13 of this act".

5. On page 12, line 1, after "be" insert "made"; and in line 2 after "to" insert "subsection (2) of".

6. On page 14, line 23, strike "At" and insert "Except as provided in subsection (2)(h) of this section, at", and strike the comma.

7. On page 16, line 18, after "irrevocable" insert "pursuant to section 6 of this act"; and in line

24 after "deducting" insert "and paying to the pre-need seller".

8. On page 17, line 3, after "irrevocable" insert "pursuant to section 6 of this act".

9. On page 20, lines 21 and 23, strike "pre-need seller or agent" and insert "licensee".

10. On page 21, lines 3, 6, 8 and 9, 12 and 13, and 18, strike "pre-need seller or agent" and insert "licensee"; in line 22 strike "agent's" and insert "licensee's"; and in line 23 strike "agent" and insert "licensee".

11. On page 22, line 6, strike "revoked"; in line 7, after the second "license" insert "has expired,"; and in line 8 after "revoked" insert an underscored comma and after the first "or" insert "was".

12. On page 23, line 15, before "the" insert "section 6 of".

(Signed) Don Wesely, Chairperson

**UNANIMOUS CONSENT - Print in Journal**

Mr. Schmit asked unanimous consent to print the following amendment to LB 387 in the Journal. No objections. So ordered.

AM0773

(Amendments to Final Reading Copy)

1. On page 1 strike beginning with "to" in line 5 through the semicolon in line 7.

2. On page 3, strike the new matter in lines 11 through 15.

Mr. Hoagland asked unanimous consent to print the following amendment to LB 117 in the Journal. No objections. So ordered.

To amend the Vickers Amendment to LB 117 by adding, following the period on p. 5, line 2, "unless clearly necessary for the conduct of the public business"

Messrs. Lamb, Hefner, and DeCamp asked unanimous consent to print the following amendment to LB 38 in the Journal. No objections. So ordered.

AM0767

1. Strike original sections 1 to 5 and insert

new sections as follows:

"Section 1. As used in sections 1 to 9 of this act, unless the context otherwise requires:

(1) Owner shall mean an owner of record, a vendee in possession under a land contract, or his or her surviving spouse; and

(2) Property taxes paid shall mean real property taxes and taxes on dwelling units taxed as personal property exclusive of special assessments, delinquent taxes, and interest levied in this state in 1985 or any calendar year thereafter.

Sec. 2. There is hereby created a Property Tax Rebate Fund to be administered by the Department of Revenue. Any money in the Property Tax Rebate Fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1269 and interest earned shall accrue to the Property Tax Rebate Fund. Money in the fund shall only be used to provide rebates pursuant to section 3 of this act and to fund costs incurred by the Department of Revenue in carrying out sections 1 to 9 of this act.

Sec. 3. Commencing in 1986, an owner shall be entitled to a fifteen per cent rebate, not to exceed eight hundred dollars, for all property taxes paid during such year. A claim for such rebate shall be made within six months after the property taxes become delinquent.

Sec. 4. Any person who knowingly files a false or fraudulent claim under section 3 of this act shall be guilty of a Class IIIA misdemeanor.

Sec. 5. Each county shall prepare a receipt for property taxes paid in a manner prescribed by the Tax Commissioner and using forms supplied by the Department of Revenue. Each county shall file, on a semiannual basis, a report with the Department of Revenue listing all property taxes paid in the county by name, address, social security number or federal identification number, legal description of the property, amount of property taxes paid, and whether the taxes were timely paid. The Department of Revenue shall mail such rebate within ninety days after submission of the county's semiannual report.

Sec. 6. The Department of Revenue shall reimburse the county for all actual costs incurred by the county in collecting, compiling, and submitting the

semiannual report pursuant to section 5 of this act.

Sec. 7. In addition to the sales and use tax imposed pursuant to section 77-2701.02, there is hereby imposed an additional one per cent sales and use tax to commence on October 1, 1985. All proceeds from such additional tax shall be paid to the Property Tax Rebate Fund.

Sec. 8. The sales and use tax imposed under section 7 of this act is in addition to the sales and use tax imposed under Chapter 77, article 27, and shall be interpreted, collected, enforced, and remitted by the Tax Commissioner in the same manner as taxes under Chapter 77, article 27.

Sec. 9. The Department of Revenue shall adopt and promulgate rules and regulations to carry out sections 1 to 8 of this act.

Sec. 10. That section 77-27,132, Revised Statutes Supplement, 1984, be amended to read as follows:

77-27,132. (1) There is hereby created a fund to be designated Tax Refund Fund which shall be set apart and maintained by the State Treasurer for prompt payments of all tax refunds under the provisions of sections 66-461, 77-2106, and 77-2701 to 77-27,135 and transfers to the Nongame and Endangered Species Conservation Fund pursuant to sections 37-439 and 77-27,119.01. Such fund shall be in such amount as the State Treasurer, with the advice of the Tax Commissioner, shall determine is necessary to meet current refunding requirements under the provisions of sections 66-461, 77-2106, and 77-2701 to 77-27,135. Any money in the Tax Refund Fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1269.

(2) The Tax Commissioner shall pay to a depository bank designated by the State Treasurer all amounts collected under sections 77-2701 to 77-27,135. The Tax Commissioner shall present to the State Treasurer bank receipts showing amounts so deposited in the aforementioned bank and of the amounts so deposited the State Treasurer shall (a) first credit to the Tax Refund Fund such amounts as are necessary to maintain such Tax Refund Fund at the level required by subsection (1) of this section, and (b) then credit to the Highway Allocation Fund all of the proceeds of the sales and use

taxes derived from motor vehicles, trailers, and semitrailers except for such proceeds derived from the additional sales and use tax imposed by section 7 of this act which shall be paid to the Property Tax Rebate Fund. The balance of the amounts so paid shall be credited to the General Fund.

Sec. 11. That original section 77-27,132, Revised Statutes Supplement, 1984, is repealed.".

## BILL ON FIRST READING

The following bill was read for the first time by title:

**LEGISLATIVE BILL 578A.** By Lynch, 13th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 578, Eighty-ninth Legislature, First Session, 1985.

## UNANIMOUS CONSENT - Add Co-Introducer

Mr. Beutler asked unanimous consent to have his name added as co-introducer to LB 687. No objections. So ordered.

## GENERAL FILE

**LEGISLATIVE BILL 593.** Title read. Considered.

Standing Committee amendments, AM0197, found in the Journal on page 691 for the Twenty-Eighth Day were considered.

Mr. Harris asked unanimous consent to be excused. No objections. So ordered.

## SPEAKER NICHOL PRESIDING

Mr. Hoagland and Mrs. Labedz asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Vickers moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 3 nays, and 19 not voting.

The Standing Committee amendments were adopted with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

## VISITORS

Visitors to the Chamber were 16 students and teacher from Wayne State College; 20 students and teacher from Stratton-Palisade High School; 20 political science students and teacher from Chadron State College; 7 seniors and teacher from Snyder High School; 300 students and advisors with the Youth Government Day Program; 9 students, teacher, and sponsors from Emmanuel Lutheran School, York; 13 students and sponsors from Brownville; students and sponsors from Bertrand; students and teachers from Chase County High School, Imperial; and Senator Hall's brother, Jeff from Imperial.

## ADJOURNMENT

At 12:18 p.m., on a motion by Mr. Chambers, the Legislature adjourned until 9:00 a.m., Tuesday, March 26, 1985.

Patrick J. O'Donnell
Clerk of the Legislature

# FORTY-SEVENTH DAY - MARCH 26, 1985

## LEGISLATIVE JOURNAL

## EIGHTY-NINTH LEGISLATURE
## FIRST SESSION

## FORTY-SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 26, 1985

Pursuant to adjournment, the Legislature met at 9:03 a.m., President McGinley presiding.

## PRAYER

The prayer was offered by Pastor Frank Tochterman, Piedmont Park Community Seventh-day Adventist Church, Lincoln, Nebraska.

## ROLL CALL

The roll was called and all members were present except Mrs. Marsh who was excused; and Messrs. Chambers, Goodrich, and Rogers who were excused until they arrive.

## CORRECTIONS FOR THE JOURNAL

The Journal for the Forty-Sixth Day was approved.

## SELECT COMMITTEE REPORTS
### Enrollment and Review

**LEGISLATIVE BILL 268.** Placed on Select File as amended.
E & R amendments to LB 268:
AM5093

1. On page 1, line 2, after the last comma insert "77-612, 77-615,"; in line 3 after the first comma insert "77-619, 77-620,"; and in line 14 after "eliminate" insert "certain".

2. On page 2, line 2, strike "and"; in line 3 strike "77-612 to 77-615" and insert "77-613, 77-614"

in line 4 strike "to 77-620" and insert ", 77-618"; and in line 5 after "1943" insert "; and to declare an emergency".

3. On page 4, line 24, strike "77-636" and insert "77-633".

4. On page 6, line 16, strike the second comma and show as stricken; and in line 21 after "buildings" insert an underscored comma.

5. On page 9, line 3, strike the underscored comma.

6. On page 12, line 5, strike "where", show as stricken, and insert "when".

7. On page 14, line 8, reinstate the stricken comma.

8. On page 15, line 5, after the semicolon insert "and"; in line 13 strike the comma and show as stricken; in line 15 strike "where", show as stricken, and insert "when"; and in line 26 strike the first comma and show as stricken.

9. On page 17, line 9, strike the comma and show as stricken; in line 12 strike the second comma and show as stricken; and in line 25 after "firm" insert an underscored comma.

10. On page 18, line 7, after "firms" insert an underscored comma; and in line 27 after "firm" insert an underscored comma.

11. On page 19, line 2, strike the first comma and show as stricken; in line 5 after "firm" insert an underscored comma; in line 6 strike the first comma and show as stricken; and in line 26 strike "where", show as stricken, and insert "when".

12. On page 20, line 2, strike the comma and show as stricken; and in line 10 after "lands" insert an underscored comma.

13. In the Standing Committee amendments, AM0261, adopted March 25, 1985:

a. On page 1, line 17, strike "Section" and insert "Sec."; and in line 21 after "15" insert "of each year";

b. On page 2, line 9, strike the comma and show as stricken and strike "wherein", show as stricken, and insert "that"; in line 10 strike "and also", show as stricken, and insert an underscored comma; in line 11 strike "stating" and show as stricken; and in line 13 strike the comma and show as stricken and strike "ask",

show as stricken, and insert "asking";

c. On page 3, line 8, after "Commissioner" insert an underscored comma; and in line 13 strike "and also" and show as stricken; and

d. On page 5, line 6, strike the comma and show as stricken.

**LEGISLATIVE BILL 117.** Placed on Select File as amended.
E & R amendments to LB 117:
AM5094

1. On page 1, strike beginning with "boards" in line 1 through "state" in line 4 and insert "public meetings; to amend sections 84-1410 and 84-1412, Revised Statutes Supplement, 1984; to change provisions relating to certain meetings"; and in line 5 strike "section" and insert "sections".

2. In the Vickers amendment, AM0771, adopted March 25, 1985, on page 4, line 1, after "bodies" insert an underscored comma.

(Signed) Timothy Hall, Chairperson

## MESSAGES FROM THE GOVERNOR

March 25, 1985

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 36, 89, 315, 353 and 486 were received in my office on March 21, 1985.

These bills were signed by me on March 25, 1985 and delivered to the Secretary of State.

Sincerely,
(Signed) ROBERT KERREY
Governor

RK/jm

March 25, 1985

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 40, 47, 76, 114, 307, 292, 293 and 592 were received in my office on March 22, 1985.

These bills were signed by me on March 25, 1985 and delivered to the Secretary of State.

Sincerely,
(Signed) ROBERT KERREY
Governor

RK/jm

March 25, 1985

Allen J. Beermann
Secretary of State
State Capitol Building
Lincoln, Nebraska 68509

Dear Mr. Secretary:

Under our Constitution, the Governor is not a part of the process wherein the Legislature votes to propose a constitutional amendment. It therefore is my policy not to take any action on constitutional amendments which reach my desk.

In line with this policy, I herewith forward LR 23 to you without my signature.

Sincerely,
(Signed) ROBERT KERREY
Governor

RK/kks

**UNANIMOUS CONSENT - Print in Journal**

Mr. Pappas asked unanimous consent to print the following amendment to LB 488 in the Journal. No objections. So ordered.

1. On page 7, line 3, after the following numbers "46.2,106." change the period to a comma and insert, "and shall assess a percentage of

the cost of repair and maintenance of bridges and overpasses over channels, ditches or pipelines owned by holders of an underground storage permit in areas of intentional or incidental underground storage water."

2. On page 10, line 24, insert a new section (7)

Sec. (7) The legislature recognizes that one of the costs incurred from intentional or incidental underground water storage is the repair and upkeep of the bridges or overpasses that cross the water distribution systems. There shall be paid to the County Treasurer in which the bridge or overpass is located, fifty percent (50%) of the cost or repair and maintenance by the irrigation company holding the permit for the intentional underground water storage and twenty-five percent (25%) of the cost or repair and maintenance by the irrigation company holding the permit from the incidental underground water storage.

The Director of Water Resource shall determine incidental and intentional underground water systems and shall inform the County Treasurer. The County Treasurer shall assess the repair and maintenance costs yearly to the irrigation company holding the permit.

3. Renumber the remaining section accordingly.

## RESOLUTION

**LEGISLATIVE RESOLUTION 77.**

Introduced by Hefner, 19th District.

WHEREAS, there is a bas relief on the northwest corner of the north facade of the Capitol of Nebraska entitled "Nebraska's Entrance into the Union" which depicts Miss Nebraska standing before the federal government applying for admittance to the Union, the greatest moment for this state; and

WHEREAS, the Miss Nebraska depicted in the relief depicts Miss Nebraska wearing a simple pioneer robe, as she adds the 37th star to the Union flag. In her left hand she holds a scepter representing her state's agricultural resources, and over her shoulder is a cattle hide representing Nebraska's cattle industries; and

WHEREAS, young women serving in the capacity of Miss Nebraska provide an inspiration and a source of pride for the State of Nebraska as they represent this state in the Miss America Pageant and in their duties as Miss Nebraska; and

WHEREAS, the Miss Nebraska Pageant has served as one of our great state's most pleasant annual festivities for many years and hundreds of Nebraska's most talented young women have benefitted from their participation in the Miss Nebraska Pageant; and

WHEREAS, a sincere commendation and praise should be bestowed on all contestants for their exemplary attitude, conscientious spirit, and fortitude in participating in the pageant; and

WHEREAS, other states have designated their representatives in the Miss America Pageant as the official hostesses for their respective states.

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

1. That the Legislature designate Miss Nebraska as the official hostess of the State of Nebraska hereafter.

Laid over.

## BILLS ON FINAL READING

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 313.**

A BILL FOR AN ACT relating to mobile homes and recreational vehicles; to amend sections 14-402, 15-902, 19-902, 71-4601 to 71-4604, 71-4605, 71-4606, 71-4608 to 71-4611, 71-4613 to 71-4621, 81-5,138, 81-5,140, and 81-5,142, Reissue Revised Statutes of Nebraska, 1943, and sections 71-1557, 71-4604.01, 76-1463, 76-14,109, and 81-1615, Revised Statutes Supplement, 1984; to redesignate mobile homes as manufactured homes; to rename an act and a fund; to define and redefine terms; to provide for rules and regulations as prescribed; to provide for enforcement; to provide powers and duties; to change a provision relating to removal of a mobile home; to harmonize provisions; to eliminate a provision authorizing requirements more stringent than state standards; and to repeal the original sections, and also section 71-4607, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

| | | | | |
|---|---|---|---|---|
| Abboud | Carsten | DeCamp | Haberman | Hartnett |
| Baack | Chizek | Eret | Hall | Hefner |
| Barrett | Chronister | Goll | Hannibal | Higgins |
| Beyer | Conway | Goodrich | Harris | Hoagland |

| | | | | |
|---|---|---|---|---|
| Johnson, L. | Landis | Nelson | Remmers | Smith |
| Johnson, R. | Lundy | Nichol | Rogers | Vickers |
| Johnson, V. | Lynch | Pappas | Rupp | Warner |
| Labedz | Miller | Peterson | Scofield | Wesely |
| Lamb | Morehead | Pirsch | Sieck | Withem |

Voting in the negative, 0.

Present and not voting, 2:

Beutler Schmit

Excused and not voting, 2:

Chambers Marsh

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 313A.**

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 313, Eighty-ninth Legislature, First Session, 1985.

Whereupon the 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 | Eret | Higgins | Lynch | Rupp |
| Baack | Goll | Hoagland | Miller | Scofield |
| Barrett | Goodrich | Johnson, L. | Nelson | Sieck |
| Beyer | Haberman | Johnson, R. | Nichol | Smith |
| Carsten | Hall | Johnson, V. | Pappas | Vickers |
| Chizek | Hannibal | Labedz | Peterson | Warner |
| Chronister | Harris | Lamb | Pirsch | Wesely |
| Conway | Hartnett | Landis | Remmers | Withem |
| DeCamp | Hefner | Lundy | Rogers | |

Voting in the negative, 0.

Present and not voting, 3:

Beutler Morehead Schmit

Excused and not voting, 2:

Chambers Marsh

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 324.**

A BILL FOR AN ACT relating to labor; to amend sections 48-1102 and 48-1114, Reissue Revised Statutes of Nebraska, 1943; to define a term; to provide an additional unlawful employment practice; 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 | DeCamp | Hefner | Lynch | Rogers |
| Baack | Eret | Higgins | Miller | Rupp |
| Barrett | Goll | Hoagland | Morehead | Schmit |
| Beutler | Goodrich | Johnson, L. | Nelson | Scofield |
| Beyer | Haberman | Johnson, R. | Nichol | Sieck |
| Carsten | Hall | Johnson, V. | Pappas | Smith |
| Chizek | Hannibal | Lamb | Peterson | Vickers |
| Chronister | Harris | Landis | Pirsch | Wesely |
| Conway | Hartnett | Lundy | Remmers | Withem |

Voting in the negative, 1:

Warner

Present and not voting, 1:

Labedz

Excused and not voting, 2:

Chambers Marsh

A constitutional majority having voted in the affirmative, the

bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 326.**

A BILL FOR AN ACT relating to courts; to amend sections 24-532 and 29-424, Reissue Revised Statutes of Nebraska, 1943; to provide for the investment of money by the clerk of the county court as prescribed; to provide for payment of citation fines and costs by credit card; 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 | Eret | Higgins | Miller | Rupp |
| Baack | Goll | Hoagland | Morehead | Schmit |
| Barrett | Goodrich | Johnson, L. | Nelson | Scofield |
| Beutler | Haberman | Johnson, R. | Nichol | Sieck |
| Beyer | Hall | Johnson, V. | Pappas | Smith |
| Carsten | Hannibal | Lamb | Peterson | Vickers |
| Chizek | Harris | Landis | Pirsch | Warner |
| Chronister | Hartnett | Lundy | Remmers | Wesely |
| Conway | Hefner | Lynch | Rogers | Withem |
| DeCamp | | | | |

Voting in the negative, 0.

Present and not voting, 1:

Labedz

Excused and not voting, 2:

Chambers Marsh

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 350.** With Emergency.

A BILL FOR AN ACT relating to the school retirement system; to amend section 79-1501, Revised Statutes Supplement, 1984; to change

provisions relating to certain retirement benefits; to harmonize provisions; to provide duties for the Revisor of Statutes; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 46:

| | | | | |
|---|---|---|---|---|
| Abboud | Eret | Higgins | Miller | Rupp |
| Baack | Goll | Hoagland | Morehead | Schmit |
| Barrett | Goodrich | Johnson, L. | Nelson | Scofield |
| Beutler | Haberman | Johnson, R. | Nichol | Sieck |
| Beyer | Hall | Johnson, V. | Pappas | Smith |
| Carsten | Hannibal | Lamb | Peterson | Vickers |
| Chizek | Harris | Landis | Pirsch | Warner |
| Chronister | Hartnett | Lundy | Remmers | Wesely |
| Conway | Hefner | Lynch | Rogers | Withem |
| DeCamp | | | | |

Voting in the negative, 0.

Present and not voting, 1:

Labedz

Excused and not voting, 2:

Chambers Marsh

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 391 to Select File**

Mr. V. Johnson moved to return LB 391 to Select File for the following specific amendment:

On page 18, line 8 on the Final Reading copy, before the word "assessments" add the words "fifty per cent of the".

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

Mr. V. Johnson requested a roll call vote on his motion to return.

Voting in the affirmative, 20:

| | | | | |
|---|---|---|---|---|
| Beutler | DeCamp | Hoagland | Lamb | Smith |
| Beyer | Hannibal | Johnson, L. | Landis | Vickers |
| Chambers | Hartnett | Johnson, V. | Pappas | Warner |
| Conway | Higgins | Labedz | Pirsch | Withem |

Voting in the negative, 26:

| | | | | |
|---|---|---|---|---|
| Abboud | Eret | Harris | Morehead | Rupp |
| Baack | Goll | Hefner | Nelson | Schmit |
| Barrett | Goodrich | Lundy | Nichol | Scofield |
| Carsten | Haberman | Lynch | Remmers | Sieck |
| Chizek | Hall | Miller | Rogers | Wesely |
| Chronister | | | | |

Present and not voting, 1:

Peterson

Excused and not voting, 2:

Johnson, R. Marsh

The V. Johnson motion to return lost with 20 ayes, 26 nays, 1 present and not voting, and 2 excused and not voting.

## BILLS ON FINAL READING

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 391.**

A BILL FOR AN ACT relating to insurance; to adopt the Comprehensive Health Insurance Pool Act; and to provide severability.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

| | | | | |
|---|---|---|---|---|
| Abboud | DeCamp | Hartnett | Miller | Rogers |
| Baack | Eret | Hefner | Morehead | Rupp |
| Barrett | Goll | Higgins | Nelson | Schmit |
| Carsten | Goodrich | Hoagland | Nichol | Scofield |
| Chambers | Haberman | Johnson, V. | Pappas | Sieck |
| Chizek | Hall | Labedz | Peterson | Smith |
| Chronister | Hannibal | Landis | Pirsch | Wesely |
| Conway | Harris | Lundy | Remmers | Withem |

Voting in the negative, 5:

| | | | | |
|---|---|---|---|---|
| Beyer | Johnson, L. | Lamb | Vickers | Warner |

Present and not voting, 2:

Beutler Lynch

Excused and not voting, 2:

Johnson, R. Marsh

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 391A.**

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 391, Eighty-ninth Legislature, First Session, 1985.

Whereupon the 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 | DeCamp | Hartnett | Lundy | Rogers |
| Baack | Eret | Higgins | Miller | Rupp |
| Barrett | Goll | Hoagland | Morehead | Schmit |
| Beyer | Goodrich | Johnson, L. | Nelson | Scofield |
| Carsten | Haberman | Johnson, V. | Nichol | Sieck |
| Chambers | Hall | Labedz | Pappas | Warner |
| Chizek | Hannibal | Lamb | Pirsch | Wesely |
| Chronister | Harris | Landis | Remmers | Withem |

Voting in the negative, 0.

Present and not voting, 7:

| | | | | |
|---|---|---|---|---|
| Beutler | Hefner | Peterson | Smith | Vickers |
| Conway | Lynch | | | |

Excused and not voting, 2:

Johnson, R. Marsh

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: 313, 313A, 324, 326, 350, 391, and 391A.

## ATTORNEY GENERAL'S OPINION

Opinion No. 42
March 22, 1985

Dear Senator V. Johnson:

This is in response to your letter of March 12, 1985, requesting an opinion on the constitutionality of imposing the Nebraska Sales and Use Tax on the purchase of magazines and journals and the purchase of subscriptions to such materials. Your specific question is whether such taxation infringes upon the constitutional right of freedom of the press.

The courts have routinely held that such taxes do not constitute a restraint upon the freedom of the press and hence a deprivation of due process where the legitimate purpose of the tax is to raise revenue and such sales are not singled out for taxation. Giragi v. Moore, 49 Ariz. 74, 64 P.2d 819, 110 A.L.R. 320, appeal dismissed, 301 U.S. 670, 81 L.Ed. 1334, 57 S.Ct. 946 (1937); Shoppers Guide Pub. Co., Inc. v. Woods, 547 S.W.2d 561 (Tenn. 1977); and Arizona Pub. Co. v. O'Neil, 22 F.Supp. 117, aff'd, 58 S.Ct. 950, 304 U.S. 543, 82 L.Ed. 1518 (1937). The Nebraska Sales and Use Tax would appear to fall within the guidelines set forth in these cases, since the sole purpose of the tax is for the general raising of revenues for the operation of state government and neither its intent nor its effect is to act as a prior restraint upon publication. Therefore, such legislation would not constitute an impermissible infringement upon the right of

freedom of the press.

Sincerely,
ROBERT M. SPIRE
Attorney General
(Signed) John Boehm
Assistant Attorney General

JB:ejg
cc: Patrick J. O'Donnell
Clerk of the Legislature

## GENERAL FILE

**LEGISLATIVE BILL 38.** Mr. Wesely renewed his pending motion found in the Journal on page 1162 to indefinitely postpone.

Mr. Lamb moved for a call of the house. The motion prevailed with 11 ayes, 1 nay, and 37 not voting.

Mr. Barrett moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 10 nays, and 10 not voting.

Mr. DeCamp requested a roll call vote on the Wesely motion to indefinitely postpone.

Voting in the affirmative, 24:

| | | | | |
|---|---|---|---|---|
| Beutler | Goodrich | Higgins | Nelson | Vickers |
| Chambers | Hall | Hoagland | Pappas | Warner |
| Chizek | Hannibal | Johnson, V. | Pirsch | Wesely |
| Conway | Harris | Labedz | Schmit | Withem |
| DeCamp | Hartnett | Lundy | Smith | |

Voting in the negative, 23:

| | | | | |
|---|---|---|---|---|
| Abboud | Chronister | Johnson, L. | Morehead | Rogers |
| Baack | Eret | Lamb | Nichol | Rupp |
| Barrett | Goll | Landis | Peterson | Scofield |
| Beyer | Haberman | Lynch | Remmers | Sieck |
| Carsten | Hefner | Miller | | |

Excused and not voting, 2:

Johnson, R. Marsh

The Wesely motion to indefinitely postpone prevailed with 24 ayes, 23 nays, and 2 excused and not voting.

The Chair declared the call raised.

## UNANIMOUS CONSENT - Add Co-Introducer

Mr. Abboud asked unanimous consent to have his name added as co-introducer to LB 117. No objections. So ordered.

## PRESENTED TO THE GOVERNOR

Presented to the Governor on March 26, 1985, at 10:40 a.m., were the following bills: 313, 313A, 324, 326, 350, 391, & 391A.

(Signed) Pam Moravec, Enrolling Clerk

## STANDING COMMITTEE REPORT
### Banking, Commerce and Insurance

**LEGISLATIVE BILL 645.** Placed on General File.

(Signed) John DeCamp, Chairperson

## UNANIMOUS CONSENT - Print in Journal

Mr. V. Johnson asked unanimous consent to print the following amendment to LB 190 in the Journal. No objections. So ordered.

AM0749

1. In the Standing Committee amendments, AM0315, beginning on page 695 of the Journal, on page 2, strike beginning with "and" in line 15 through the period in line 16 and insert "and for any additional tax, up to four cents, a discount of four per cent shall be allowed. A discount shall be allowed for affixing and canceling such stamp on each package containing more than twenty cigarettes, which shall be equal to the discount allowed on a package of twenty cigarettes plus one-twentieth of the discount on a package of twenty cigarettes for each cigarette in excess of twenty cigarettes in each package.".

## RESOLUTION

**LEGISLATIVE RESOLUTION 78.**

Introduced by Hartnett, 45th District.

WHEREAS in 1921, at the age of 24, Charles S. Reed served the citizens of this state as a member of the legislature; and

WHEREAS while serving as one of the youngest men ever elected to the legislature (while simultaneously attending UNL and working toward his law degree), he introduced and championed the legislation authorizing the construction of the University of Nebraska football stadium; and

WHEREAS in a full and rich lifetime of service to the citizens of this state and his adopted home of Bellevue he served as an assistant attorney general, a member of the Board of Directors of the Panama Canal Company (where from 1953 to 1960 he administered the Canal's budget), an incorporator of Bellevue College, organizer and first president of the Bank of Bellevue, president of the Omaha Chamber of Commerce, trustee of Nebraska's Goodwill Industries, and a principle organizer of the campaign to provide Bellevue young people with a youth center, now known as the Charles S. Reed Community Center; and

WHEREAS his passing on March 10th at the age of 88 brought to an end a lifetime of selfless service to the citizens of Nebraska and most particularly to the residents of Bellevue; and

WHEREAS his many years of community and public service are worthy of notice and deserving of recognition by the legislature, a body in which he also served,

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

1. That the members of the legislature publicly recognize the services and contributions to the welfare of the citizens of this state and to the citizens of his home of Bellevue of a great Nebraskan, Charles S. Reed, and extend their deepest sympathy to his family.

2. That a copy of this resolution be presented to the family of Charles S. Reed as an expression of sorrow for his passing.

Laid over.

## GENERAL FILE

**LEGISLATIVE BILL 593.** Mr. Conway offered the following amendment:

1. Strike all references to "Nebraska Property and Liability

Insurance Guaranty Association Act" and insert in place of that language:
In Lieu of Tax Insurance Company Bail Out Property and Liability Insurance Guaranty Association Act.

2. Strike all references to "Nebraska Life and Health Insurance Guaranty Association Act" and insert in place of that language:
In Lieu of Tax Insurance Company Bail Out Life and Health Guaranty Association Act.

The Conway amendment lost with 12 ayes, 14 nays, 21 present and not voting, and 2 excused and not voting.

Mr. Vickers offered the following amendment:

1. page 34, line 14 to page 35, line 3, strike the section.

Speaker Nichol asked unanimous consent to be excused. No objections. So ordered.

The Vickers amendment lost with 8 ayes, 15 nays, 23 present and not voting, and 3 excused and not voting.

Mr. Vickers offered the following amendment:

1. page 17, line 21, strike: three hundred thousand, insert after (a): one million

2. page 17, line 22, strike: one hundred, insert after than five hundred

3. page 17, line 24, strike : one hundred, insert after (b): five hundred

4. page 17, line 27, strike: three hundred thousand, insert after (c): one million

Mr. Haberman asked unanimous consent to be excused. No objections. So ordered.

Mr. Vickers moved for a call of the house. The motion prevailed with 9 ayes, 0 nays, and 40 not voting.

Mr. Vickers requested a roll call vote on his amendment.

Voting in the affirmative, 11:

| | | | | |
|---|---|---|---|---|
| Chambers | Hall | Higgins | Nelson | Smith |
| Conway | Hartnett | Labedz | Pappas | Vickers |
| Eret | | | | |

Voting in the negative, 23:

| | | | | |
|---|---|---|---|---|
| Abboud | Chizek | Johnson, L. | Miller | Sieck |
| Baack | Chronister | Johnson, V. | Pirsch | Warner |
| Barrett | DeCamp | Lamb | Remmers | Wesely |
| Beyer | Goll | Landis | Rogers | Withem |
| Carsten | Hefner | Lundy | | |

Present and not voting, 11:

| | | | | |
|---|---|---|---|---|
| Beutler | Harris | Lynch | Peterson | Schmit |
| Goodrich | Hoagland | Morehead | Rupp | Scofield |
| Hannibal | | | | |

Excused and not voting, 4:

| | | | |
|---|---|---|---|
| Haberman | Johnson, R. | Marsh | Nichol |

The Vickers amendment lost with 11 ayes, 23 nays, 11 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

## STANDING COMMITTEE REPORTS
### Banking, Commerce and Insurance

**LEGISLATIVE BILL 138.** Indefinitely postponed.
**LEGISLATIVE BILL 274.** Indefinitely postponed.
**LEGISLATIVE BILL 321.** Indefinitely postponed.
**LEGISLATIVE BILL 450.** Indefinitely postponed.
**LEGISLATIVE BILL 479.** Indefinitely postponed.
**LEGISLATIVE BILL 523.** Indefinitely postponed.
**LEGISLATIVE BILL 588.** Indefinitely postponed.
**LEGISLATIVE BILL 602.** Indefinitely postponed.
**LEGISLATIVE BILL 605.** Indefinitely postponed.
**LEGISLATIVE BILL 622.** Indefinitely postponed.
**LEGISLATIVE BILL 624.** Indefinitely postponed.
**LEGISLATIVE BILL 651.** Indefinitely postponed.
**LEGISLATIVE BILL 678.** Indefinitely postponed.
**LEGISLATIVE BILL 693.** Indefinitely postponed.
**LEGISLATIVE BILL 708.** Indefinitely postponed.

(Signed) John DeCamp, Chairperson

### Judiciary

**LEGISLATIVE BILL 590.** Indefinitely postponed.

(Signed) Peter Hoagland, Chairperson

**Business and Labor**

**LEGISLATIVE BILL 457.** Placed on General File as amended.
Standing Committee amendments to LB 457:
AM0758

1. On page 2, strike beginning with the second comma in line 10 through the first "and" in line 11; and strike beginning with "has" in line 24 through "National" in line 27 and insert "is a physical hazard or health hazard as defined by the Occupational Safety and Health Administration standard in 29 CFR section 1910.1200(c) or a hazardous substance as defined by the Occupational Safety and Health Administration standard in 29 CFR section 1910.1200(d)(3)".

2. On page 3, line 1, strike beginning with "Fire through "49"; in line 18 strike "transports, uses," and insert "uses"; and strike beginning with "except" in line 26 through "listed" in line 27.

3. On page 4, line 18, strike "their" and insert "his or her"; and in line 26 strike "Federal" and insert "federal".

4. On page 5, strike lines 11 through 14; in line 15 strike "(3)" and insert "(2)"; and in line 16 strike "or (2)".

5. On page 6, line 1, strike "toxic" and insert "hazardous"; and in lines 15 and 22 strike "this act" and insert "the Hazardous Materials Disclosure Act".

6. On page 7, line 4 strike "this act" and insert "the Hazardous Materials Disclosure Act"; in line 10 strike "such act" and insert "the Hazardous Materials Disclosure Act"; and strike beginning with "except" in line 22 through "Act" in line 27.

7. Insert a new section as follows:

"Sec. 10. This act shall become operative on January 1, 1986.".

8. Renumber original section 10 as section 11.

(Signed) Bill Barrett, Chairperson

## VISITORS

Visitors to the Chamber were 40 Province of Nebraska Catholic Women; 30 Soil Conservation Auxiliary members; 12 eighth grade students and teachers from Crete; 50 sophomores and sponsor from North High School, Omaha; and 14 seniors and teacher from Adams.

## ADJOURNMENT

At 12:09 p.m., on a motion by Mrs. Morehead, the Legislature adjourned until 9:00 a.m., Wednesday, March 27, 1985.

Patrick J. O'Donnell
Clerk of the Legislature

# FORTY-EIGHTH DAY - MARCH 27, 1985

## LEGISLATIVE JOURNAL

## EIGHTY-NINTH LEGISLATURE
## FIRST SESSION

## FORTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 27, 1985

Pursuant to adjournment, the Legislature met at 9:00 a.m., President McGinley presiding.

## PRAYER

The prayer was offered by Dr. Robert Palmer, Westminster Presbyterian Church, Lincoln, Nebraska.

## ROLL CALL

The roll was called and all members were present except Messrs. Carsten, Chambers, V. Johnson, Schmit, and Mrs. Nelson who were excused until they arrive.

## CORRECTIONS FOR THE JOURNAL

The Journal for the Forty-Seventh Day was approved.

## RESOLUTIONS

**LEGISLATIVE RESOLUTION 77.** Read. Considered.

Mr. Hoagland moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

LR 77 lost with 7 ayes, 21 nays, and 21 not voting.

**LEGISLATIVE RESOLUTION 78.** Read. Considered.

LR 78 was adopted with 34 ayes, 0 nays, and 15 not voting.

## MOTION - Suspend Rules

Mr. Wesely moved to suspend the rules, Rule 4, Section 6, to permit consideration of LR 79 today.

The motion prevailed with 32 ayes, 0 nays, 13 present and not voting, and 4 excused and not voting.

## RESOLUTION

**LEGISLATIVE RESOLUTION 79.**

Introduced by Wesely, 26th District; R. Johnson, 34th District.

WHEREAS, The Nebraska Wesleyan University 1984-85 Plainsmen basketball team finished the season with a 24-5 record, winning their conference championship for a second year in a row; and

WHEREAS, The team finished third in the N.C.A.A. Division III competition, winning the Western Regional and finishing third out of nearly 300 Division III schools; and

WHEREAS, The team was the first Nebraska Wesleyan team to reach the Final Four in Division III tournament since 1962, and lost only to the team which eventually won the tournament; and

WHEREAS, The Nebraska Wesleyan University 1984-85 Plainsmen basketball team, in addition to displaying excellence on the basketball court, showed academic excellence in the classroom;

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

1. That Coach Jerry Schmutte, the team, and the coaching staff of the 1984-85 Nebraska Wesleyan University Plainsmen basketball team be congratulated for their outstanding season.

2. That a copy of this resolution be delivered to Coach Jerry Schmutte and the team in recognition of their accomplishments.

LR 79 was adopted with 36 ayes, 0 nays, and 13 not voting.

## UNANIMOUS CONSENT - Print in Journal

Mr. Hall asked unanimous consent to print the following amendment to LB 216 in the Journal. No objections. So ordered.

AM0782

1. On page 2, lines 14 through 27, reinstate the stricken matter.

2. On page 3, lines 1 through 27, reinstate the stricken matter.

3. On page 4, lines 1 through 13, reinstate the stricken matter; after line 14 insert

"2,900.01 through 2,950.00 ..... 120.00
2,950.01 through 3,000.00 ..... 122.00
3,000.01 through 3,050.00 ..... 124.00
3,050.01 through 3,100.00 ..... 126.00
3,100.01 through 3,150.00 ..... 128.00
3,150.01 through 3,200.00 ..... 130.00
3,200.01 through 3,250.00 ..... 132.00
3,250.01 through 3,300.00 ..... 134.00
3,300.01 through 3,350.00 ..... 136.00
3,350.01 through 3,400.00 ..... 138.00
3,400.01 through 3,450.00 ..... 140.00
3,450.01 through 3,500.00 ..... 142.00
3,500.01 through 3,550.00 ..... 144.00
3,550.01 through 3,600.00 ..... 146.00
3,600.01 through 3,650.00 ..... 148.00
3,650.01 through 3,700.00 ..... 150.00
3,700.01 through 3,750.00 ..... 152.00
3,750.01 and over ..... 154.00";

and in lines 15 through 27 strike the new matter.

4. On page 5, lines 1 through 27, strike the new matter.

5. On page 6, lines 1 through 15, strike the new matter.

Mr. DeCamp asked unanimous consent to print the following amendment to LB 273 in the Journal. No objections. So ordered.

1. On page 42, line 9, strike "December 31" and in line 10, strike the underscored matter and insert "January 1, 1992"; in line 25, reinstate the stricken matter; in line 26, reinstate the stricken matter and insert "1992" in place of "1986" ' in line 27, reinstate the stricken matter.

2. On page 43, in lines 1, 2 and 27, reinstate the stricken matter.

3. On page 44, in lines 1, 2 and 24-27, reinstate the stricken matter.

4. On page 45, in lines 1-4, reinstate the stricken matter and in line 14, strike the underscored matter.

5. On page 46, after line 6, insert the following new section:

"Sec. 1. An application for a Renewable Energy Development

Credit against an individual, corporation, partnership or fiduciary income tax liability shall contain a notice of approval issued for a system which was installed within the tax year to which credit applies. The notice shall be a form issued by the Department of Revenue to the applicant in accordance with section 1 (2) of this act.

(2) The Department of Revenue shall require any applicant to complete a form proving to the satisfaction of the Department that a renewable energy development system develops renewable energy industry through the expansion of active solar, passive solar and wind markets. The form may require:

(1) Plans and specifications of the system.

(2) A descriptive list of equipment included in the system which is necessary for the equipment's operation.

(3) A description of the location of the system

(4) Any other evidence that the Tax Commissioner deems necessary to prove the validity of the request for approval.

Sec. 2. The Department shall review any and all applications for approval of a renewable energy development system which have been filed with the Department. An applicant may file an application prior to installation of a renewable energy development system for purposes of determining if the system would qualify the applicant for a tax credit pursuant to sections 66-1029 to 66-1055; provided, that approval or disapproval of such application made prior to installation of a system shall be advisory to the applicant and shall not be binding upon the Department in approving or disapproving an application made pursuant to section 1 of this act. All applications shall be approved or disapproved by the Department within 60 days of receipt of the application. The Department may contract for services with the office for purposes of reviewing an application.

Sec. 3. The applicant shall have 30 days after notification of approval or disapproval to request an agency hearing of the Department of Revenue. A party aggrieved by a final decision of the Department regarding the issuance, refusal to issue, revocation, or notification of an approval of a renewable energy resource system for a Renewable Energy Development credit may appeal from the findings and order of the Tax Commissioner in the manner and form provided by sections 84-917 to 84-919.

6. On page 46, in line 10, strike "December 31" and strike the underscored matter, and insert "January 1, 1992."

7. Renumber remaining sections accordingly.

## ATTORNEY GENERAL'S OPINIONS

Opinion No. 45
March 26, 1985

Dear Senator DeCamp:

This is in response to your letter of March 22, 1985, in which you seek an opinion on the constitutionality of a proposed amendment to LB 691. The apparent purpose of this amendment is to overcome the constitutional defects we noted in our opinion on LB 691 to Senator Lundy dated March 8, 1985.

That opinion centered primarily on Article VIII, Section 4, of the Nebraska Constitution which provides as follows:

> 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, 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.

Instead of the original language of LB 691 which would have placed legal and equitable title to the property of a failed institution in the Banking Department as receiver, the amendment provides that:

> In addition to the forgoing (sic), the department shall be vested with legal, as well as equitable, title to all of the real estate owned by such bank when the unsecured depositors and the unsecured creditors representing 85% or more of the total amount of the deposits and unsecured claims of the bank shall have assigned their legal interest in such real estate to the department. The assignment of the depositors' and creditors' legal interest in the real estate to the department may be accomplished by, but shall not be limited to, the depositors' and creditors' approval of a settlement agreement relating to a claim submitted under sections 81-8,209 to 81-8,239 which incorporates such assignment as a term of settlement, or by the depositors' or creditors' approval of a contract or plan of reorganization under section 8-1,118.

The obvious purpose of this proposed amendment is to fall within the exception to Article VIII, Section 4, which permits the Legislature to cancel taxes against real estate owned or acquired by the state.

One initial problem with the amendment is the fact that the creditors and depositors of the financial institution do not have title

to the assets of that institution but merely a claim and lien against the assets of the institution pursuant to Neb.Rev.Stat. §8-1,110 (Reissue 1983). It is difficult to see how the mere assignment of these claims and liens against the assets can vest title to the property in the Banking Department. This apparent attempt to transfer title by legislative fiat thus raises additional questions of due process, particularly in regard to the shareholders of such an institution. It would furthermore appear that the Banking Department would nevertheless continue to act in its limited fiduciary capacity as receiver even under this amendment, and from that standpoint our original comments to Senator Lundy are still pertinent.

These difficulties aside, there nevertheless remains a fundamental constitutional problem with this attempt to place title to the property of a failed financial institution in the state solely for the purpose of falling within the constitutional exemption for the release of taxes on property owned by the state. What we have here is a not so subtle attempt by the Legislature to do indirectly what it cannot do directly.

When faced with such a challenge, the court would have to examine the rationale behind the constitutional prohibition against the forgiveness of taxes which has existed in the Constitution since its origin, and would furthermore have to take recognition of their uniform application of this provision forbidding the release of taxes. This rationale was aptly summarized in Peterson v. Hancock, 155 Neb. 801, 54 N.W.2d 85 (1952):

> In Steinacher v. Swanson, 131 Neb. 439, 268 N.W. 317, this court held that: "The legislature does not have the power to release or discharge a tax, such action being prohibited by section 4, art. VIII of the Constitution." Further, "Neither may the legislature circumvent an express provision of the Constitution by doing indirectly what it may not do directly." The opinion, quoting from County of Lancaster v. Trimble, 33 Neb. 121, 49 N.W. 938, said: " 'The legislature is without power to release any inhabitant or corporation from his or its proportionate share of taxes, nor can it confer such authority upon county commissioners. * * * The legislature is powerless to confer such authority. It cannot do indirectly what the Constitution prohibits it from doing directly; that is clear. Wood v. Helmer, 10 Neb. 65, 68.' "
>
> In State ex rel. Cornell v. Poynter, 59 Neb. 417, 81 N.W. 431, this court held: "The rule of uniformity prescribed by section 1, article 9, of the constitution, inhibits the legislature from discriminating between taxpayers in any manner whatever.
>
> "Under section 4, article 9, of the constitution the legislature is powerless to pass a law releasing or discharging any individual or corporation or property from the payment of any proportion of the taxes to be levied for state or municipal purposes." In the

opinion, it is said: "The rule of uniformity inhibits the legislature from discriminating between taxpayers in any manner. See State v. Graham, 17 Nebr., 43. In every instance where this court has spoken upon the subject it has been determined that the legislature is powerless to relieve from the burdens of taxation the property of any individual or corporation, but that the constitutional rule of uniformity requires all taxable property within the taxing district where the assessment is made shall be taxed, except property specifically exempt by the fundamental law. This doctrine is entirely sound, and the language of the constitutional provision we have been considering will not authorize or permit of any other or different interpretation.

"By section 4, article 9, of the constitution the legislature, in plain and unequivocal language, is inhibited from enacting any law releasing or discharging any individual or corporation or property from their or its proportional share of taxes to be levied for state or municipal purposes."

In State ex rel. Bee Building Co. v. Savage, 65 Neb. 714, 91 N.W. 716, this court said: "The subject relating to the rule of uniformity has heretofore received consideration by this court in the case of State v. Osborn, 60 Nebr., 415. It is there held that the valuation of property for taxation must be uniform. Says the court in the opinion, at page 419: 'There is another cardinal rule of taxation, and that is that "every person and corporation shall pay a tax in proportion to the value of his, her or its property and franchises." Constitution, art. 9, sec. 1. And this rule of uniformity applies not only to the rate of taxation but as well to the valuation of property for the purposes of raising revenue. High School District No. 137 v. Lancaster County, 60 Nebr., 147. The constitution forbids any discrimination whatever among taxpayers. State v. Graham, 17 Nebr., 43; State v. Poynter, 59 Nebr., 417. * * *' "

Id. at 821-823.

It is readily apparent here that the constitutional prohibition against the forgiveness of taxes is merely another manifestation of the principle of uniformity of taxation set forth in Article VIII, Section 1, of the Constitution. Taxpayers must simply be treated uniformly throughout the entire process of taxation. With this understanding of the principle, we cannot say that the courts would uphold such an attempt to avoid the obvious intent of the constitutional prohibition against the release of taxes. Admittedly, the Constitution was amended to allow the release of taxes upon property owned or acquired by the state, no doubt in recognition of the perfectly valid principle of intergovernmental immunity from taxation. Can this provision, however, be used merely as a mechanism to avoid the

principle of uniformity of taxation as it is applied in the general prohibition against the release or forgiveness of taxes? Under this scheme, there would be, in effect, discrimination against certain taxpayers. Would the court thus uphold the purported transfer of title of such property to the state for a limited period of time and for the sole purpose of forgiveness of the taxes upon this property? In view of the foregoing rationale, we think not.

Sincerely,
ROBERT M. SPIRE
Attorney General
(Signed) John Boehm
Assistant Attorney General

JB:ejg
cc: Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 46
March 26, 1985

Dear Senator DeCamp:

You have requested our opinion as to the constitutional validity of LB 616, which would allow a taxpayer entitled to a refund to designate a portion of the refund to be paid as a contribution to the United Sates Olympic Committee.

In a previous opinion, this office concluded a virtually identical bill violated Article III, Section 18, of the Nebraska Constitution, which prohibits special legislation, and specifically prohibits granting to any corporation, association, or individual any special or exclusive privileges, immunity, or franchise. Attorney General Opinion No. 209, March 2, 1982. Under LB 616, the United States Olympic Committee would be placed in special class, and the Committee would be singled out for special treatment not accorded to other charitable organizations.

We therefore adhere to the analysis contained in our earlier opinion, and conclude that LB 616 would be held unconstitutional as establishing unreasonable class legislation, in violation of Article III, Section 18, of the Nebraska Constitution.

Very truly yours,
ROBERT M. SPIRE
Attorney General
(Signed) L. Jay Bartel
Assistant Attorney General

LJB:ejg
cc: Patrick J. O'Donnell
Clerk of the Legislature

**MOTION - Reconsider Action on LB 38**

Mr. R. Johnson moved to reconsider the I.P.P. motion on LB 38.

Laid over.

**GENERAL FILE**

**LEGISLATIVE BILL 171.** Considered.

Mr. Lamb offered the following amendment:
Page 2 line 5 strike "seventy five" insert "thirty".

The Lamb amendment lost with 2 ayes, 15 nays, 30 present and not voting, and 2 excused and not voting.

Pending.

**LEGISLATIVE BILL 253.** Title read. Considered.

Mr. Wesely renewed his pending amendment, AM0572, found in the Journal on page 966.

The Wesely amendment was adopted with 30 ayes, 0 nays, 18 present and not voting, and 1 excused and not voting.

Advanced to E & R for Review with 32 ayes, 0 nays, 16 present and not voting, and 1 excused and not voting.

**LEGISLATIVE BILL 253A.** Title read. Considered.

Advanced to E & R for Review with 33 ayes, 0 nays, 15 present and not voting, and 1 excused and not voting.

**STANDING COMMITTEE REPORTS**
**Agriculture and Environment**

**LEGISLATIVE BILL 596.** Placed on General File.

**LEGISLATIVE BILL 459.** Placed on General File as amended.
Standing Committee amendments to LB 459:

AM0751

1. On page 3, line 17, after "may" insert "investigate the subject of noxious weeds,"; and in line 22 after "jurisdiction" insert ", and may determine if the control authority is properly enforcing sections 2-952 to 2-965".

2. On page 4, after line 18, insert the following new subdivision:

"(c) When it is determined by the director that a control authority has failed to carry out any of its duties and responsibilities as a control authority, the Attorney General shall notify the State Treasurer to withhold allocation of funds distributed under section 39-2402 until notified by the director that the control authority has properly enforced sections 2-952 to 2-965.".

**LEGISLATIVE BILL 460.** Placed on General File as amended.
Standing Committee amendments to LB 460:
AM0752

1. On page 9, line 2, strike "one hundred" and insert "fifty".

2. On page 12, line 9, strike "12, 14, 15, and 20" and insert "13 and 18".

3. Strike original sections 12 and 15.

4. On page 15, strike beginning with "(7)" in line 8 through the semicolon in line 10; and in lines 11, 16, 22, and 25 strike the new matter and reinstate the stricken matter.

5. On page 16, in lines 2, 5, 9, 13, 17, and 25, strike the new matter and reinstate the stricken matter.

6. On page 17, in lines 3, 8, 11, 20, and 24, strike the new matter and reinstate the stricken matter.

7. On page 18, lines 5 and 9, strike the new matter and reinstate the stricken matter; and strike beginning with "If" in line 26 through "the" in line 27.

8. On page 19, strike beginning with "initial" in line 1 through "any" in line 3 and insert "Any"; strike beginning with "and" in line 6 through "act" in line 8; and in line 14 strike "may" and insert "shall".

9. On page 47, line 5, strike "24 and 27" and insert "10 and 25"; in line 10 strike "81-216.24, and 81-2,147 to 81-2,147.09" and insert "and 81-216.24"; and

in line 14 strike "and 2-1020" and insert "2-1020, and 81-2,147 to 81-2,147.09".

10. Renumber the remaining sections accordingly.

**LEGISLATIVE BILL 628.** Placed on General File as amended.
Standing Committee amendments to LB 628:
AM0750

1. On page 7, strike lines 1 through 20; and in line 21 strike "(d)" and insert "(c)".

2. On page 9, line 9, strike "1986" and insert "1987".

**LEGISLATIVE BILL 537.** Indefinitely postponed.

(Signed) Rod Johnson, Chairperson

## UNANIMOUS CONSENT - Print in Journal

Mr. Remmers asked unanimous consent to print the following amendment to LB 504 in the Journal. No objections. So ordered.

AM0812

1. On page 3, line 23, strike "subsection (4), (5), or (6) of".

2. On page 6, line 21, strike "subsection (5) or (6) of".

## GENERAL FILE

**LEGISLATIVE BILL 569.** Title read. Considered.

Messrs. Vickers and Beutler offered the following amendment:

Page 2, Line 8 STRIKE, beginning with "the" through "or" on line 10 and show as stricken

Page 2, line 7 INSERT after the period: After notice and hearing has been given,

Page 3, line 5, STRIKE, beginning with "the" through "or" on line 7 and show as stricken

Page 3, line 4 INSERT after the period: After notice and hearing has been given,

The Vickers-Beutler amendment was adopted with 31 ayes, 0 nays, 17 present and not voting, and 1 excused and not voting.

Advanced to E & R for Review with 29 ayes, 1 nay, 18 present and not voting, and 1 excused and not voting.

**LEGISLATIVE BILL 705.** Title read. Considered.

Standing Committee amendments, AM0385, found in the Journal on page 761 for the Thirtieth Day were adopted with 29 ayes, 0 nays, 19 present and not voting, and 1 excused and not voting.

Advanced to E & R for Review with 31 ayes, 0 nays, 17 present and not voting, and 1 excused and not voting.

**LEGISLATIVE BILL 347.** Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays, 21 present and not voting, and 1 excused and not voting.

**LEGISLATIVE BILL 349.** Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays, 21 present and not voting, and 1 excused and not voting.

**LEGISLATIVE BILL 559.** Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 22 present and not voting, and 1 excused and not voting.

**LEGISLATIVE BILL 359.** Title read. Considered.

Advanced to E & R for Review with 31 ayes, 0 nays, 17 present and not voting, and 1 excused and not voting.

**LEGISLATIVE BILL 441.** Title read. Considered.

Advanced to E & R for Review with 30 ayes, 0 nays, 18 present and not voting, and 1 excused and not voting.

**LEGISLATIVE BILL 578.** Title read. Considered.

Advanced to E & R for Review with 31 ayes, 0 nays, 17 present and not voting, and 1 excused and not voting.

**LEGISLATIVE BILL 578A.** Title read. Considered.

Advanced to E & R for Review with 29 ayes, 0 nays, 19 present and

not voting, and 1 excused and not voting.

**LEGISLATIVE BILL 368.** Title read. Considered.

Advanced to E & R for Review with 31 ayes, 0 nays, 17 present and not voting, and 1 excused and not voting.

## PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolutions: LR 78 and LR 79.

## UNANIMOUS CONSENT - Print in Journal

Mr. Beyer asked unanimous consent to print the following amendment to LB 395 in the Journal. No objections. So ordered.

AM0774

1. On page 16, after line 19 insert a new subsection as follows:

"(7) There is hereby created the Carrier Enforcement Cash Fund which shall be used for the operation of the carrier enforcement division. Any money in the Carrier Enforcement Cash Fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1269.".

2. Insert a new section as follows:

"Sec. 17. This act shall become operative on July 1, 1985.".

3. Renumber the remaining sections accordingly.

Mr. Vickers asked unanimous consent to print the following amendment to LB 488 in the Journal. No objections. So ordered.

AM0809

1. On page 9, line 23, strike "actually used" and insert "directly delivered"; and in line 26 after "water" insert "directly delivered".

2. On page 10, line 2, after "water" insert "directly delivered".

3. In the Standing Committee amendments, AM0412, on page 6, line 1, strike "and this section" and insert ", except that assessments shall not exceed the

maximum fee allowed pursuant to such section".

Mr. Schmit asked unanimous consent to print the following amendment to LB 662 in the Journal. No objections. So ordered.

AM0775

(Amendments to Final Reading Copy)

1. On page 1, line 7, after "79-12,104," insert "and" and strike "and"; in line 8 strike "79-2315,"; and in line 9 after "sections" insert "10-702," and strike "79-1052,".

2. On page 2, line 14, strike "and bonded indebtedness"; in line 23 after "79-407," insert "and" and strike "and"; and in line 24 strike "79-506.03,".

3. On page 14, strike beginning with the second "on" in line 24 through "1985" in line 25 and insert "by the voters of such school district or to tax levies assessed pursuant to section 79-422, 79-506.01, 79-506.04, and 79-548.01".

4. On page 19, strike beginning with "The" in line 26 through "total" in line 27.

5. On page 20, strike beginning with "levy" in line 1 through the period in line 2.

6. On page 32, line 1, strike "where", show as stricken, and insert "when".

7. On page 33, line 25, after "and" insert an underscored comma and reinstate the stricken comma.

8. On page 35, line 2, after "purchasing" insert "of"; and strike the new matter in lines 12 through 14.

9. On page 36, strike the new matter in lines 19 through 21.

10. On page 37, line 13, after the first comma insert "repair,"; and in lines 18 through 21 strike the new matter and reinstate the stricken matter.

11. On page 41, line 25, reinstate the stricken comma.

12. On page 42, in lines 7 through 16, reinstate the stricken matter and strike the new matter.

13. On page 43, line 1, strike "It", show as stricken, and insert "Subject to the limitation imposed by section 17 of this act, it"; in lines 2 and 3 strike the new matter; in lines 14, 16, 18, and 24, strike the semicolon, show as stricken, and insert an underscored comma; in line 20 after "contributions" insert an

underscored comma; and in line 21 after "insurance" insert an underscored comma.

14. On page 44, in lines 16, 17, 21, 25, 26, and 27, strike the new matter and reinstate the stricken matter.

15. On page 45, line 1, reinstate "purposes shall be" and after the reinstated "be" insert "subject to the limitation imposed by section 17 of this act," in lines 5 through 7 reinstate the stricken matter; in line 16 after "levied" insert an underscored comma; in line 17 after "act" insert an underscored comma; and in lines 24 through 27 reinstate the stricken matter and strike the new matter.

16. On page 46, line 1, reinstate the stricken matter; in lines 2 through 5 strike the new matter.

17. On page 47, in lines 4 through 17, reinstate the stricken matter.

18. On page 48, line 7, reinstate the stricken comma.

19. On page 49, in lines 5, 6, and 9, strike the semicolon, show as stricken, and insert an underscored comma.

20. On page 51, line 17, after "state" insert an underscored comma.

21. On page 55, line 3, after the second comma insert "section 10-702, Revised Statutes Supplement, 1984,"; in line 10 after the third comma insert "and" and strike "and 79-2315,"; in line 12 strike "79-1052,"; and strike beginning with "and" in line 16 through the second comma in line 17.

22. Strike sections 51 and 58 and insert the following new section:

"Sec. 25. That section 10-702, Revised Statutes Supplement, 1984, be amended to read as follows:

10-702. The question of issuing bonds may be submitted to the electors of a school district at a special election or such question may be voted on at an election held in conjunction with the statewide primary or statewide general election. No bonds shall be issued until the question has been submitted to the qualified electors of the district, and sixty per cent ~~a majority~~ of all the qualified electors voting on the question shall have voted in favor of issuing the same, at an

election called for the purpose, upon notice given by the officers of the district at least twenty days prior to such election. If the election for issuing bonds is held as a special election, the procedures provided in section 10-703.01 shall be followed. The question of bond issues in such districts, when defeated, shall not, except in case of fire or other disaster or in the case of a newly created district, be resubmitted in substance for a period of six months from and after the date of such election.

When the question of issuing bonds is to be submitted at a statewide primary or statewide general election as ordered by a resolution of a majority of the members of the board of education, such order shall be made in writing and filed with the county clerk or election commissioner not less than fifty days prior to the statewide primary or statewide general election. The order calling for the school bond election shall be filed with the county clerk or election commissioner in the county having the greatest number of electors entitled to vote on the question. The county clerk or election commissioner receiving such order shall conduct the school bond election for the school district.

The election notices, the issuing of the official ballots on election day, the issuing of the official absentee ballots, and the counting and canvassing of the same shall be conducted by the county clerk or election commissioner as provided in Chapter 32.

A special notice of the election shall be published by the board of education in a newspaper or newspapers of general circulation within the district stating the day of the election, the hours during which the polls will be open, and any other information deemed necessary in informing the public of the bond issue. The notice shall be made at least twenty days prior to the election.

If the question of submitting bonds for the school district is voted upon in one or more counties and the ballots have been certified across county lines, the election boards in the counties where the ballots are cast shall count the ballots on election day the same as all other ballots are counted and seal the same in their ballots-cast sack along with other ballots.

The canvassing boards in each county shall

canvass the returns in the same manner as other returns are canvassed.

The county clerk or election commissioner in any adjoining county voting on the bond issue shall certify the returns to the county clerk or election commissioner of the county having the greatest number of electors entitled to vote on the question of issuing bonds.

The county clerk or election commissioner in such county shall enter the total returns from any adjoining county or counties to the total votes recorded in his or her official book of votes cast and shall certify the returns to the board of education for which such bond election was held.".

23. Renumber the remaining sections and correct internal references accordingly.

## GENERAL FILE

**LEGISLATIVE BILL 112.** Title read. Considered.

Mr. Haberman moved to indefinitely postpone LB 112.

Laid over.

**LEGISLATIVE BILL 451.** Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 22 present and not voting, and 1 excused and not voting.

**LEGISLATIVE BILL 346.** Title read. Considered.

Mr. Hefner renewed the pending V. Johnson amendment, AM0364, found in the Journal on page 755.

The V. Johnson amendment was adopted with 27 ayes, 0 nays, 21 present and not voting, and 1 excused and not voting.

Advanced to E & R for Review with 31 ayes, 1 nay, 16 present and not voting, and 1 excused and not voting.

**LEGISLATIVE BILL 153.** Title read. Considered.

Standing Committee amendments, AM0301, found in the Journal on page 692 for the Twenty-Eighth Day were adopted with 27 ayes, 1

nay, 20 present and not voting, and 1 excused and not voting.

Mr. Chambers moved to indefinitely postpone LB 153.

Laid over.

**LEGISLATIVE BILL 413.** Title read. Considered.

Standing Committee amendments, AM0324, found in the Journal on page 708 for the Twenty-Ninth Day were adopted with 25 ayes, 0 nays, 23 present and not voting, and 1 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 22 present and not voting, and 1 excused and not voting.

**LEGISLATIVE BILL 533.** Title read. Considered.

Standing Committee amendment, AM0302, found in the Journal on page 727 for the Twenty-Ninth Day was adopted with 29 ayes, 0 nays, 19 present and not voting, and 1 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 22 present and not voting, and 1 excused and not voting.

**LEGISLATIVE BILL 279.** Title read. Considered.

Standing Committee amendment, AM0341, found in the Journal on page 730 for the Thirtieth Day lost with 6 ayes, 20 nays, 22 present and not voting, and 1 excused and not voting.

Advanced to E & R for Review with 29 ayes, 1 nay, 18 present and not voting, and 1 excused and not voting.

**UNANIMOUS CONSENT - Print in Journal**

Mr. Hoagland asked unanimous consent to print the following amendment to LB 146 in the Journal. No objections. So ordered.

AM0726

1. On page 4, line 11, strike "pleadings" and insert "petition"; and in line 16 strike "district court" and insert "Supreme Court".

Messrs. Lundy, Hefner, Nichol, Mesdames Marsh, Higgins, and Smith asked unanimous consent to print the following amendment to

LB 288 in the Journal. No objections. So ordered.

AM0790

1. On page 2, strike beginning with the comma in line 3 through "(d)" in line 8 and insert "with the intention of depriving the library of ownership or possession of such materials; (b) willfully or without authority removing library materials from the library; or (c)"; in line 11 strike "5" and insert "6"; and strike beginning with "criminal" in line 22 through "28-608" in line 23 and insert "an infraction".

2. On page 3, strike beginning with "has" in line 25 through "law" in line 26 and insert "shall be guilty of an infraction".

3. On page 4, strike beginning with "has" in line 2 through "law" in line 4 and insert "shall be guilty of an infraction"; strike beginning with "has" in line 6 through "property" in line 7 and insert "shall be guilty of an infraction"; strike beginning with "Such" in line 9 through the period in line 10; strike beginning with "attempt" in line 11 through "law" in line 14 and insert "conceal library material with the intention of depriving the library of ownership of such material or willfully or without authority removes library material from the library shall be guilty of an infraction"; strike beginning with "has" in line 18 through "law" in line 19 and insert "shall be guilty of an infraction"; strike beginning with "has" in line 23 through "law" in line 25 and insert "shall be guilty of an infraction"; in line 26 strike "penalties" and insert "infractions, for which a person may be fined up to five hundred dollars in certain cases".

4. Insert a new section as follows:

"Sec. 5. (1) Any person who takes, or exercises control over, any library material with the intent of depriving the library of such material shall be guilty of an infraction pursuant to sections 29-431 to 29-438.

(2) any person who unlawfully or maliciously writes upon, cuts, tears, defaces, disfigures, soils, obliterates, breaks, or destroys library material shall be guilty of an infraction pursuant to sections 29-431 to 29-438.

(3) Any person who buys, sells, or receives library material knowing or believing it to be stolen

shall be guilty of an infraction pursuant to sections 29-431 to 29-438 unless the library material is received, retained, or disposed with the intention of returning it to the library.

(4) Any person who willfully conceals library material with the intention of depriving the library of ownership of such material or willfully or without authority removes library material from the library shall be guilty of an infraction pursuant to sections 29-431 to 29-438.

(5) Any person who exercises control over any library material after notification of the expiration date with the intent to deprive the library of the library material shall be guilty of an infraction pursuant to sections 29-431 to 29-438.

(6) Any person who deliberately provides a library with false information concerning his or her identity and address with an intent to gain a pecuniary or other benefit for himself, herself, or another shall be guilty of an infraction pursuant to sections 29-431 to 29-438.".

5. Renumber remaining sections accordingly.

6. In the Standing Committee amendments, on page 561 of the Journal, strike amendments 1 and 2.

Mr. DeCamp asked unanimous consent to print the following amendment to LB 606 in the Journal. No objections. So ordered.

AM0747

1. Insert a new section as follows:

"Sec. 5. That section 9-411, Uniform Commercial Code, be amended to read as follows:

9-411. Information provided by filing; telephone and written inquiries; filing officer; Secretary of State duties; fees; liability; when.

(1) Telephone and written inquiries regarding information provided by the filing shall be accepted and answered by the filing officer. When a filing party provides the filing officer with a postage paid addressed envelope and a copy of the filing, the filing officer shall note the time and date of filing on the copy and mail it in the envelope provided. The fee for furnishing file information in writing shall be two dollars for each debtor or trade name searched by the filing officer. If the information request requires

attestation by the filing officer, an additional fee of three dollars shall be assessed. The filing officer and his or her employees or agents are exempted 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 negligence.

(2) There shall be a uniform fee, payable to the office at which inquiry is made, for any inquiries regarding information provided by the filing. Such fee shall be one dollar per name and shall be in addition to any other charge for services.

(3) The Secretary of State shall, on or before January 1, 1986, provide twenty-four hour a day seven days a week service for inquiries made by telephone or other electronic media. The Secretary of State shall provide a printed copy of filing information requested for a fee of fifty cents per page.

(4) Upon request for written confirmation of an inquiry, the Secretary of State or the county clerk shall provide written confirmation of the request for information regarding obligations of debtors, including the information sought, and the date and the time the inquiry was made shall be indicated on the document requested.

2. On page 18, line 13, after the period insert "After June 30, 1987, the Secretary of State shall provide information from the system by telephone during normal business hours.".

3. On page 22, line 24, after the first comma insert "9-411,".

4. Renumber the remaining sections accordingly.

## ANNOUNCEMENT

Mr. Landis announced the Government, Military and Veterans Affairs Committee will hold an executive session Monday, April 1, 1985 at noon in room 1113.

## STANDING COMMITTEE REPORTS
### Constitutional Revision and Recreation

**LEGISLATIVE RESOLUTION 7CA.** Placed on General File as amended.
Standing Committee amendments to LR 7CA:

AM0755

1. On page 1, line 16, strike "electric" and insert "publicly owned utility"; and in line 17 after "conservation" insert "measures or devices".

2. On page 2, line 11, after "conservation" insert "measures or devices".

**LEGISLATIVE RESOLUTION 12CA.** Placed on General File as amended.
Standing Committee amendments to LR 12CA:
AM0492

1. On page 1, strike beginning with "Impeachment" in line 16 through "officer" in line 18.

2. On page 2 strike beginning with "while" in line 1 through "office." in line 2.

3. On page 3, strike beginning with "No" in line 17 through "pardon." in line 18; and strike lines 19 through 26.

4. On page 4, strike lines 1 through 26.

5. On page 5, strike line 1; in line 11 insert a period after "procedure"; and strike beginning with the comma in line 11 through the period in line 14.

**LEGISLATIVE BILL 687.** Placed on General File as amended.
Standing Committee amendment to LB 687:
AM0500

1. Strike the original sections and insert the following new section:

Section 1. No person shall be eligible for the office of Auditor of Public Accounts who shall not have been a resident and citizen of this state and the United States at the time of his or her election. The Auditor of Public Accounts shall be a certified public accountant holding a current Nebraska permit to practice both at the time of his or her election and throughout his or her term of office.".

**LEGISLATIVE RESOLUTION 22CA.** Indefinitely postponed.
**LEGISLATIVE RESOLUTION 28CA.** Indefinitely postponed.
**LEGISLATIVE RESOLUTION 37CA.** Indefinitely postponed.

(Signed) Lee Rupp, Chairperson

## GENERAL FILE

**LEGISLATIVE BILL 336.** Title read. Considered.

Standing Committee amendment, AM0326, found in the Journal on page 743 for the Thirtieth Day was adopted with 26 ayes, 0 nays, 22 present and not voting, and 1 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 23 present and not voting, and 1 excused and not voting.

**LEGISLATIVE BILL 132.** Title read. Considered.

Standing Committee amendments, AM0332, found in the Journal on page 756 for the Thirtieth Day were adopted with 28 ayes, 0 nays, 20 present and not voting, and 1 excused and not voting.

Mr. Conway renewed his pending amendment, AM0692, found in the Journal on page 1079.

The Conway amendment was adopted with 26 ayes, 1 nay, 21 present and not voting, and 1 excused and not voting.

Advanced to E & R for Review with 27 ayes, 0 nays, 21 present and not voting, and 1 excused and not voting.

**LEGISLATIVE BILL 132A.** Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays, 21 present and not voting, and 1 excused and not voting.

**LEGISLATIVE BILL 259.** Title read. Considered.

Standing Committee amendment, AM0331, found in the Journal on page 757 for the Thirtieth Day was adopted with 27 ayes, 0 nays, 21 present and not voting, and 1 excused and not voting.

Advanced to E & R for Review with 27 ayes, 0 nays, 21 present and not voting, and 1 excused and not voting.

**LEGISLATIVE BILL 585.** Title read. Considered.

Standing Committee amendment, AM0384, found in the Journal on page 761 for the Thirtieth Day was adopted with 25 ayes, 0 nays, 23 present and not voting, and 1 excused and not voting.

Advanced to E & R for Review with 28 ayes, 0 nays, 20 present and

not voting, and 1 excused and not voting.

**LEGISLATIVE BILL 108.** Title read. Considered.

Standing Committee amendments, AM0346, found in the Journal on page 761 for the Thirtieth Day were adopted with 28 ayes, 0 nays, 20 present and not voting, and 1 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 23 present and not voting, and 1 excused and not voting.

**LEGISLATIVE BILL 700.** Title read. Considered.

Standing Committee amendments, AM0349, found in the Journal on page 762 for the Thirtieth Day were adopted with 25 ayes, 0 nays, 23 present and not voting, and 1 excused and not voting.

Advanced to E & R for Review with 27 ayes, 0 nays, 21 present and not voting, and 1 excused and not voting.

## STANDING COMMITTEE REPORTS
### Public Health and Welfare

**LEGISLATIVE BILL 333.** Placed on General File as amended.
Standing Committee amendments to LB 333:
AM0787

1. Insert the following new sections:

"Sec. 5. The director shall:

(1) Have the power to deny any grant award, or portion of such award, made by the board which in the opinion of the director is inconsistent with sections 1 to 6 of this act;

(2) Review and monitor expenditures of money from the fund on a periodic basis; and

(3) Submit to the Governor and the Legislature an annual report of all receipts and disbursements of funds, including the recipients, the nature of the program funded, the dollar amount awarded, and the percentage of the total annually available funds the grant represents. The report may be made available to the public upon request.

Sec. 8. That section 28-710, Revised Statutes Supplement, 1984, be amended to read as follows:

28-710. As used in sections 28-710 to 28-727, unless the context otherwise requires:

(1) Department shall mean the Department of Social Services

(2) Law enforcement agency shall mean the police department or town marshal in incorporated municipalities and the office of the sheriff in unincorporated areas; and

(3) Abuse or neglect shall mean knowingly, intentionally, or negligently causing or permitting a minor child or an incompetent or disabled person to be: (a) Placed in a situation that endangers his or her life or physical or mental health; (b) cruelly confined or cruelly punished; (c) deprived of necessary food, clothing, shelter, or care; (d) left unattended in a motor vehicle, if such minor child is six years of age or younger; ~~or~~ (e) sexually abused; or (f) sexually exploited by allowing, encouraging, or forcing such person to solicit for or engage in prostitution, debauchery, public indecency, or obscene or pornographic photography, films, or depictions.

Sec. 9. That section 71-608, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-608. ~~Local~~ (1) Except as otherwise provided in subsection (2) of this section, local registrars shall, on or before the fifth day of each month, forward to the Department of Health the original certificates filed with them during the preceding month. If ~~; PROVIDED, if~~ an emergency should arise whereby a certificate is required by the department, then the local registrar, upon request from the State Registrar, must supply the same. In case no birth or no death has occurred the previous month, the local registrar shall so report on a card provided for that purpose.

(2) The local registrar for any county in which a city having a population of three hundred thousand inhabitants or more is located need not forward the original certificate to the Department of Health, but shall keep the same. In addition to any other fee charged for a birth certificate, such local registrar shall charge and collect an additional fee of three dollars for any certified copy of the record of any birth. Such fees collected shall be paid to the state treasury and credited to the Nebraska Child Abuse Prevention Fund by the State Treasurer.

Sec. 15. That section 71-1903, Revised

Statutes Supplement, 1984, be amended to read as follows:

71-1903. The department, before issuance of a license, shall cause such investigation to be made, as it shall deem necessary, to determine if the character of the applicant or person in charge of the business and the place where the child care is to be furnished are such as to insure the proper care and treatment of children. The department may investigate the character of prospective or existing licensees and the staff and employees of child care facilities by making a national criminal records check. The department may request the State Fire Marshal to inspect such places for fire safety pursuant to section 81-502. The State Fire Marshal shall assess a fee for such inspection pursuant to section 81-505.01 and payable by the licensee or applicant for a license. The department may request the Department of Health to inspect such places to determine if they meet sanitation and health standards set by the Department of Health for the care and protection of such children. The authority to make such investigations may be delegated to qualified local fire prevention personnel pursuant to section 81-502 or environmental health personnel, as appropriate. The department may also, at any time it sees fit, cause an inspection to be made of the place where any licensee is furnishing child care, to see that such business is being properly conducted.

Sec. 16. That section 71-1912, Revised Statutes Supplement, 1984, be amended to read as follows:

71-1912. The department shall adopt and promulgate rules and regulations establishing standards for the physical well-being, safety, and protection of children pursuant to the licensing of providers. Such standards shall insure that the provider of a program is providing proper care for, and treatment of, the children served and that such care and treatment is consistent with the children's physical well-being, safety, and protection. Such standards shall not require the use of any specific instructional materials or affect the contents of any course of instruction which may be offered by a program. Before issuance or renewal of a license, the department shall investigate or cause an investigation to be made, when it deems

necessary, to determine if the applicant or person in charge of the program meets or is capable of meeting the physical well-being, safety, and protection standards and the other rules and regulations of the department. The department may investigate the character of prospective or existing licensees and the staff and employees of early childhood programs by making a national criminal records check. The department may at any time inspect or cause an inspection to be made, of any place where a program is operating, to determine if such program is being properly conducted.".

2. On page 2, line 23, strike "Children's Trust" and insert "Child Abuse Prevention"; in line 25 strike "5" and insert "6"; and in line 27 strike "Children's" and insert "Child Abuse Prevention".

3. On page 3, line 1, strike "Trust" and strike "and"; after line 1 insert the following new subdivisions:

"(2) Department shall mean the Department of Social Services;

(3) Director shall mean the Director of Social Services; and"; in line 2 strike "(2)" and insert "(4)" and strike "Children's" and insert "Child Abuse Prevention"; in line 3 strike "Trust"; in line 4 after "created" insert "within the department"; in line 5 strike "Children's Trust" and insert "Child Abuse Prevention"; in line 6 strike "seven" and insert "nine" and after "members" insert ", the Director of Social Services, the Director of Health, and seven members"; in line 7 after "Two" insert "of the appointed"; in line 9 strike "member" and insert "of the appointed members" in line 10 after "the" insert "appointed"; in line 20 after "each" insert "appointed"; and in line 26 strike "A" and insert "An appointed".

4. On page 4, line 12, after the period insert "In any one fiscal year, no more than five per cent of the annually available funds as provided in section 5 of this act shall be used for the purpose of reimbursement of board members."; in line 21 strike "four" and insert "five"; and in line 22 strike beginning with "authorize" through "fund" and insert "approve the awarding of grants made under subdivision (3)(b) of this section".

5. On page 5, line 3, after "to" insert "the director." and after "Governor" insert an underscored

comma; in lines 8 and 15 strike "contracts" and insert "grants"; in line 11 strike "Entering into contracts with" and insert "Awarding grants to"; strike lines 22 and 23; and in line 24 strike "(e)" and insert "(d)".

6. On page 6, line 3, after the semicolon insert "and"; in line 13 strike the semicolon and insert an underscored period; and strike lines 14 through 27.

7. On page 7, strike lines 1 through 7; in line 10 strike "Children's Trust" and insert "Child Abuse Prevention"; in lines 12 and 23 after the first comma insert "71-608,"; and in line 16 strike "5" and insert "6" and after the period insert "The fund shall be administered and disbursed by the department.".

8. On page 8, lines 1, 10, and 16, strike "5" and insert "6"; in lines 6 and 21, after the first comma insert "71-608,"; and strike line 27.

9. On page 9, strike lines 1 through 3; in line 4 strike "(7)" and insert "(6)"; in line 5 strike "5" and insert "6"; in line 7 after the period insert "No grants may be made to any state department or agency."; and in line 16 after "33-126.05" insert an underscored comma.

10. On page 15, line 6, strike "and" and insert a comma; in line 7 after the first comma insert "and 71-608,"; and in line 8 after "sections" insert "28-710,", strike "and", and after "71-628," insert "71-1903, and 71-1912,".

11. Renumber the remaining sections accordingly.

**LEGISLATIVE BILL 623.** Placed on General File as amended.
Standing Committee amendments to LB 623:
AM0803

1. On page 2, strike beginning with "animal" in line 8 through "rabies" in line 9 and insert "dog or cat"; strike beginning with "licensed" in line 12 through "1969" in line 13, show as stricken, and insert "as provided by the rules and regulations adopted and promulgated by the State Veterinarian"; after line 15 insert the following new subdivision:

"(3) Compendium shall mean the Compendium of Animal Rabies Vaccine as provided by the National Association of State Public Health Veterinarians"; in line 16, strike "(3)", show as stricken, and insert "(4)"; and in line 23 strike "(4)", show as stricken,

and insert "(5)".

2. On page 3, line 3, strike "and" and show as stricken; in line 4 strike "(5)", show as stricken, and insert "(6)"; in line 8 strike "dogs", show as stricken, and insert "domestic animals"; in line 9 strike "dog", show as stricken, and insert "domestic animal"; in line 11 strike the period, show as stricken, and insert "; and"; after line 11 insert the following new subdivision:

"(7) State Veterinarian shall mean the chief of the Bureau of Animal Industry of the Department of Agriculture."; in line 14 strike "Effective January 1, 1970", show as stricken, and insert "On the effective date of this act"; in lines 15, 18, and 21 strike "four", show as stricken, and insert "three"; and strike beginning with "following" in line 24 through "last" in line 27, show as stricken, and insert "as provided by the rules and regulations adopted and promulgated by the State Veterinarian.".

3. On page 4, strike lines 1 through 5 and show the old matter as stricken; after line 5 insert the following new section:

"Sec. 3. The State Veterinarian shall adopt and promulgate rules and regulations to establish procedures and requirements for the vaccination and revaccination of domestic animals. Such rules and regulations shall generally comply with the compendium and the recommendations of the United States Public Health Service. The State Veterinarian may consider changes in the compendium and the recommendations of the United States Public Health Service in the adoption and promulgation of such rules and regulations.".

4. On page 6, line 13, strike "at least", show as stricken, and insert "not less than"; strike beginning with the comma in line 21 through "apply" in line 22 and show as stricken; in line 23 strike "In the case of a", show as stricken, and insert "If the bitten or exposed" and strike "which" and show as stricken; and in line 25 strike "and which has been bitten by a known rabid animal" and show as stricken.

5. On page 10, line 9, strike "dogs", show as stricken, and insert "domestic animals".

6. Renumber the sections accordingly.

**LEGISLATIVE BILL 632.** Placed on General File as amended.

Standing Committee amendment to LB 632:
AM0788
1. On page 3, line 2, after "the" insert "maximum"; in line 3 reinstate "not exceed" and strike "be at"; in line 4 strike "least four" and insert "three"; and in line 8 after the period insert "The standard of need, as adopted by the Department of Social Services, shall be the same as the maximum payment level.".

**LEGISLATIVE BILL 688.** Indefinitely postponed.

(Signed) Don Wesely, Chairperson

## BILL ON FIRST READING

The following bill was read for the first time by title:

**LEGISLATIVE BILL 217A.** By Beutler, 28th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 217, Eighty-ninth Legislature, First Session, 1985.

## UNANIMOUS CONSENT - Print in Journal

Mr. Schmit asked unanimous consent to print the following amendment to LB 584 in the Journal. No objections. So ordered.

AM0816
1. In the Standing Committee amendments, on page 843 of the Journal, on page 1, line 19, reinstate "two" and strike "one" and strike "so as to require" and insert "or a person who has permanently lost the use of one extremity, which loss has required"; and in line 20 strike "the" and insert "his or her".

Mr. Schmit asked unanimous consent to print the following amendment to LB 575 in the Journal. No objections. So ordered.

AM0817
1. In the Standing Committee amendments beginning on page 840 of the Journal, on page 2, line 7, after "issued" insert "after the effective date of this act".

Mr. Schmit asked unanimous consent to print the following amendment to LB 60 in the Journal. No objections. So ordered.

1. Strike original sections 2, 4, and 5 and all amendments to such sections.

2. On page 8, line 19 strike ", 2-3311," and insert "and"; and in line 20 strike "2-4011, and 54-2112,".

Mrs. Morehead and Mr. Goll asked unanimous consent to print the following amendment to LB 496 in the Journal. No objections. So ordered.

AM0798

(Amendments to the Standing Committee Amendments)

1. On page 1, line 3, strike "new section" and insert "sections"; and strike lines 4 through 8 and insert the following:

"Section 1. Any driver and front seat passenger of a motor vehicle operated on a street or highway in this state shall wear a safety belt, except that the number of front seat passengers required to wear a safety belt shall not exceed the number of safety belts which were installed in the front seat of such motor vehicle by the manufacturer. Any driver transporting a child who is four years of age or more but is less than sixteen years of age shall be responsible for securing such child in a safety belt if the child is riding in the front seat of the motor vehicle. All safety belts so worn shall be properly adjusted and fastened and shall be of a type which has been approved by the Department of Motor Vehicles. Requirements for a child under the age of four are provided in sections 39-6,103.01 to 39-6,103.03.

Sec. 2. That section 39-6,171, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-6,171. Every new motor vehicle designated by the manufacturer as 1964 year model or later, except ~~motor trucks~~ motorcycles, mopeds, buses, and taxicabs, sold in this state and operated on any highway, road, or street in this state shall be equipped with two front seat safety belts of a type which has been approved by the Department of Motor Vehicles. The purchaser of any such vehicle may designate the make or brand of or

furnish such belts to be installed. Any person selling a motor vehicle not in compliance with this section shall be guilty of a Class V misdemeanor.

Sec. 3. No person shall be stopped, inspected, or detained solely to determine compliance with section 1 of this act.

Sec. 4. Any person who violates section 1 of this act shall be guilty of a traffic infraction as defined in section 39-602 and shall be fined twenty-five dollars, but no court costs shall be assessed against him or her.

Sec. 5. Section 1 of this act shall not apply to (1) a driver or passenger who possesses written verification from a physician that the driver or passenger is unable to wear a safety belt for medical reasons, and (2) 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.

Sec. 6. Evidence that a person was not wearing a safety belt in violation of section 1 of this act shall not be considered to be negligence more than slight for purposes of section 25-1151, but may be considered in mitigation of damages.

Sec. 7. That original section 39-6,171, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

## STANDING COMMITTEE REPORTS

### 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.

Kathy Seacrest - Crime Victim's Reparations Board

Voting Aye: Senators Abboud, Beutler, Chizek, Conway, Remmers, Rupp, and Hoagland. Voting Nay: None. Absent: Senator Chambers.

(Signed) Peter Hoagland, Chairperson

### Education

Your Committee on Education whose Chairman is Senator Tom

Vickers to whom was referred the following Gubernatorial appointments, reports the same back to the Legislature with the recommendation that the appointments be approved by the Legislature. The committee suggests a record vote.

Coordinating Commission for Postsecondary Education
Florene Langford, Omaha, NE
Dr. Charles S. Wilson, Lincoln, NE
Paula Wells, Omaha, NE

On a motion by Senator Barrett, seconded by Senator Baack, the Committee on Education voted to recommend that Florene Langford, Dr. Charles S. Wilson, and Paula Wells be confirmed by the Legislature in their appointments to the Coordinating Commission for Postsecondary Education.

Voting Aye: Senators Vickers, Baack, Barrett, Eret, Lamb, Morehead, and Nelson. Absent: Senator Rod Johnson.

Your Committee on Education whose Chairman is Senator Tom Vickers to whom was referred the following Gubernatorial appointment, reports the same back to the Legislature with the recommendation that the appointment be approved by the Legislature. The committee suggests a record vote.

Board of Educational Lands and Funds
M. Jane Keller, Bassett, NE

On a motion by Senator Barrett, seconded by Senator Lamb, the Committee on Education voted to recommend that M. Jane Keller be confirmed by the Legislature in her appointment to the Board of Educational Lands and Funds.

Voting Aye: Senators Vickers, Baack, Barrett, Eret, Lamb, Morehead, and Nelson. Absent: Senator Rod Johnson.

Your Committee on Education whose Chairman is Senator Tom Vickers to whom was referred the following Gubernatorial appointments, reports the same back to the Legislature with the recommendation that the appointments be approved by the Legislature. The committee suggests a record vote.

State College Board of Trustees
Gretchen Reeder, Omaha, NE
Jean Lovell, Gering, NE

On a motion by Senator Barrett, seconded by Senator Baack, the Committee on Education voted to recommend that Gretchen Reeder and Jean Lovell be confirmed by the Legislature in their appointments to the State College Board of Trustees.

Voting Aye: Senators Vickers, Baack, Barrett, Eret, Lamb, Morehead, and Nelson. Absent: Senator Rod Johnson.

(Signed) Tom Vickers, Chairperson

## UNANIMOUS CONSENT - Add Co-Introducer

Mr. Hall asked unanimous consent to have his name added as co-introducer to LB 556. No objections. So ordered.

## VISITORS

Visitors to the Chamber were Mrs. Mary Toren from Lincoln; Bill and Dee Morrow from Doniphan; Trent and Dawn Nowka from Trumball; 12 seniors and teacher from Orchard; 8 students and teachers from Hemingford and Chadron; and 36 fourth grade students and teacher from Conestoga School, Nehawka.

## ADJOURNMENT

At 11:54 a.m., on a motion by Mr. Haberman, the Legislature adjourned until 9:00 a.m., Thursday, March 28, 1985.

Patrick J. O'Donnell
Clerk of the Legislature

# FORTY-NINTH DAY - MARCH 28, 1985

## LEGISLATIVE JOURNAL

## EIGHTY-NINTH LEGISLATURE
## FIRST SESSION

## FORTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, March 28, 1985

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

## PRAYER

The prayer was offered by Rev. Charles Swanson, St. Patricks Church, Fremont, Nebraska.

## ROLL CALL

The roll was called and all members were present except Messrs. Hoagland and Schmit who were excused; and Messrs. Barrett, Beutler, Chambers, Eret, Goodrich, Hannibal, R. Johnson, V. Johnson, Landis, Withem, Mesdames Higgins, and Labedz who were excused until they arrive.

## CORRECTIONS FOR THE JOURNAL

The Journal for the Forty-Eighth Day was approved.

## ATTORNEY GENERAL'S OPINION

Opinion No. 47
March 27, 1985

Dear Senator Warner:

This is in response to your letter of March 20, 1985, requesting an interpretation of Neb.Rev.Stat. §81-1328 (Reissue 1981) for purposes of preparing the annual budget.

Apparently, an employee of the Nebraska State Board of Agriculture is claiming to have accrued a total of 2,900 hours of vacation leave. This is based in part upon the "approval" of the extension of this accumulated leave by two former Governors.

Neb.Rev.Stat. §81-1328 (Reissue 1981) provides in its pertinent part as follows:

> The vacation leave account of each employee shall be balanced as of December 31 each year. Each employee shall be entitled to have accumulated as of December 31 of each calendar year the number of hours of vacation leave which he earned during that calendar year. Hours of vacation leave accumulated in excess of that number shall be lost. Any employee shall be entitled to use any vacation time as soon as it has accrued. Any vacation time not used within one year following the calendar year during which the time accrued shall be lost. In special and meritorious cases, where to limit the annual leave to the period therein specified would work a peculiar hardship, such leave may be extended in the discretion of the Governor, or in situations involving employees of the Legislature, in the discretion of the Executive Board of the Legislative Council.

In essence then, an employee's leave account is balanced every year and the excess accrued leave is lost. This would likewise apply in those circumstances where the Governor has exercised his limited authority to extend such excess accrued leave where it would otherwise be lost on December 31. On December 31 of the following year any excess accrued leave, including that previously extended by the Governor, would be lost. It would appear then that this employee has no legitimate claim under this statute.

We must also point out that pursuant to the Crete Mills v. Nebraska State Board of Agriculture, 132 Neb. 244, 271 N.W. 684 (1937), this office has maintained that the Nebraska State Board of Agriculture is not a state agency. This is true, even though the Board receives appropriations from the Legislature and apparently in this case has opted to maintain its personnel records under the NEIS system. Consequently, we fail to see how a former Governor would have any authority over an employee of the Nebraska State Board of Agriculture.

Sincerely,
ROBERT M. SPIRE
Attorney General
(Signed) John Boehm
Assistant Attorney General

JB/bae
cc: Patrick J. O'Donnell
Clerk of the Legislature

**MOTION - Approve Appointments**

Mr. Vickers moved the adoption of the report of the Education Committee for the following Governor appointment found in the Journal on page 1230: Florene Langford - Coordinating Commission for Postsecondary Education, Dr. Charles S. Wilson - Coordinating Commission for Postsecondary Education, Paula Wells - Coordinating Commission for Postsecondary Education; M. Jane Keller - Board of Educational Lands and Funds; Gretchen Reeder - State College Board of Trustees, Jean Lovell - State College Board of Trustees.

Voting in the affirmative, 29:

| | | | | |
|---|---|---|---|---|
| Abboud | Goll | Lamb | Nelson | Scofield |
| Baack | Haberman | Landis | Nichol | Smith |
| Beyer | Hall | Lundy | Pirsch | Vickers |
| Carsten | Hartnett | Lynch | Remmers | Warner |
| Chronister | Hefner | Marsh | Rogers | Wesely |
| DeCamp | Johnson, L. | Miller | Rupp | |

Voting in the negative, 0.

Present and not voting, 7:

| | | | | |
|---|---|---|---|---|
| Chizek | Harris | Pappas | Peterson | Sieck |
| Conway | Morehead | | | |

Excused and not voting, 13:

| | | | | |
|---|---|---|---|---|
| Barrett | Eret | Higgins | Johnson, V. | Schmit |
| Beutler | Goodrich | Hoagland | Labedz | Withem |
| Chambers | Hannibal | Johnson, R. | | |

These appointments were confirmed with 29 ayes, 0 nays, 7 present and not voting, and 13 excused and not voting.

Mr. Remmers moved the adoption of the report of the Judiciary Committee for the following Governor appointment found in the Journal on page 1230: Kathy Seacreast - Crime Victim's Reparations Board.

Voting in the affirmative, 34:

| | | | | |
|---|---|---|---|---|
| Abboud | Eret | Landis | Nichol | Scofield |
| Baack | Haberman | Lundy | Pappas | Sieck |
| Barrett | Hall | Lynch | Peterson | Smith |
| Beyer | Hartnett | Marsh | Pirsch | Vickers |
| Carsten | Hefner | Miller | Remmers | Warner |
| Conway | Johnson, L. | Morehead | Rogers | Wesely |
| DeCamp | Lamb | Nelson | Rupp | |

Voting in the negative, 0.

Present and not voting, 6:

| | | | | |
|---|---|---|---|---|
| Chizek | Goll | Harris | Higgins | Hoagland |
| Chronister | | | | |

Excused and not voting, 9:

| | | | | |
|---|---|---|---|---|
| Beutler | Goodrich | Johnson, R. | Labedz | Withem |
| Chambers | Hannibal | Johnson, V. | Schmit | |

This appointment was confirmed with 34 ayes, 0 nays, 6 present and not voting, and 9 excused and not voting.

## STANDING COMMITTEE REPORTS
### Education

**LEGISLATIVE BILL 50.** Placed on General File.
**LEGISLATIVE BILL 205.** Placed on General File.

**LEGISLATIVE BILL 518.** Placed on General File as amended.
Standing Committee amendments to LB 518:
AM0425

1. On page 3, line 1, after "receipt" insert "by the department".

2. On page 4, line 10, after the period insert "A copy of the procedures specified in rules and regulations of the State Department of Education for complaints and hearings under this section shall be provided by school districts to all parents and guardians of handicapped children who are receiving services on the effective date of this act and, thereafter, to all parents and guardians of handicapped children upon initial consideration of the provision of services for their handicapped children."; in line 14 after "action" insert ", as specified in the rules and

regulations," and after "the" insert "board of education of the"; and in line 15 strike the underscored commas and after "district" insert "or the respondent".

3. On page 5, line 18, after "petition" insert "pursuant to section 43-661"; in line 22 strike "advise" and insert "notify"; and strike beginning with "of" in line 22 through the period in line 25 and insert "that he or she has twenty days from the date specified in such notification to amend such petition to conform with section 43-661. Failure to make proper amendment shall result in dismissal of the petition.".

4. Insert the following new section:

"Sec. 3. That section 43-649, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

43-649. Each plan for the provision of special education programs shall include the following:

(1) A description of the types of services to be offered and the number of students receiving the services;

(2) The servicing agencies and the respective services offered;

(3) A five-year projection of needs for each service group commencing with the fiscal year for which the plan is adopted. This projection shall include a priority listing of the resources required to meet the needs of each service group and the estimated cost of developing and acquiring these resources;

(4) A detailed presentation of all expected expenditures by source of funds;

(5) A detailed description of the methodology to be used by the agency for evaluating the results of the programs and service being provided for each service group. This methodology shall permit program evaluation including the relative cost and effectiveness of alternative forms and patterns of services; ~~and~~

(6) A description of the procedures used to insure that students are placed in appropriate educational programs. Such procedures shall be reviewed for approval by the State Department of Education; and

(7) A sample of the written materials to be used to provide parents with specific information about complaint and appeal rights and procedures.".

5. On page 7, line 12, after the first comma insert "43-649,".

6. Renumber sections 3 to 7 as sections 4 to 8 respectively.

**LEGISLATIVE BILL 551.** Indefinitely postponed.
**LEGISLATIVE BILL 660.** Indefinitely postponed.

(Signed) Tom Vickers, Chairperson

## MOTION - Place LR 4 on General File

Mr. Warner renewed his pending motion found in the Journal on page 1146 to place LR 4 on General File notwithstanding the action of the Committee.

Mr. Warner requested a record vote on his motion.

Voting in the affirmative, 20:

| | | | | |
|---|---|---|---|---|
| Beyer | Eret | Johnson, L. | Morehead | Remmers |
| Carsten | Goll | Lamb | Nelson | Scofield |
| Chronister | Hartnett | Lundy | Nichol | Sieck |
| DeCamp | Hefner | Marsh | Pirsch | Warner |

Voting in the negative, 21:

| | | | | |
|---|---|---|---|---|
| Abboud | Chizek | Johnson, R. | Miller | Rupp |
| Baack | Conway | Labedz | Pappas | Smith |
| Barrett | Haberman | Landis | Peterson | Vickers |
| Beutler | Higgins | Lynch | Rogers | Wesely |
| Chambers | | | | |

Present and not voting, 3:

| | | |
|---|---|---|
| Hall | Harris | Withem |

Excused and not voting, 5:

| | | | | |
|---|---|---|---|---|
| Goodrich | Hannibal | Hoagland | Johnson, V. | Schmit |

The Warner motion lost with 20 ayes, 21 nays, 3 present and not voting, and 5 excused and not voting.

## GENERAL FILE

**LEGISLATIVE BILL 209A.** Title read. Considered.

Advanced to E & R for Review with 29 ayes, 0 nays, 15 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 269A.** 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 407A.** Title read. Considered.

Mr. Wesely moved for a call of the house. The motion prevailed with 13 ayes, 1 nay, and 35 not voting.

Advanced to E & R for Review with 27 ayes, 10 nays, 8 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

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

**LEGISLATIVE BILL 552A.** Title read. Considered.

Advanced to E & R for Review with 26 ayes, 4 nays, 14 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 606A.** 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.

Mrs. Labedz asked unanimous consent to be excused until she returns. No objections. So ordered.

**LEGISLATIVE BILL 288.** Considered.

Mr. Chambers renewed his pending motion found in the Journal on page 619 to indefinitely postpone LB 288.

Mr. Chambers asked unanimous consent to withdraw his pending motion. No objections. So ordered.

Messrs. Lundy, Hefner, Nichol, Mesdames Marsh, Higgins, and Smith renewed their pending amendment, AM0790, found in the

Journal on page 1216.

**SPEAKER NICHOL PRESIDING**

Mrs. Marsh moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 4 nays, and 18 not voting.

The Lundy et al. amendment was adopted with 26 ayes, 5 nays, 14 present and not voting, and 4 excused and not voting.

Mr. Vickers offered the following amendment:

Page 2, line 24:

Strike section 3 of the bill through p. 3, line 8.

Mrs. Marsh 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. Vickers requested a record vote on his amendment.

Voting in the affirmative, 26:

| | | | | |
|---|---|---|---|---|
| Abboud | Conway | Johnson, V. | Pappas | Smith |
| Baack | DeCamp | Landis | Remmers | Vickers |
| Beutler | Eret | Miller | Rogers | Warner |
| Beyer | Hall | Morehead | Rupp | Wesely |
| Chambers | Hartnett | Nelson | Scofield | Withem |
| Chizek | | | | |

Voting in the negative, 10:

| | | | | |
|---|---|---|---|---|
| Carsten | Haberman | Johnson, L. | Lamb | Marsh |
| Goll | Hefner | Johnson, R. | Lundy | Nichol |

Present and not voting, 9:

| | | | | |
|---|---|---|---|---|
| Barrett | Harris | Labedz | Peterson | Sieck |
| Chronister | Higgins | Lynch | Pirsch | |

Excused and not voting, 4:

| | | | |
|---|---|---|---|
| Goodrich | Hannibal | Hoagland | Schmit |

The Vickers amendment was adopted with 26 ayes, 10 nays, 9 present

and not voting, and 4 excused and not voting.

Pending.

## NOTICE OF COMMITTEE HEARING
**Revenue**

LB 271 Thursday, April 4, 1985 1:00 p.m.
(This is a rehearing to cover the Committee amendments to LB 271.)

(Signed) Vard R. Johnson, Chairperson

## UNANIMOUS CONSENT - Print in Journal

Mr. V. Johnson asked unanimous consent to print the following amendment to LB 273 in the Journal. No objections. So ordered.

AM0842
1. On page 31, strike beginning with "one-fifteenth" in line 15 through "rate" in line 17 and insert "the portion of the commission allowed which equals one-fourth of one per cent of the total tax due".

## ANNOUNCEMENT

Mr. Warner announced the Appropriations Committee will meet upon adjournment today, March 28, 1985, in Room 1003, in Executive Session.

## STANDING COMMITTEE REPORT
**Constitutional Revision and Recreation**

**LEGISLATIVE RESOLUTION 35CA.** Placed on General File.

(Signed) Lee Rupp, Chairperson

**Revenue**

**LEGISLATIVE BILL 88.** Placed on General File as amended.
Standing Committee amendments to LB 88:
AM0828
1. Insert the following new section:
"Sec. 2. This act shall become operative for all taxable years commencing on October 1, 1985.".
2. Renumber original section 2 as section 3.

**LEGISLATIVE BILL 174.** Placed on General File as amended.
Standing Committee amendments to LB 174:
AM0830

1. On page 2, strike beginning with "If" in line 17 through line 27 and show as stricken.

2. On page 3, strike lines 1 through 3 and show as stricken.

**LEGISLATIVE BILL 561.** Placed on General File as amended.
Standing Committee amendments to LB 561:
AM0829

1. Insert the following new section:

"Sec. 2. This act shall become operative for all taxable years commencing on October 1, 1985.".

2. Renumber original section 2 as section 3.

**LEGISLATIVE BILL 111.** Indefinitely postponed.
**LEGISLATIVE BILL 220.** Indefinitely postponed.
**LEGISLATIVE BILL 319.** Indefinitely postponed.
**LEGISLATIVE BILL 583.** Indefinitely postponed.

(Signed) Vard R. Johnson, Chairperson

**Banking, Commerce and Insurance**

**LEGISLATIVE BILL 635.** Placed on General File as amended.
Standing Committee amendment to LB 635:
AM0791

1. On page 2, line 7, after the underscored period insert "Such company may make a loan to an officer for the purchase of a principal residence or may acquire the principal residence of an officer in connection with the relocation of the officer's place of employment at the request of the company, either during the course of employment or upon initial employment of such officer. Any loan permitted under this section shall be secured by a first trust deed or first mortgage and shall not exceed seventy-five per cent of the fair market value of the property. Any acquisition permitted under this section shall not exceed the fair market value of the property.

Any loan or acquisition under this section shall be subject to (1) the approval of the company's board of directors or delegated committee thereof and

(2) prior written approval of the Director of Insurance based upon written application by the company including full and fair disclosure of the terms of the transaction. Approval of such transaction by the Director of Insurance shall be presumed unless notice of disapproval is received by the applicant within thirty days of the filing of the application. Approval of such transaction may be denied if the director finds it is not in the best interest of the company or that the terms of the transaction are not fair and reasonable to the company.".

(Signed) John DeCamp, Chairperson

## GENERAL FILE

**LEGISLATIVE BILL 288.** Mr. Beutler offered the following amendment:

Strike section 5 of the Lundy amendment, AM0790.

Mrs. Marsh moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Beutler moved for a call of the house. The motion prevailed with 9 ayes, 0 nays, and 40 not voting.

Mr. Beutler requested a roll call vote on his amendment.

Voting in the affirmative, 13:

| | | | | |
|---|---|---|---|---|
| Abboud | Hall | Miller | Remmers | Wesely |
| Beutler | Johnson, R. | Nelson | Vickers | Withem |
| Chambers | Landis | Pappas | | |

Voting in the negative, 23:

| | | | | |
|---|---|---|---|---|
| Baack | Conway | Higgins | Lynch | Rupp |
| Barrett | DeCamp | Johnson, L. | Marsh | Scofield |
| Carsten | Haberman | Johnson, V. | Morehead | Smith |
| Chizek | Hartnett | Lamb | Nichol | Warner |
| Chronister | Hefner | Lundy | | |

Present and not voting, 9:

| | | | | |
|---|---|---|---|---|
| Beyer | Goll | Labedz | Pirsch | Sieck |
| Eret | Harris | Peterson | Rogers | |

Excused and not voting, 4:

| | | | |
|---|---|---|---|
| Goodrich | Hannibal | Hoagland | Schmit |

The Beutler amendment lost with 13 ayes, 23 nays, 9 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

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

Mr. Chambers moved to indefinitely postpone LB 288.

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

Mr. Hefner requested a roll call vote on the Chambers motion to indefinitely postpone.

Voting in the affirmative, 22:

| | | | | |
|---|---|---|---|---|
| Abboud | Eret | Landis | Pappas | Sieck |
| Beutler | Goll | Miller | Pirsch | Smith |
| Beyer | Haberman | Morehead | Remmers | Vickers |
| Chambers | Hall | Nelson | Rogers | Withem |
| Conway | Johnson, V. | | | |

Voting in the negative, 21:

| | | | | |
|---|---|---|---|---|
| Baack | DeCamp | Johnson, L. | Lundy | Peterson |
| Barrett | Hartnett | Johnson, R. | Lynch | Rupp |
| Carsten | Hefner | Labedz | Marsh | Scofield |
| Chizek | Higgins | Lamb | Nichol | Warner |
| Chronister | | | | |

Present and not voting, 3:

Hannibal Harris Wesely

Excused and not voting, 3:

Goodrich Hoagland Schmit

The Chambers motion to indefinitely postpone prevailed with 22 ayes, 21 nays, 3 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

## STANDING COMMITTEE REPORTS
### Public Health and Welfare

**LEGISLATIVE BILL 262.** Placed on General File as amended.
Standing Committee amendment to LB 262:
AM0841

1. On page 2, line 5, after the period insert "This section shall not apply to facilities where motor vehicle fuel is sold to the public at retail on the effective date of this act.".

(Signed) Don Wesely, Chairperson

### Education

**LEGISLATIVE BILL 57.** Placed on General File as amended.
Standing Committee amendments to LB 57:
AM0818

1. On page 2, line 27, strike "and a regular school".
2. On page 3, line 1, strike beginning with "term" through "May 31".

**LEGISLATIVE BILL 68.** Placed on General File as amended.
Standing Committee amendment to LB 68:
AM0824

1. On page 3, line 13, strike "such" and insert "before and after school".

**LEGISLATIVE BILL 84.** Placed on General File as amended.
Standing Committee amendment to LB 84:
AM0823

1. On page 3, line 6, strike "drawn upon the city treasurer" and show as stricken.

**LEGISLATIVE BILL 419.** Placed on General File as amended.
Standing Committee amendments to LB 419:
AM0825

1. On page 2, line 16, after "district" insert "and lives more than four miles from such elementary school".

2. On page 5, strike beginning with "The" in line 5 through line 10 and insert the following new subsections:

"(1) When a student or students, whose family would otherwise be eligible for the transportation allowance provided in section 79-490, resides temporarily for school purposes within four miles of the school house, the family of such student or students shall be paid two hundred eighty-five per cent of the mileage rate provided in section 84-306.03 for each mile actually and necessarily traveled by which the distance traveled one way from the residence of such family to the temporary residence exceeds three miles.

(2) When a student or students, whose family would otherwise be eligible for the transportation allowance provided in section 79-490, attends an adjacent school district due to convenience of the family, and the school district of residence pays tuition on behalf of such student pursuant to section 79-446, there shall also be paid by such school district of residence a transportation allowance equal to two hundred eighty-five per cent of the mileage rate provided in section 84-306.03 for each mile actually and necessarily traveled on each day of attendance by which the distance traveled one way from the residence of such student or students to the school house in the adjacent school district exceeds three miles.".

**LEGISLATIVE BILL 534.** Placed on General File as amended.
Standing Committee amendments to LB 534:
AM0821

1. On page 2, strike beginning with "in" in line 17 through the comma in line 19.

2. On page 3, after line 3 insert the following new paragraph:

"If the probationary certificated employee is a superintendent, he or she shall be evaluated twice during the first year of employment and at least once

annually thereafter.".

**LEGISLATIVE BILL 633.** Placed on General File as amended.
Standing Committee amendments to LB 633:
AM0820

1. Insert the following new section:

"Sec. 2. That section 79-549, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-549. The school board or board of education of any ~~Class I, II, or III~~ school district offering a kindergarten program ~~may elect to offer such program with any combination of days and hours as will be equal to one half a full~~ shall provide a program of at least four hundred clock hours each school year.".

2. On page 2, line 19, strike "Board", show as stricken, and insert "Department".

3. On page 4, line 4, strike "develop criteria for" and insert "conduct" and strike "based on the approval" and insert "using quality and performance based"; in line 5 strike "and accreditation"; strike beginning with "specified" in line 5 through "projects" in line 8 and insert "in selected Nebraska schools"; and strike beginning with the comma in line 26 through line 27 and show as stricken.

4. On page 5, strike lines 1 through 3 and show as stricken; and strike beginning with "with" in line 21 through "Education" in line 22 and show as stricken.

5. On page 6, line 7, strike "1986" and insert "1989"; in line 10 after "Each" insert "Nebraska"; in line 11 after "institution" insert "approved by the State Board of Education"; and strike beginning with "the" in line 22 through "and" in line 24 and show as stricken.

6. On page 7, line 6, strike "only" and show as stricken and strike "earning", show as stricken, and insert "receiving"; in line 12 after "shall" insert an underscored comma and strike "1986" and insert "1989"; and strike beginning with the first "and" in line 17 through line 25, show as stricken, and insert an underscored semicolon.

7. On page 10, strike beginning with "shall" in line 9 through "and" in line 11 and show as stricken; strike beginning with "No" in line 13 through the period

in line 18 and show as stricken; in line 22 strike "1985", show as stricken, and insert "1986"; and strike beginning with "with" in line 23 through line 24 and show as stricken.

8. On page 11, line 18, strike "1985", show as stricken, and insert "1989"; strike beginning with "advisory" in line 19 through "regarding" in line 21, show as stricken, and insert "State Board of Education shall adopt"; and strike beginning with the period in line 24 through "standards" in line 25, show as stricken, and insert an underscored comma.

9. On page 12, line 6, strike "receive a", show as stricken, and insert "demonstrate"; strike line 7, show as stricken, and insert "teaching performance."; in line 14 strike beginning with "under" through "be", show as stricken, and insert "by the State Board of Education to assist such board in teacher certification matters shall be"; in line 24 after "on" insert "such"; strike beginning with "established" in line 24 through "section" in line 25 and show as stricken.

10. On page 15, line 3, after "original" insert "section 79-549, Reissue Revised Statutes of Nebraska, 1943, and ".

11. Renumber remaining sections accordingly.

**LEGISLATIVE BILL 641.** Placed on General File as amended.
Standing Committee amendments to LB 641:
AM0819

1. On page 2, line 23, strike "merit based" and insert "merit-based".

2. On page 3, after line 4 add the following new subsection:

"(3) This section shall apply only to first-time, full-time, undergraduate students and shall apply only to the nonresident portion of fees paid by nonresident students. Such students shall be responsible for payment of the resident portion of tuition and fees.".

**LEGISLATIVE BILL 642.** Placed on General File as amended.
Standing Committee amendments to LB 642:
AM0822

1. On page 2, line 4, reinstate "public"; strike beginning with "A" in line 9 through the period in line 12; and in line 20 after "Each" insert "public".

2. Insert the following new section:

"Sec. 2. A copy of a public or private school's files or records concerning a student shall be provided at no charge, upon request, to any public or private school to which the student transfers.".

3. Renumber original section 2 as section 3.

**LEGISLATIVE BILL 185.** Indefinitely postponed.
**LEGISLATIVE BILL 254.** Indefinitely postponed.
**LEGISLATIVE BILL 689.** Indefinitely postponed.

(Signed) Tom Vickers, Chairperson

## VISITORS

Visitors to the Chamber were Lela and Al Schildt, Marilyn Schultz, and Ralph Kennedy; 45 eighth grade students and teacher from St. Bernadettes, Omaha; Senator Labedz's nephew, Pat Cieslik from Omaha; 3 students and teacher from Newport Grade School; 112 eighth grade students and sponsors from St. Pius, St. Leo, Omaha; Vince Wright and sons from Kearney; 52 students and teachers from Park Elementary, Lincoln; and Senator Labedz's niece, Jeanie Simpson from Omaha.

## RECESS

At 12:00 noon, on a motion by Mr. Chizek, the Legislature recessed until 1:30 p.m.

## AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Nichol presiding.

## ROLL CALL

The roll was called and all members were present except Messrs. Hoagland and L. Johnson who were excused; and Messrs. Abboud, Beutler, Goodrich, R. Johnson, V. Johnson, Landis, Schmit, and Mrs. Pirsch who were excused until they arrive.

## SELECT COMMITTEE REPORTS
### Enrollment and Review

**LEGISLATIVE BILL 253.** Placed on Select File as amended.
E & R amendments to LB 253:

AM5095

1. In the Wesely amendments, AM0572, adopted on March 27, 1985:

a. On page 1, line 19, reinstate the stricken comma; and

b. On page 2, line 8, strike the comma and show as stricken; and in line 9 after "thereof" insert an underscored comma.

2. On page 1, line 7, after the first semicolon insert "to change certain fees as prescribed;".

3. On page 23, line 19, strike "2-2813", show as stricken, and insert "2-2812".

**LEGISLATIVE BILL 253A.** Placed on Select File.

**LEGISLATIVE BILL 569.** Placed on Select File as amended.
E & R amendments to LB 569:
AM5096

1. In lieu of the Vickers-Beutler amendment adopted on March 27, 1985:

a. On page 2, line 7; and page 3, line 4, strike "A" and insert "After notice and hearing, a";

b. On page 2, strike beginning with the second "the" in line 8 through "or" in line 10; and

c. On page 3, strike beginning with the second "the" in line 5 through "or" in line 7.

2. On page 1, line 4, after the semicolon insert "to provide for notice and hearing;".

3. On page 2, line 24, strike "or" and show as stricken; and in line 25 after "area" insert an underscored comma.

4. On page 3, line 19, strike the comma and show as stricken.

**LEGISLATIVE BILL 705.** Placed on Select File as amended.
E & R amendments to LB 705:
AM5097

1. On page 1, line 1, strike "create" and insert "provide for the formation of"; and in line 3 strike "particpation" and insert "participation".

2. In the Standing Committee amendments, AM0385, adopted March 27, 1985, on page 1, line 11, after "state" insert a semicolon.

**LEGISLATIVE BILL 347.** Placed on Select File as amended.
E & R amendments to LB 347:
AM5098

1. On page 3, line 5, strike the semicolon, show as stricken, and insert an underscored comma.
2. On page 8, line 18, after "announced" insert an underscored comma.
3. On page 11, line 18, after "benefits" insert an underscored comma; and in line 22 after "carrier" insert an underscored comma.
4. On page 13, line 18, strike "the provisions of".

(Signed) Timothy Hall, Chairperson

## GENERAL FILE

**LEGISLATIVE BILL 496.** Title read. Considered.

Standing Committee amendment, AM0185, found in the Journal on page 631 for the Twenty-Fifth Day was considered.

Mr. Vickers asked unanimous consent to be excused. No objections. So ordered.

Mrs. Morehead and Mr. Goll renewed their pending amendment, AM0798, found in the Journal on page 1229 to the Standing Committee amendment.

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

Mrs. Morehead 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 Morehead-Goll amendment was adopted with 20 ayes, 10 nays, 10 present and not voting, and 9 excused and not voting.

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

The Standing Committee amendment, as amended, was adopted with 25 ayes, 6 nays, 8 present and not voting, and 10 excused and not voting.

Pending.

## MOTION - Place LR 16CA on General File

Mr. DeCamp moved to place LR 16CA on General File notwithstanding the action of the committee.

Laid over.

## BILLS ON FIRST READING

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

**LEGISLATIVE BILL 604A.** By DeCamp, 40th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 604, Eighty-ninth Legislature, First Session, 1985.

**LEGISLATIVE BILL 643A.** By Pappas, 42nd District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 643, Eighty-ninth Legislature, First Session, 1985.

## ATTORNEY GENERAL'S OPINION

Opinion No. 48
March 28, 1985

Re: Retrocession of Winnebago Reservation in Thurston County

Dear Senator Goll:

You have asked for a very comprehensive opinion from this office as to various effects of retrocession of the Winnebago Reservation in Thurston County as proposed in Legislative Resolution 57.

Federal Indian law, as developed by Congress and the courts, is very complex and, in many respects, rather unclear. Also it is very difficult to give specific answers to general questions directed to any field of law because, usually, the results depend on the particular facts of particular cases. Therefore, we are unable to provide the kind of certain and specific answers you seek. Nonetheless, we can provide some guidelines which should prove useful in anticipating some of the

effects of the proposed retrocession.

General Background

Generally speaking, federal Indian laws and treaties pre-empt state laws in Indian country so that without a specific federal statute delegating jurisdiction over areas of Indian country to a state, jurisdiction within Indian country remains exclusively in federal and tribal hands.

Public Law 280, enacted by Congress in 1953, did make a specific delegation of jurisdiction to Nebraska and four other states granting those states authority over criminal and civil matters arising within Indian country located within their borders.

It has generally been held, however, that this Public Law 280 grant of jurisdiction extended only to matters over which the federal government had earlier had authority and that it was not meant to detract from tribal jurisdiction as it existed. Therefore, it is "probable that this jurisdiction of the tribes remains concurrent with the states in Indian country subject to Public Law 280 to the same extent it was concurrent with the federal government prior to the Act." F. Cohen, Handbook of Federal Indian Law, 367 (1982 ed.).

In 1968 Congress amended Public Law 280 to provide the states a means to give back to the federal government "all or any part of the criminal or civil jurisdiction, or both" which the states had acquired under the original Public Law 280. 25 U.S.C. §1323. This act of giving back jurisdiction to the federal government is called "retrocession."

Civil Matters

Your letter seems to assume that in civil matters retrocession will have the effect of increasing the authority and jurisdiction of the Winnebago Tribe. This is not the case, however, because, as pointed out above, even under Public Law 280 the tribe retained substantial inherent tribal authority over civil matters arising in Indian country. While some of this tribal jurisdiction and authority may have been concurrent with state jurisdiction (i.e., existing together with it), or while the Tribe may have chosen not to exercise all of its authority and jurisdiction, nonetheless that tribal jurisdiction and authority was always there. Therefore, rather than increasing the authority and jurisdiction of the Tribe, what retrocession will do is substantially decrease the authority and jurisdiction of the state in connection with civil matters arising in Indian country. Winnebago tribal authority and jurisdiction will continue as is or, presumably, will be increased by the Tribe to cover any gaps in its civil law.

The result of this is that civil matters arising in Indian country involving Indians will generally have to proceed before a tribal court. The state courts will not have jurisdiction, even if one of the parties is a non-Indian. However, where such a matter arises in Indian

country and both parties are non-Indians, the state courts would have exclusive jurisdiction unless somehow the matter had a direct effect on Indians, the Tribe, their property or federal activities. This would likely be an unusual situation. And we further note that the language of proposed LR 57 confirms this conclusion by leaving exclusive jurisdiction in the state courts "over those causes of action arising within the Reservation where both parties are non-Indians and tribal self-government is not implicated." Further in this connection proposed LR 57 states:

> The State of Nebraska and its political subdivisions shall continue to exercise jurisdiction over those civil causes of action for which the Tribe has not assumed exclusive jurisdiction through retrocession, i.e., over those civil causes of action which affect the interest of the State of Nebraska or its citizens to the point where tribal self-government would be affected.

Another assumption in your letter seems to be that somehow after retrocession Indian and non-Indian property within the Reservation will be treated differently for jurisdictional purposes in civil matters. For example, you refer to "tortious acts on Indian and non-Indian property." A tortious act within Indian country will be dealt with under the jurisdictional guidelines set out above regardless of whether it occurred on property owned by Indians or property owned by non-Indians. In other words, if an Indian is a party, the tribal court will hear the action. If only non-Indians are parties, the state courts will have jurisdiction. Therefore, it is not correct to assume that Indian property and non-Indian property within Indian country will be treated differently for civil jurisdictional purposes.

What we have said to this point should answer your inquiry with regard to disputes between property owners, tortious acts on Indian and non-Indian property, contracts involving Indian and non-Indian property, quiet title actions, and other actions involving Indian and non-Indian property.

Taxation and Eminent Domain

You ask if the Tribe will have additional powers regarding taxation and condemnation as a result of retrocession. The answer would appear to be "no." Even without retrocession, under Public Law 280 the Indian tribes retained broad authority in the areas of taxation and eminent domain (i.e., condemnation). Retrocession will not affect this authority one way or the other.

Of course, there is a large body of law dealing with the power of tribes to impose taxes on non-Indians and non-Indian property or to condemn such property located within Indian country. It is a complex subject; but for purposes of your inquiry it is sufficient to say that retrocession will not increase or alter those powers to tax and condemn. Moreover, any exercise of those powers by the Tribe is

subject to a number of limitations imposed by federal law, including due process, equal protection and just compensation considerations.

Estates

Your inquiry regarding estates gets into a highly complex area also. There are no easy answers because each situation would depend on its unique facts: Whether the decedent was an Indian or non-Indian; where the decedent was domiciled at date of death; whether the property to be passed is in Indian country or somewhere else; whether the property was held in fee simple title or some other type of ownership; etc. Were there to be full unrestricted retrocession, this subject would require extensive research, especially as to the effect on non-Indians domiciled within Indian country and owning property there.

However, we believe that the retrocession resolution, as currently drafted, handles this problem as to non-Indians by stating:

> The State of Nebraska and its political subdivisions shall continue to exercise jurisdiction over those civil causes of action for which the Tribe has not assumed exclusive jurisdiction through retrocession, i.e., over those civil causes of action which affect the interest of the State of Nebraska or its citizens to the point where tribal self-government would be affected. Accordingly, the state shall retain exclusive jurisdiction over those causes of action arising within the Reservation where both parties are non-Indians and tribal self-government is not implicated.

Descent and distribution of property owned by non-Indians should not affect tribal self-government. Therefore, the state would have exclusive jurisdiction. On the other hand, the descent and distribution of on-reservation property of an Indian domiciled on the reservation would likely fall under the exclusive jurisdiction of the Tribe because it would affect the welfare of the Tribe and its members.

Enforcement of Judgments

You ask about enforcement of judgments after retrocession. We assume you are asking to what extent state court judgments will be enforceable in Indian country by execution or seizure by state authorities.

It appears that if the judgment debtor is an Indian and his or her property is in Indian country there could be no execution of the state court judgment without registering the judgment with the tribal court and getting process to issue from that court.

The situation when the judgment debtor is a non-Indian and the property sought is located within Indian country is very unclear. Generally, execution of judgments is confined to the territorial jurisdiction of the court issuing process. So if the state court does not have territorial jurisdiction in Indian country, its process cannot reach there. But if the state court had jurisdiction to hear the dispute

and render a judgment, because both parties were non-Indians, then it might be argued that the state court's territorial jurisdiction extends to property owned by non-Indians within the reservation. However, we simply cannot say for certain how that issue, if it arises, will be decided.

Procedures Where There is Concurrent Jurisdiction

You ask about procedures to be followed where jurisdiction of the Tribe and jurisdiction of the state courts overlap in the civil matters. This should cause no major problem. There are already many instances where different courts and different governmental authorities have concurrent jurisdiction over civil disputes. There are well-accepted rules which are followed to resolve these situations, and there should be nothing unique about any concurrent jurisdiction of a tribal court and a state court. When that happens, generally, the plaintiff has his or her choice of forum. The other jurisdiction should normally defer to the court in which the litigation was started.

Arrests and Criminal Prosecutions

With the exception regarding offenses involving the operation of motor vehicles by non-Indians as set forth in paragraph 2 of the retrocession resolution, county and state authorities would have no authority to make arrests or prosecute crimes committed within Indian country regardless of whether the particular land was owned by Indians or non-Indians. Tribal and federal authorities would have that responsibility. It should be noted, however, that a crime by a non-Indian against a non-Indian would still be prosecuted in state court.

Again the distinction you draw between land owned by Indians and land owned by non-Indians within Indian country is simply not pertinent when it comes to criminal jurisdiction. Basically, the power to investigate crimes and make arrests within Indian country would belong to tribal and federal authorities regardless of who owned the particular piece of land involved. However, it is important to remember that, regardless of the nature of the crime, a non-Indian defendant cannot be tried before a tribal court.

Area Covered by Retrocession

You additionally ask whether a retrocession resolution must cover all area within the boundaries of Indian country or whether it can be limited to land owned by Indians only. There is no clear answer to this question.

The federal retrocession statute is codified at 25 U.S.C. §1323. It reads in pertinent part as follows:

> The United States is authorized to accept a retrocession by any State of all or any measure of the criminal or civil jurisdiction, or both, acquired by such State pursuant to the provisions of section 1162 of Title 18, section 1360 of Title 28, or section 7 of the Act

of August 15, 1953 (67 Stat. 588), as it was in effect prior to its repeal by subsection (b) of this section.

While this statutory language is somewhat unclear in the context of your particular inquiry, it does appear that a reasonable reading of it would allow retrocession to be limited to certain areas within Indian country. The language allows retrocession "of all or any measure of the criminal or civil jurisdiction, or both." The term "any measure" could be interpreted to mean a measure of area for jurisdictional purposes as well as a measure of the nature of the jurisdiction retroceded.

Two federal court cases have arisen in Nebraska in which the nature of retrocession under 25 U.S.C. §1323 was at issue. Omaha Tribe of Nebraska v. Village of Walthill, 334 F.Supp. 823 (D.Neb. 1971), affirmed, 460 F.2d 1327 (8th Cir. 1972), cert. denied, 409 U.S. 1107; United States v. Brown, 334 F.Supp. 536 (D.Neb. 1971).

The background of both of these cases was the same. In 1969 the Nebraska Legislature passed a retrocession resolution seeking to give back to the federal government criminal jurisdiction in all "areas of Indian country located in Thurston County, Nebraska." LR 37, 80th Legislature, First Session. This description would have included both the Omaha and Winnebago Reservations.

After consulting with the Omaha and Winnebago tribes the Secretary of the Interior, acting under 25 U.S.C. §1323 and Executive Order No. 11435, accepted on behalf of the United States the retrocession of criminal jurisdiction only over Omaha Indian country and not Winnebago Indian country. Subsequently the two cases cited above were brought before the federal district court in Nebraska; and one of the issues in both cases was whether or not the retrocession of criminal jurisdiction over only Omaha Indian country was effective because the United States had not accepted the totality of the retrocession offered by the Nebraska Legislature in LR 37.

One case (Omaha Tribe) was decided by Judge Robinson, and the other (Brown) was decided by Judge Denney. In both cases the court went extensively through the history and purpose of 25 U.S.C. §1323 and concluded that the state could offer to retrocede any part or all of the jurisdiction it had acquired under Public Law 280 and that the United States could accept or not accept any part or all of the jurisdiction which the state was seeking to retrocede. In short, the state can couch its retrocession offer in any jurisdictional terms it chooses. It is then up to the United States (acting through the Secretary of the Interior) to accept any or all or none of the jurisdiction so offered by the state.

Therefore, we believe that the state could offer in its retrocession resolution to retrocede criminal and civil jurisdiction over only Indian-owned land in Winnebago Indian country. However, whether,

as a practical matter, such a division of jurisdiction would be realistic and workable is another question. It could create an even more confused jurisdictional picture and cause more problems than it would help. Moreover, the Secretary of the Interior might well not accept any such limited offer of retrocession. Such a split-up of jurisdiction within the boundaries of Indian country could be deemed to conflict with federal Indian policy encouraging tribal self-government and Indian responsibility for governance of the areas within Indian country.

Nonetheless there appears to be nothing in the federal retrocession statute which would prohibit the state from making the offer you suggest. If the offer is accepted by the federal government, we suspect that it would take federal court litigation to decide for certain if such a retrocession is valid under 25 U.S.C. §1323.

We hope that the foregoing discussion will be helpful to you in considering the effects of LR 57. As indicated at the outset, Indian law is extremely complex and arises from an amalgam of ancient treaties, numerous federal statutes, many court decisions, countless federal rules, regulations and procedures, tribal customs and traditions, and some applicable state laws. Therefore, we cannot do more than describe what we perceive to be the general effects of retrocession in various settings. We have attempted to do that in the foregoing discussion.

Sincerely,
ROBERT M. SPIRE
Attorney General
(Signed) Charles E. Lowe
Assistant Attorney General

CEL:bae
cc: Patrick J. O'Donnell
Clerk of the Legislature

## UNANIMOUS CONSENT - Print in Journal

Mr. Sieck asked unanimous consent to print the following amendment to LB 598 in the Journal. No objections. So ordered.

To amend the Standing Committee amendments to LB 598 (AM0512) on line 3, after the word "knowingly", insert the words "possess or"

## GENERAL FILE

**LEGISLATIVE BILL 496.** Considered.

Mr. Schmit asked unanimous consent to withdraw his pending amendment, AM0258, found in the Journal on page 632. No objections. So ordered.

Mrs. Morehead asked unanimous consent to withdraw her pending amendment, AM0329, found in the Journal on page 756. No objections. So ordered.

Mr. Miller asked unanimous consent to withdraw his pending amendment, AM0504, found in the Journal on page 893. No objections. So ordered.

Mr. Haberman offered the following amendment:

Strike Section 3 of Morehead amendment and insert

Enforcement of this act by State or local law enforcement agencies shall be accomplished only as a secondary action when a driver of a passenger automobile has been detained for a suspected violation or some other offense.

Mr. Beutler offered the following amendment to the Haberman amendment:

strike "passenger vehicle" and insert "motor vehicle"

The Beutler amendment was adopted with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

The Haberman amendment, as amended, was adopted with 25 ayes, 1 nay, 15 present and not voting, and 8 excused and not voting.

Mr. Haberman moved to indefinitely postpone LB 496.

Mr. Chronister 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. Haberman requested a record vote on his motion to indefinitely postpone.

Voting in the affirmative, 13:

| | | | | |
|---|---|---|---|---|
| Abboud | Chambers | Johnson, R. | Pappas | Rupp |
| Barrett | Haberman | Labedz | Peterson | Scofield |
| Carsten | Hartnett | Landis | | |

Voting in the negative, 26:

| | | | | |
|---|---|---|---|---|
| Baack | DeCamp | Higgins | Miller | Remmers |
| Beutler | Goll | Johnson, V. | Morehead | Rogers |
| Beyer | Hall | Lundy | Nelson | Smith |
| Chizek | Hannibal | Lynch | Nichol | Warner |
| Chronister | Harris | Marsh | Pirsch | Withem |
| Conway | | | | |

Present and not voting, 6:

| | | | | |
|---|---|---|---|---|
| Eret | Lamb | Schmit | Sieck | Wesely |
| Hefner | | | | |

Excused and not voting, 4:

| | | | |
|---|---|---|---|
| Goodrich | Hoagland | Johnson, L. | Vickers |

The Haberman motion lost with 13 ayes, 26 nays, 6 present and not voting, and 4 excused and not voting.

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

Mrs. Morehead 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. Morehead requested a record vote on the advancement of the bill.

Voting in the affirmative, 25:

| | | | | |
|---|---|---|---|---|
| Baack | Goll | Lundy | Nelson | Schmit |
| Beyer | Hall | Lynch | Nichol | Sieck |
| Chizek | Harris | Marsh | Pappas | Smith |
| Chronister | Hefner | Miller | Remmers | Warner |
| Conway | Higgins | Morehead | Rogers | Withem |

Voting in the negative, 14:

| | | | | |
|---|---|---|---|---|
| Abboud | Carsten | Haberman | Labedz | Rupp |
| Barrett | Chambers | Hannibal | Lamb | Scofield |
| Beutler | DeCamp | Johnson, R. | Landis | |

Present and not voting, 5:

| | | | | |
|---|---|---|---|---|
| Eret | Hartnett | Johnson, V. | Pirsch | Wesely |

Excused and not voting, 5:

| | | | | |
|---|---|---|---|---|
| Goodrich | Hoagland | Johnson, L. | Peterson | Vickers |

Advanced to E & R for Review with 25 ayes, 14 nays, 5 present and not voting, and 5 excused and not voting.

## UNANIMOUS CONSENT - Print in Journal

Mr. Beutler asked unanimous consent to print the following amendment to LB 496 in the Journal. No objections. So ordered.

Add a new section as follows:
"Motor vehicle" as used in this act shall mean those vehicles required by Section 39-6,171 to be equipped with safety belts.

Mr. DeCamp asked unanimous consent to print the following amendment to LB 280 in the Journal. No objections. So ordered.

AM0854

1. Insert the following new section:

"Sec. 2. That section 53-179, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

53-179. (1) No alcoholic liquors, including beer, shall be sold at retail or dispensed on any day between the hours of 1:00 a.m. and 6:00 a.m. The local governing body of any city or village, with respect to area within the corporate limits of such city or village, or the county board, with respect to area outside the corporate limits of any city or village, may, by ordinance or resolution, require closing prior to 1:00 a.m. on any day.

(2) Except as provided for and allowed by ordinance of a local governing body applicable to area within the corporate limits of a city or village, or by resolution of a county board applicable to area within such county and outside the corporate limits of any city or village, no alcoholic liquors, including beer, shall be sold at retail or dispensed between the hours of 6:00 a.m. Sunday and 1:00 a.m. Monday. No ordinance or

resolution allowed by this subsection shall permit alcoholic liquors, other than beer and wine, to be sold at retail or dispensed for consumption off the premises between the hours of 6:00 a.m. Sunday and 1:00 a.m. Monday, or for consumption on the premises between the hours of 6:00 a.m. Sunday and ~~6:00 p.m.~~ 12:00 noon Sunday. This subsection shall not apply after 12:00 noon on Sunday to a licensee which is a nonprofit corporation and the holder of a license issued pursuant to either subdivision (5)C. or (5)H. of section 53-124.

(3) It shall be unlawful on property licensed to sell alcoholic liquor at retail to allow alcoholic liquor in open containers to remain or be in possession or control of any person for purposes of consumption between the hours of 1:15 a.m. and 6:00 a.m. on any day. Where any city or village provides by ordinance, or any county provides by resolution, for an earlier closing hour, the provisions of this subsection shall become effective fifteen minutes after such closing hour instead of 1:15 a.m.

(4) Nothing in this section shall be construed to prohibit licensed premises from being open for other business on days and hours during which the sale or dispensing of alcoholic liquor is prohibited by this section.".

2. On page 4, line 12, strike "section" and insert "sections" and after "53-160" insert "and 53-179"; and in line 13 strike "is" and insert "are".

3. Renumber original section 2 as section 3.

## ATTORNEY GENERAL'S OPINION

Opinion No. 49
March 28, 1985

Dear Senator Smith:

This letter is in response to your request that our office render an opinion with regard to the following questions: (1) Do the statutes of the State of Nebraska, including Neb.Rev.Stat. §§83-306 and 83-307.01 (Reissue 1981), prevent, prohibit, or discourage the Department of Public Institutions from closing the Medical Detoxification facility at the Hastings Regional Center?; and (2) is the Medical Detoxification facility at the Hastings Regional Center mandated to be, encouraged to be, or by application a state

responsibility under either the statutes of this state or the common law? The answer to each of your inquiries is "no".

First, it is our opinion that the statutes of the State of Nebraska do not prevent, prohibit, or discourage the Department of Public Institutions from terminating the Medical Detoxification program at the Hastings Regional Center. Our opinion is based on the understanding that there are two different types of treatment provided at the Hastings Regional Center to individuals who are "addicted to the excessive use of alcoholic liquors": (1) the short-term Medical Detoxification program through which individuals' withdrawal from alcohol is managed and monitored; and (2) the longer term alcoholic treatment program through which individuals are educated and counseled with regard to their alcohol addiction. As we use the term "Medical Detoxification program" in this opinion, we are referring solely to the Medical Detoxification program as just described, and are not referring to any aspects of the alcohol treatment program as just described.

Neb.Rev.Stat. §83-306 (Reissue 1981) provides as follows:

> (4) Dipsomaniacs, inebriates, and other persons addicted to the excessive use of alcoholic liquors shall, unless request is made in writing by the patient that he be committed to another state hospital, be committed to the Hastings Regional Center and shall be placed and kept together in a separate building or in one ward, except when, in the opinion of the superintendent, some individual patients would be detrimental to the treatment, care, and program adopted; Provided, if no space is available at the Hastings Regional Center to take care of the patient, he may be committed to and accepted by any of the other state hospitals having space available.

Section 83-306 clearly places upon the Department of Public Institutions the responsibility for providing treatment to "individuals addicted to the excessive use of alcohol" at the Hastings Regional Center. The manner in which such treatment is to be provided is identified in Neb.Rev.Stat. §83-307.01 (Reissue 1981), which provides:

> Each patient addicted to the excessive use of alcoholic liquors who is confined in such a hospital shall be given such treatment as is deemed best to eliminate the effects of alcohol, to build up his system physically and mentally, and to strengthen his moral character and enable him to resist the temptation to use alcoholic drinks. Such patient shall, during the course of treatment, be given diets, baths, recreational facilities, exercise, and such other accepted treatment as will rehabilitate him. The hospitals shall give or cooperate with an educational program recommended by the organization known as Alcoholics Anonymous to aid the patient

after such rehabilitation. Any patient that does not cooperate with the educational program may be transferred to another ward of the Hastings Regional Center or to another of the state hospitals for the mentally ill in this state. There shall be a sufficient number of attendants who are trained in the principles and teachings of the organization known as Alcoholics Anonymous to insure that such educational program will be carried out.

It is our understanding that each of the methods of treatment prescribed in §83-307.01 falls within the scope of the alcohol treatment program and not within the scope of the Medical Detoxification program.

Our opinion that the Department of Public Institutions would not be prohibited by statute from terminating the Medical Detoxification program is based on the fact that although §83-306 provides that individuals "addicted to alcohol" must be treated at the Hastings Regional Center, it does not provide that a Medical Detoxification program must be established as a part of such treatment. Simply, no specific statute requires that a Medical Detoxification program must be maintained at the Hastings Regional Center. Whether the Medical Detoxification program at the Hastings Regional Center is terminated is a management decision which may be made by the Department of Public Institutions.

Second, it is our opinion that neither the statutes of the State of Nebraska nor the common law mandates, encourages, or by application makes the Medical Detoxification facility at the Hastings Regional Center a state responsibility. As above, the distinction between the Medical Detoxification program and the alcohol treatment program is crucial. The Medical Detoxification program at the Hastings Regional Center exists as a part of the alcohol treatment scheme because it has been voluntarily provided by the Department of Public Institutions and not because it has been mandated by statute or the common law.

Very truly yours,
ROBERT M. SPIRE
Attorney General
(Signed) Jill Gradwohl
Assistant Attorney General

JG:dr
cc: Patrick J. O'Donnell
Clerk of the Legislature

**UNANIMOUS CONSENT - Add Co-Introducer**

Mr. Abboud asked unanimous consent to have his name added as

co-introducer to LB 559. No objections. So ordered.

## STANDING COMMITTEE REPORTS
### Constitutional Revision and Recreation

**LEGISLATIVE RESOLUTION 16CA.** Indefinitely postponed.

**LEGISLATIVE RESOLUTION 30CA.** Placed on General File as amended.
Standing Committee amendments to LR 30CA:
AM0845

1. On page 1 strike beginning with "who" in line 13 through the second comma in line 14; in line 15 strike the comma; and in line 16 after "organization" insert "as a condition to practicing law in this state".
2. On page 2, strike beginning with "graduates" in line 6 through "state" in line 7 and insert "a person"; and in line 7 after "association" insert "or pay any dues to any organization".

(Signed) Lee Rupp, Chairperson

## UNANIMOUS CONSENT - Members Excused

Messrs. Conway and Miller asked unanimous consent to be excused. No objections. So ordered.

## GENERAL FILE

**LEGISLATIVE BILL 130.** Title read. Considered.

Standing Committee amendments, AM0268, found in the Journal on page 676 for the Twenty-Seventh Day were adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Mr. Barrett asked unanimous consent to be excused. No objections. So ordered.

Mrs. Marsh moved for a call of the house. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

## SELECT COMMITTEE REPORTS
### Enrollment and Review

**LEGISLATIVE BILL 349.** Placed on Select File.
**LEGISLATIVE BILL 559.** Placed on Select File.

(Signed) Timothy Hall, Chairperson

## VISITORS

Visitors to the Chamber were 38 students and teacher from Creighton Community High School, Norfolk; and 50 fourth grade students and teachers from Lincoln and Northern Hills Schools, Norfolk.

## ADJOURNMENT

At 4:01 p.m., on a motion by Mr. Rogers, the Legislature adjourned until 9:00 a.m., Friday, March 29, 1985.

Patrick J. O'Donnell
Clerk of the Legislature

# FIFTIETH DAY - MARCH 29, 1985

## LEGISLATIVE JOURNAL

## EIGHTY-NINTH LEGISLATURE
## FIRST SESSION

## FIFTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, March 29, 1985

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Nichol presiding.

## PRAYER

The prayer was offered by Dr. Robert Palmer, Westminster Presbyterian Church, Lincoln, Nebraska.

## ROLL CALL

The roll was called and all members were present except Mr. Sieck who was excused.

## CORRECTIONS FOR THE JOURNAL

Page 1236, line 11 strike "Hoagland" and insert "Hoagland" on line 14.
The Journal for the Forty-Ninth Day was approved as corrected.

## UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendment to LB 407 in the Journal. No objections. So ordered.

1. On page 6 strike lines 22 through 25.
2. Renumber remaining subsections accordingly.

## MOTION - Place LB 289 on General File

Mr. Hannibal renewed his pending motion found in the Journal on page 1163 to place LB 289 on General File notwithstanding the committee action.

Mrs. Pirsch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

The Hannibal motion to place LB 289 on General File prevailed with 35 ayes, 7 nays, 6 present and not voting, and 1 excused and not voting.

## STANDING COMMITTEE REPORTS

### Public Health and Welfare

**LEGISLATIVE BILL 674.** Placed on General File as amended.
Standing Committee amendment to LB 674:
AM0840

1. On page 3, line 3, strike "of" and insert "appointed by"; and in line 5 strike "as appointed by that board".

(Signed) Don Wesely, Chairperson

### Public Works

**LEGISLATIVE BILL 148.** Indefinitely postponed.
**LEGISLATIVE BILL 697.** Indefinitely postponed.

(Signed) Loran Schmit, Chairperson

### Executive Board

**LEGISLATIVE BILL 369.** Indefinitely postponed.
**LEGISLATIVE BILL 694.** Indefinitely postponed.

(Signed) Chris Beutler, Chairperson

## UNANIMOUS CONSENT - Print in Journal

Mr. Vickers asked unanimous consent to print the following amendment to LB 457 in the Journal. No objections. So ordered.

AM0835

1. Strike original section 8.
2. In the Standing Committee amendments, AM0758, found on page 1197 of the Journal:
   (a) On page 2, line 2, after the semicolon

insert "and"; strike beginning with the semicolon in line 4 through "27" in line 5; and in line 7 strike "10" and insert "9"; and

(b) Strike amendment 8.

3. Renumber remaining sections accordingly.

Mr. Vickers asked unanimous consent to print the following amendment to LB 379 in the Journal. No objections. So ordered.

AM0846

1. On page 4, line 6, after "qualification" insert ", as determined by the State Electrical Board,".

## MOTION - Return LB 387 to Select File

Mr. Schmit moved to return LB 387 to Select File for his specific amendment, AM0773, found in the Journal on page 1174.

The Schmit motion to return prevailed with 35 ayes, 0 nays, 13 present and not voting, and 1 excused and not voting.

## SELECT FILE

**LEGISLATIVE BILL 387.** The Schmit specific amendment, AM0773, found in the Journal on page 1174 was adopted with 34 ayes, 0 nays, 14 present and not voting, and 1 excused and not voting.

Advanced to E & R for Re-Engrossment.

## BILLS ON FINAL READING

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 28.** With Emergency.

A BILL FOR AN ACT relating to the University of Nebraska; to amend section 85-107, Reissue Revised Statutes of Nebraska, 1943; to provide for the establishment of a college of journalism; 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 | Eret | Higgins | Lynch | Rogers |
| Baack | Goll | Hoagland | Marsh | Rupp |
| Barrett | Goodrich | Johnson, L. | Morehead | Schmit |
| Beutler | Haberman | Johnson, R. | Nelson | Scofield |
| Beyer | Hall | Johnson, V. | Nichol | Smith |
| Carsten | Hannibal | Labedz | Pappas | Vickers |
| Chizek | Harris | Lamb | Peterson | Warner |
| Chronister | Hartnett | Landis | Pirsch | Wesely |
| Conway | Hefner | Lundy | Remmers | Withem |
| DeCamp | | | | |

Voting in the negative, 0.

Present and not voting, 2:

Chambers Miller

Excused and not voting, 1:

Sieck

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**LEGISLATIVE BILL 33.**

A BILL FOR AN ACT relating to specific conveyances; to authorize the State Board of Agriculture to convey a permanent easement.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 48:

| | | | | |
|---|---|---|---|---|
| Abboud | Chronister | Hannibal | Johnson, V. | Morehead |
| Baack | Conway | Harris | Labedz | Nelson |
| Barrett | DeCamp | Hartnett | Lamb | Nichol |
| Beutler | Eret | Hefner | Landis | Pappas |
| Beyer | Goll | Higgins | Lundy | Peterson |
| Carsten | Goodrich | Hoagland | Lynch | Pirsch |
| Chambers | Haberman | Johnson, L. | Marsh | Remmers |
| Chizek | Hall | Johnson, R. | Miller | Rogers |

| | | | | |
|---|---|---|---|---|
| Rupp | Scofield | Vickers | Wesely | Withem |
| Schmit | Smith | Warner | | |

Voting in the negative, 0.

Excused and not voting, 1:

Sieck

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 63.** With Emergency.

A BILL FOR AN ACT relating to banks; to amend section 8-187, Reissue Revised Statutes of Nebraska, 1943; to provide a criterion to be used in determining whether to take possession of a bank; 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, 31:

| | | | | |
|---|---|---|---|---|
| Abboud | Goll | Hartnett | Lundy | Peterson |
| Baack | Goodrich | Hefner | Lynch | Rogers |
| Barrett | Haberman | Higgins | Miller | Rupp |
| Beyer | Hall | Johnson, L. | Nelson | Schmit |
| Chronister | Hannibal | Labedz | Nichol | Vickers |
| DeCamp | Harris | Lamb | Pappas | Withem |
| Eret | | | | |

Voting in the negative, 17:

| | | | | |
|---|---|---|---|---|
| Beutler | Conway | Landis | Pirsch | Smith |
| Carsten | Hoagland | Marsh | Remmers | Warner |
| Chambers | Johnson, R. | Morehead | Scofield | Wesely |
| Chizek | Johnson, V. | | | |

Excused and not voting, 1:

Sieck

Having failed to receive a constitutional two-thirds majority voting in the affirmative, the bill failed to pass with the emergency clause attached. The question is, "Shall the bill pass with the emergency clause stricken?"

## MOTION - Return LB 63 to Select File

Mr. Chambers moved to return LB 63 to Select File for the following specific amendment:
strike the enacting clause.

Mrs. Labedz and Mr. Hoagland asked unanimous consent to be excused until they return. No objections. So ordered.

The Chambers motion to return prevailed with 27 ayes, 5 nays, 14 present and not voting, and 3 excused and not voting.

## SELECT FILE

**LEGISLATIVE BILL 63.** The Chambers specific amendment found in this day's Journal was considered.

Laid over.

## ANNOUNCEMENT

The Chair announced tomorrow is Senator Wesely's birthday.

## BILLS ON FINAL READING

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 235.** With Emergency.

A BILL FOR AN ACT relating to certain state property; to provide for the conveyance of easements to the city of Wayne, 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, 46:

| | | | | |
|---|---|---|---|---|
| Abboud | DeCamp | Hefner | Lynch | Rogers |
| Baack | Eret | Higgins | Marsh | Rupp |
| Barrett | Goll | Johnson, L. | Miller | Schmit |
| Beutler | Goodrich | Johnson, R. | Morehead | Scofield |
| Beyer | Haberman | Johnson, V. | Nichol | Smith |
| Carsten | Hall | Labedz | Pappas | Vickers |
| Chambers | Hannibal | Lamb | Peterson | Warner |
| Chizek | Harris | Landis | Pirsch | Wesely |
| Chronister | Hartnett | Lundy | Remmers | Withem |
| Conway | | | | |

Voting in the negative, 0.

Present and not voting, 1:

Nelson

Excused and not voting, 2:

Hoagland Sieck

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 265.** With Emergency.

A BILL FOR AN ACT relating to the Department of Correctional Services; to authorize the department to grant easements 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 | Chronister | Hannibal | Labedz | Nelson |
| Baack | Conway | Harris | Lamb | Nichol |
| Barrett | DeCamp | Hartnett | Landis | Pappas |
| Beutler | Eret | Hefner | Lundy | Peterson |
| Beyer | Goll | Higgins | Lynch | Pirsch |
| Carsten | Goodrich | Johnson, L. | Marsh | Remmers |
| Chambers | Haberman | Johnson, R. | Miller | Rogers |
| Chizek | Hall | Johnson, V. | Morehead | Rupp |

| | | | | |
|---|---|---|---|---|
| Schmit | Smith | Warner | Wesely | Withem |
| Scofield | Vickers | | | |

Voting in the negative, 0.

Excused and not voting, 2:

Hoagland Sieck

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**LEGISLATIVE BILL 308.**

A BILL FOR AN ACT relating to fire protection districts; to amend section 35-508, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the powers of the board of directors; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

| | | | | |
|---|---|---|---|---|
| Abboud | DeCamp | Higgins | Marsh | Rogers |
| Baack | Eret | Johnson, L. | Miller | Rupp |
| Barrett | Goll | Johnson, R. | Morehead | Schmit |
| Beutler | Goodrich | Johnson, V. | Nelson | Scofield |
| Beyer | Haberman | Labedz | Nichol | Smith |
| Carsten | Hall | Lamb | Pappas | Vickers |
| Chambers | Hannibal | Landis | Peterson | Warner |
| Chizek | Harris | Lundy | Pirsch | Wesely |
| Chronister | Hartnett | Lynch | Remmers | Withem |
| Conway | Hefner | | | |

Voting in the negative, 0.

Excused and not voting, 2:

Hoagland Sieck

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 335.**

A BILL FOR AN ACT relating to the state investment officer; to amend sections 72-1239, 72-1243, 72-1244, and 83-133, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the investment of certain funds as prescribed; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

| | | | | |
|---|---|---|---|---|
| Abboud | DeCamp | Higgins | Marsh | Rogers |
| Baack | Eret | Johnson, L. | Miller | Rupp |
| Barrett | Goll | Johnson, R. | Morehead | Schmit |
| Beutler | Goodrich | Johnson, V. | Nelson | Scofield |
| Beyer | Haberman | Labedz | Nichol | Smith |
| Carsten | Hall | Lamb | Pappas | Vickers |
| Chambers | Hannibal | Landis | Peterson | Warner |
| Chizek | Harris | Lundy | Pirsch | Wesely |
| Chronister | Hartnett | Lynch | Remmers | Withem |
| Conway | Hefner | | | |

Voting in the negative, 0.

Excused and not voting, 2:

Hoagland Sieck

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 340.**

A BILL FOR AN ACT relating to employment security; to amend section 48-663, Reissue Revised Statutes of Nebraska, 1943; to change a statute of limitations; 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 | Eret | Higgins | Marsh | Rogers |
| Baack | Goll | Johnson, L. | Miller | Rupp |
| Barrett | Goodrich | Johnson, R. | Morehead | Schmit |
| Beutler | Haberman | Johnson, V. | Nelson | Scofield |
| Beyer | Hall | Labedz | Nichol | Smith |
| Carsten | Hannibal | Lamb | Pappas | Vickers |
| Chizek | Harris | Landis | Peterson | Warner |
| Chronister | Hartnett | Lundy | Pirsch | Wesely |
| Conway | Hefner | Lynch | Remmers | Withem |

Voting in the negative, 1:

Chambers

Present and not voting, 1:

DeCamp

Excused and not voting, 2:

Hoagland Sieck

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 373.** With Emergency.

A BILL FOR AN ACT relating to courts; to amend sections 24-519 and 24-522, Reissue Revised Statutes of Nebraska, 1943, and section 24-524, Revised Statutes Supplement, 1984; to change provisions relating to the matters which may be assigned to associate county judges; to change provisions relating to the jurisdictional limit of the Small Claims Court; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 42:

| | | | | |
|---|---|---|---|---|
| Abboud | Barrett | Beyer | Chizek | Conway |
| Baack | Beutler | Carsten | Chronister | DeCamp |

| | | | | |
|---|---|---|---|---|
| Eret | Hefner | Landis | Nelson | Scofield |
| Goll | Higgins | Lundy | Peterson | Smith |
| Haberman | Johnson, L. | Lynch | Pirsch | Vickers |
| Hall | Johnson, R. | Marsh | Remmers | Warner |
| Hannibal | Johnson, V. | Miller | Rogers | Wesely |
| Harris | Labedz | Morehead | Rupp | Withem |
| Hartnett | Lamb | | | |

Voting in the negative, 4:

| | | | |
|---|---|---|---|
| Chambers | Goodrich | Nichol | Pappas |

Present and not voting, 1:

Schmit

Excused and not voting, 2:

Hoagland Sieck

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**LEGISLATIVE BILL 423.**

A BILL FOR AN ACT relating to county officers; to amend section 23-2001, Reissue Revised Statutes of Nebraska, 1943; to provide for the temporary replacement of an incarcerated county officer; to change the grounds for removal from office; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

| | | | | |
|---|---|---|---|---|
| Abboud | Chizek | Haberman | Johnson, R. | Marsh |
| Baack | Chronister | Hall | Johnson, V. | Morehead |
| Barrett | Conway | Hannibal | Labedz | Nelson |
| Beutler | DeCamp | Harris | Lamb | Nichol |
| Beyer | Eret | Hefner | Landis | Pappas |
| Carsten | Goll | Higgins | Lundy | Peterson |
| Chambers | Goodrich | Johnson, L. | Lynch | Pirsch |

| | | | | |
|---|---|---|---|---|
| Remmers | Rupp | Smith | Warner | Withem |
| Rogers | Scofield | Vickers | Wesely | |

Voting in the negative, 0.

Present and not voting, 3:

| | | |
|---|---|---|
| Hartnett | Miller | Schmit |

Excused and not voting, 2:

| | |
|---|---|
| Hoagland | Sieck |

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

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

**LEGISLATIVE BILL 424.**

A BILL FOR AN ACT relating to elections; to amend sections 32-526 and 32-526.01, Reissue Revised Statutes of Nebraska, 1943; to change requirements relating to the formation of new political parties; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

| | | | | |
|---|---|---|---|---|
| Abboud | Conway | Hartnett | Lundy | Remmers |
| Baack | DeCamp | Hefner | Marsh | Rupp |
| Barrett | Eret | Higgins | Miller | Schmit |
| Beutler | Goll | Johnson, L. | Morehead | Scofield |
| Beyer | Goodrich | Johnson, R. | Nelson | Smith |
| Carsten | Haberman | Johnson, V. | Nichol | Vickers |
| Chambers | Hall | Labedz | Pappas | Warner |
| Chizek | Hannibal | Lamb | Peterson | Wesely |
| Chronister | Harris | Landis | Pirsch | Withem |

Voting in the negative, 0.

Present and not voting, 1:

Lynch

Excused and not voting, 3:

Hoagland Rogers Sieck

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 547.**

A BILL FOR AN ACT relating to counties; to amend section 23-122, Reissue Revised Statutes of Nebraska, 1943; to change provisions requiring publication of certain claims; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 27:

| | | | | |
|---|---|---|---|---|
| Beutler | Hall | Labedz | Pirsch | Smith |
| Beyer | Hannibal | Landis | Remmers | Vickers |
| Carsten | Hartnett | Lynch | Rupp | Warner |
| Chambers | Hefner | Nelson | Schmit | Wesely |
| Chronister | Higgins | Nichol | Scofield | Withem |
| Goodrich | Johnson, V. | | | |

Voting in the negative, 15:

| | | | | |
|---|---|---|---|---|
| Abboud | Conway | Haberman | Johnson, R. | Miller |
| Baack | DeCamp | Harris | Lamb | Morehead |
| Barrett | Goll | Johnson, L. | Lundy | Pappas |

Present and not voting, 4:

Chizek Eret Marsh Peterson

Excused and not voting, 3:

Hoagland Rogers Sieck

A constitutional majority having voted in the affirmative, the

bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 568.**

A BILL FOR AN ACT relating to bulk transfers; to amend section 6-107, Uniform Commercial Code; to change the procedure for giving notice; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

| | | | | |
|---|---|---|---|---|
| Abboud | DeCamp | Hefner | Lynch | Remmers |
| Baack | Eret | Higgins | Marsh | Rupp |
| Barrett | Goll | Johnson, L. | Miller | Schmit |
| Beutler | Goodrich | Johnson, R. | Morehead | Scofield |
| Beyer | Haberman | Johnson, V. | Nelson | Smith |
| Carsten | Hall | Labedz | Nichol | Vickers |
| Chizek | Hannibal | Lamb | Pappas | Warner |
| Chronister | Harris | Landis | Peterson | Wesely |
| Conway | Hartnett | Lundy | Pirsch | Withem |

Voting in the negative, 0.

Present and not voting, 1:

Chambers

Excused and not voting, 3:

Hoagland Rogers Sieck

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 625.** With Emergency.

A BILL FOR AN ACT relating to banks and banking; to amend section 8-157, Revised Statutes Supplement, 1984, as amended by section 1, Legislative Bill 295, Eighty-ninth Legislature, First Session, 1985; to change a provision relating to user banks as prescribed; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 46:

| | | | | |
|---|---|---|---|---|
| Abboud | Eret | Higgins | Marsh | Rogers |
| Baack | Goll | Johnson, L. | Miller | Rupp |
| Barrett | Goodrich | Johnson, R. | Morehead | Schmit |
| Beutler | Haberman | Johnson, V. | Nelson | Scofield |
| Beyer | Hall | Labedz | Nichol | Smith |
| Carsten | Hannibal | Lamb | Pappas | Vickers |
| Chizek | Harris | Landis | Peterson | Warner |
| Chronister | Hartnett | Lundy | Pirsch | Wesely |
| Conway | Hefner | Lynch | Remmers | Withem |
| DeCamp | | | | |

Voting in the negative, 0.

Present and not voting, 1:

Chambers

Excused and not voting, 2:

Hoagland Sieck

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 94.**

A BILL FOR AN ACT relating to motor vehicles; to amend sections 39-6,104, 39-6,104.04, 60-303, 60-305.09, 60-505, and 60-507, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the reporting of accidents; to require proof of payment of certain federal taxes; to harmonize provisions; to provide an operative date; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

| | | | | |
|---|---|---|---|---|
| Abboud | DeCamp | Higgins | Marsh | Rogers |
| Baack | Eret | Johnson, L. | Miller | Rupp |
| Barrett | Goll | Johnson, R. | Morehead | Schmit |
| Beutler | Goodrich | Johnson, V. | Nelson | Scofield |
| Beyer | Haberman | Labedz | Nichol | Smith |
| Carsten | Hall | Lamb | Pappas | Vickers |
| Chambers | Hannibal | Landis | Peterson | Warner |
| Chizek | Harris | Lundy | Pirsch | Wesely |
| Chronister | Hartnett | Lynch | Remmers | Withem |
| Conway | Hefner | | | |

Voting in the negative, 0.

Excused and not voting, 2:

Hoagland Sieck

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 487.**

A BILL FOR AN ACT relating to insurance; to amend section 83-368, Reissue Revised Statutes of Nebraska, 1943; to prohibit certain insurers from denying payment for treatment of mental or nervous disorders as prescribed; to include health insurance as a factor to consider in determining a patient's ability to pay for care; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

| | | | | |
|---|---|---|---|---|
| Abboud | Conway | Hefner | Lynch | Remmers |
| Baack | DeCamp | Higgins | Marsh | Rogers |
| Barrett | Eret | Johnson, L. | Miller | Rupp |
| Beutler | Goll | Johnson, R. | Morehead | Schmit |
| Beyer | Goodrich | Johnson, V. | Nelson | Scofield |
| Carsten | Haberman | Labedz | Nichol | Smith |
| Chambers | Hall | Lamb | Pappas | Vickers |
| Chizek | Hannibal | Landis | Peterson | Warner |
| Chronister | Harris | Lundy | Pirsch | Wesely |

Withem

Voting in the negative, 0.

Present and not voting, 1:

Hartnett

Excused and not voting, 2:

Hoagland Sieck

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

## UNANIMOUS CONSENT - Member Excused

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

## REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of March 28, 1985. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Bailey, Rodger - Minneapolis, MN, First Bank Systems
Eberle, Donald C. - Denver, CO, MCI Telecommunications Corporation
Radcliffe, Walter/Tews & Radcliffe
Radcliffe, Walter H. - Lincoln, Investment Company Institute

## UNANIMOUS CONSENT - Print in Journal

Mr. Schmit asked unanimous consent to print the following amendment to LB 662 in the Journal. No objections. So ordered.

AM0857

(Amendments to Final Reading Copy)

1 1. On page 1, line 7, after "79-12,104,"

insert "and" and strike "and"; in line 8 strike "79-2315,"; and in line 9 after "sections" insert "10-702," and strike "79-1052,".

2. On page 2, line 14, strike "and bonded indebtedness"; in line 23 after "79-407," insert "and" and strike "and"; and in line 24 strike "79-506.03,".

3. On page 14, strike beginning with the second "on" in line 24 through "1985" in line 25 and insert "by the voters of such school district or to tax levies assessed pursuant to section 79-422, 79-506.01, 79-506.04, and 79-548.01".

4. On page 19, strike beginning with "The" in line 26 through "total" in line 27.

5. On page 20, strike beginning with "levy" in line 1 through the period in line 2.

6. On page 32, line 1, strike "where", show as stricken, and insert "when".

7. On page 33, line 25, after "and" insert an underscored comma and reinstate the stricken comma.

8. On page 35, line 2, after "purchasing" insert "of"; and strike the new matter in lines 12 through 14.

9. On page 36, strike the new matter in lines 19 through 21.

10. On page 37, line 13, after the first comma insert "repair,"; and in lines 18 through 21 strike the new matter and reinstate the stricken matter.

11. On page 41, line 25, reinstate the stricken comma.

12. On page 42, in lines 7 through 16, reinstate the stricken matter and strike the new matter.

13. On page 43, line 1, strike "It", show as stricken, and insert "Subject to the limitation imposed by section 17 of this act, it"; in lines 2 and 3 strike the new matter; in lines 14, 16, 18, and 24, strike the semicolon, show as stricken, and insert an underscored comma; in line 20 after "contributions" insert an underscored comma; and in line 21 after "insurance" insert an underscored comma.

14. On page 44, in lines 16, 17, 21, 25, and 26, strike the new matter and reinstate the stricken matter; and in line 27, strike "act,", reinstate "the" and after the reinstated "the" insert "asbestos removal", and reinstate "fund and for general school".

15. On page 45, line 1, reinstate "purposes

shall be" and after the reinstated "be" insert "subject to the limitation imposed by section 17 of this act,"; in lines 5 through 7 reinstate the stricken matter; in line 16 after "levied" insert an underscored comma; in line 17 after "act" insert an underscored comma; and in lines 24 through 27 reinstate the stricken matter and strike the new matter.

16. On page 46, line 1, reinstate the stricken matter; in lines 2 through 5 strike the new matter.

17. On page 47, in lines 4 through 17, reinstate the stricken matter.

18. On page 48, line 7, reinstate the stricken comma.

19. On page 49, in lines 5, 6, and 9, strike the semicolon, show as stricken, and insert an underscored comma.

20. On page 51, line 17, after "state" insert an underscored comma.

21. On page 55, line 3, after the second comma insert "section 10-702, Revised Statutes Supplement, 1984,"; in line 10 after the third comma insert "and" and strike "and 79-2315,"; in line 12 strike "79-1052,"; and strike beginning with "and" in line 16 through the second comma in line 17.

22. Strike sections 51 and 58 and insert the following new section:

"Sec. 25. That section 10-702, Revised Statutes Supplement, 1984, be amended to read as follows:

10-702. The question of issuing bonds may be submitted to the electors of a school district at a special election or such question may be voted on at an election held in conjunction with the statewide primary or statewide general election. No bonds shall be issued until the question has been submitted to the qualified electors of the district, and sixty per cent ~~a majority~~ of all the qualified electors voting on the question shall have voted in favor of issuing the same, at an election called for the purpose, upon notice given by the officers of the district at least twenty days prior to such election. If the election for issuing bonds is held as a special election, the procedures provided in section 10-703.01 shall be followed. The question of bond issues in such districts, when defeated, shall not,

except in case of fire or other disaster or in the case of a newly created district, be resubmitted in substance for a period of six months from and after the date of such election.

When the question of issuing bonds is to be submitted at a statewide primary or statewide general election as ordered by a resolution of a majority of the members of the board of education, such order shall be made in writing and filed with the county clerk or election commissioner not less than fifty days prior to the statewide primary or statewide general election. The order calling for the school bond election shall be filed with the county clerk or election commissioner in the county having the greatest number of electors entitled to vote on the question. The county clerk or election commissioner receiving such order shall conduct the school bond election for the school district.

The election notices, the issuing of the official ballots on election day, the issuing of the official absentee ballots, and the counting and canvassing of the same shall be conducted by the county clerk or election commissioner as provided in Chapter 32.

A special notice of the election shall be published by the board of education in a newspaper or newspapers of general circulation within the district stating the day of the election, the hours during which the polls will be open, and any other information deemed necessary in informing the public of the bond issue. The notice shall be made at least twenty days prior to the election.

If the question of submitting bonds for the school district is voted upon in one or more counties and the ballots have been certified across county lines, the election boards in the counties where the ballots are cast shall count the ballots on election day the same as all other ballots are counted and seal the same in their ballots-cast sack along with other ballots.

The canvassing boards in each county shall canvass the returns in the same manner as other returns are canvassed.

The county clerk or election commissioner in any adjoining county voting on the bond issue shall certify the returns to the county clerk or election commissioner of the county having the greatest number of

electors entitled to vote on the question of issuing bonds.

The county clerk or election commissioner in such county shall enter the total returns from any adjoining county or counties to the total votes recorded in his or her official book of votes cast and shall certify the returns to the board of education for which such bond election was held.".

23. Renumber the remaining sections and correct internal references accordingly.

## GENERAL FILE

**LEGISLATIVE BILL 183.** Title read. Considered.

Standing Committee amendments, AM0342, printed separate from the Journal and referred to on page 730 for the Thirtieth Day were considered.

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

Mr. DeCamp renewed his pending amendment, AM0419, found in the Journal on page 838 to the Standing Committee amendments.

The DeCamp amendment was adopted with 17 ayes, 7 nays, 21 present and not voting, and 4 excused and not voting.

Pending.

## SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 28, 33, 235, 265, 308, 335, 340, 373, 423, 424, 547, 568, 625, 94, and 487.

## MRS. MARSH PRESIDING

## GENERAL FILE

**LEGISLATIVE BILL 183.** The Standing Committee amendments, as amended, were adopted with 26 ayes, 1 nay, 18 present and not voting, and 4 excused and not voting.

Advanced to E & R for Review with 29 ayes, 0 nays, 16 present and

not voting, and 4 excused and not voting.

## BILLS ON FIRST READING

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

**LEGISLATIVE BILL 43A.** By Warner, 25th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 43, Eighty-ninth Legislature, First Session, 1985.

**LEGISLATIVE BILL 153A.** By V. Johnson, 8th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 153, Eighty-ninth Legislature, First Session, 1985.

**LEGISLATIVE BILL 347A.** By Harris, 27th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 347, Eighty-ninth Legislature, First Session, 1985.

**LEGISLATIVE BILL 421A.** By Landis, 46th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 421, Eighty-ninth Legislature, First Session, 1985.

**LEGISLATIVE BILL 645A.** By L. Johnson, 15th District; Goodrich, 20th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 645, Eighty-ninth Legislature, First Session, 1985.

## VISITORS

Visitors to the Chamber were 8 sixth grade students from First Trinity Lutheran School, Bloomfield; 75 third and fourth grade students and teachers from Hill Elementary school, Lincoln; 47 eighth grade students and teacher from Holy Ghost Junior High, Omaha; and 11 members of the Grand Island Chamber of Commerce.

## RECESS

At 12:01 p.m., on a motion by Mr. Baack, the Legislature recessed until 1:30 p.m.

## AFTER RECESS

The Legislature reconvened at 1:31 p.m., Mrs. Marsh presiding.

## ROLL CALL

The roll was called and all members were present except Messrs. Chronister and Haberman who were excused; and Messrs. Baack, Chambers, Hall, Hannibal, Hoagland, R. Johnson, Lundy, Lynch, Nichol, Rogers, Schmit, Warner, Mesdames Labedz, Morehead, Pirsch, and Ms. Scofield who were excused until they arrive.

## PRESENTED TO THE GOVERNOR

Presented to the Governor on March 29, 1985, at 12:25 p.m., were the following bills: 28, 33, 235, 265, 308, 335, 340, 373, 423, 424, 547, 568, 625, 94 and 487.

(Signed) Jan Loder, Enrolling Clerk

## UNANIMOUS CONSENT - Member Excused

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

## UNANIMOUS CONSENT - Add Co-Introducer

Mrs. Smith asked unanimous consent to have her name added as co-introducer to LB 61. No objections. So ordered.

## GENERAL FILE

**LEGISLATIVE BILL 61.** Title read. Considered.

Standing Committee amendments, AM0330, found in the Journal on page 756 for the Thirtieth Day were considered.

Mrs. Smith offered the following amendment to the Standing Committee amendments:

AM0860

(Amendments to Standing Committee amendments)

1. On page 1, line 7, after the first comma insert "line 4, after 'serve' insert 'without pay' and strike the comma and insert 'or'; in line 5 strike ', or employees'; and in".

2. Insert the following new amendment:

"3. On page 5, strike beginning with 'Any' in line 7 through the period in line 10 and insert "Expenditures permitted by this act to be made by or on behalf of a hospital shall be for operating and maintaining public hospitals and public facilities for a public purpose.'.".

3. Renumber original amendment 3 as amendment 4.

The Smith amendment was adopted with 24 ayes, 0 nays, 6 present and not voting, and 19 excused and not voting.

The Standing Committee amendments, as amended, were adopted with 26 ayes, 0 nays, 4 present and not voting, and 19 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 7 present and not voting, and 17 excused and not voting.

**LEGISLATIVE BILL 280.** Title read. Considered.

Standing Committee amendment, AM0325, found in the Journal on page 770 for the Thirty-First Day was considered.

Mr. V. Johnson offered the following amendment to the Standing Committee amendment:

AM0447

(Amendments to the Standing Committee Amendments)

1. Insert the following new amendments:

"2. Insert the following new section: 'Sec. 2. This act shall become operative on October 1, 1985.'.

3. Renumber original section 2 as section 3.".

The V. Johnson amendment was adopted with 18 ayes, 1 nay, 22 present and not voting, and 8 excused and not voting.

Mr. DeCamp 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 Standing Committee amendment, as amended, was adopted with 28 ayes, 1 nay, 15 present and not voting, and 5 excused and not voting.

Mr. DeCamp asked unanimous consent to withdraw his pending amendment, AM0854, found in the Journal on page 1261. No objections. So ordered.

Messrs. Carsten and Schmit asked unanimous consent to be excused. No objections. So ordered.

**SPEAKER NICHOL PRESIDING**

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

Mr. Beutler offered the following amendment:
Line 9 strike "$3.00" and insert "$3.15"

Mrs. Pirsch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The Beutler amendment lost with 3 ayes, 19 ayes, 19 present and not voting, and 8 excused and not voting.

Mrs. Morehead and Mr. Baack asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion lost with 23 ayes, 4 nays, and 22 not voting.

Mr. Hefner moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Advanced to E & R for Review with 33 ayes, 1 nay, 6 present and not voting, and 9 excused and not voting.

**MR. BEUTLER PRESIDING**

**LEGISLATIVE BILL 280A.** Title read. Considered.

Advanced to E & R for Review with 31 ayes, 1 nay, 9 present and not voting, and 8 excused and not voting.

**LEGISLATIVE BILL 287.** Title read. Considered.

Mr. Barrett asked unanimous consent to be excused until he returns. 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.

## ATTORNEY GENERAL'S OPINIONS

Opinion No. 50
March 29, 1985

Dear Senator Remmers:

This is in response to your letter of March 26, 1985, concerning the constitutionality of your proposed amendment to LB 158. This amendment provides as follows:

> A buyer who purchases farm products, including livestock, or a person who sells farm products, including livestock, for another for a fee or commission shall pay the seller the total purchase price by means of a check payable to such seller and a financial institution who shall be specified by such seller, and if the financial institution authorizes the cashing of such check, such buyer or person shall be free of any security interest in such farm products, including livestock, held by any security interest holder up to the amount of the check. The financial institution whose name appears on the check and who authorizes the cashing of the check shall be liable to the lienholder for the amount of the check. Any such buyer or person who does not include the name of a financial institution on such check shall take such farm products, including livestock, subject to any valid security interest which may exist in such farm products, including livestock.

We see no apparent constitutional problems with this amendment. We would note, however, that the procedure outlined in this amendment may be unavailable to buyers in transactions subject to the regulations enacted pursuant to the Federal Packers and

Stockyards Act, 7 U.S.C.A. 181 et seq. Specifically, 9 C.F.R. 201.39 prohibits payment for livestock in such transactions to anyone other than the owner or valid security interest holder of such livestock.

Sincerely,
ROBERT M. SPIRE
Attorney General
(Signed) John Boehm
Assistant Attorney General

JB/bae
cc: Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 51
March 27, 1985

RE: LB 516

Dear Senator Nichol:

This is in reply to your inquiry concerning the constitutionality of certain provisions contained in the amendments to LB 516.

The first about which you inquired is Section 1, subsection (3) on page 6 of the amendments. This provides in part:

> (3) After January 9, 1988, the Supreme Court may by rule change the number of election districts, the boundaries of the election districts, and the number of judges who will serve in each election district. The boundaries of the election districts shall follow county boundaries and shall reflect a proportionate share of the total district court caseload for each district judge district. The Supreme Court shall review and change the election district boundaries as is necessary to provide for efficient court functioning but shall review such boundaries at least once every three years. The Supreme Court shall adopt and promulgate rules to carry out this section.

As you know, Article II, Section 1, of the Nebraska Constitution divides the powers of government into three distinct departments and no one department may exercise any power properly belonging to either of the others, except as expressly permitted in the Constitution.

Interpreting this provision in C.R.T. Corp. v. Board of Equalization, 172 Neb. 540, (1961), the Supreme Court stated:

> It is elementary in the area of the constitutional interpretation of Article II, section 1, of the Constitution, that the Legislature may not impose upon the courts the performance of nonjudicial duties nor delegate to them any legislative power. See, State ex rel.

Thompson v. Neble, 82 Neb. 267, 117 N.W. 723, 19 L.R.A.N.S. 578; Winkler v. City of Hastings, 85 Neb. 212, 122 N.W. 858; Searle v. Yensen, 118 Neb. 835, 225 N.W. 464, 69 A.L.R. 257.

. . . .

. . . " 'That which distinguishes a judicial from a legislative act is, that the one is a determination of what the existing law is in relation to some existing thing already done or happened, while the other is a predetermination of what the law shall be for the regulation of all future cases falling under its provisions.' "

In McDonald v. Rentfrow, 176 Neb. 796 (1964), the Supreme Court also held that "the fixing of boundaries of school districts is exclusively a legislative function. . ." However, the court further held that such legislative function "may be properly delegated to a subordinate agency, providing the Legislature prescribes the manner and standards under which the power of the designated board may be exercised." After citing a number of previous Nebraska cases, the court went on to state "The Legislature may delegate this authority provided it states the purpose for doing so and sets up reasonable standards to guide the agency which is to administer it."

A fundamental problem with the present legislation is that it is not delegating the function to what could ever properly be termed a "subordinate agency" to the Legislature. It is delegating a clear legislative function to our highest judicial body. This it cannot do.

By way of guidance, if you decide to delegate to a subordinate body instead of a court, a secondary failing of the above legislation is that it does not set forth the purpose for the delegation and the standards are too vague.

The only standard in the above legislation to guide the Supreme Court is that it shall "reflect a proportionate share of the total district court caseload for each district judge district." The determination of "caseload" could be based upon a number of differing criteria which could lead to a different result as each factor is changed; for example, "caseload" could be based strictly on the number of cases filed in each district judge district without regard to the proportion of dismissals, cases actually going to trial, cases actually going to jury trial, proportion of divorce cases, proportion of criminal cases with guilty pleas, proportion of criminal cases going to trial, and a host of other factors.

Subsection (2) of Section 6 on page 9 and Section 10, subsection (1) on page 13 of the amendments suffer from the same weaknesses.

Section 10, subsection (1) does add the standard of "travel time" in addition to "caseload," but this is not enough to remedy the problem. Also, it adds "other factors necessary to assure efficiency, service, and the most effective use of existing judges," which gives the Supreme Court an unlimited discretion upon which to base its

decision.

In summary, the sections reviewed clearly attempt to delegate legislative functions to the judiciary. This would violate the constitution, as discussed.

Additionally, should you decide to delegate to a subordinate agency instead of a court, the present act does not contain the purpose for the delegation nor reasonable standard to guide the body.

Sincerely yours,
ROBERT M. SPIRE
Attorney General
(Signed) Mel Kammerlohr
Assistant Attorney General

MK:bmh
cc: Patrick J. O'Donnell
Clerk of the Legislature

## SELECT COMMITTEE REPORTS
### Enrollment and Review

**LEGISLATIVE BILL 359.** Placed on Select File as amended.
E & R amendments to LB 359:
AM5101

1. On page 2, line 16, after "distributor" insert an underscored comma.
2. On page 5, line 11, after the second "the" insert "Nebraska"; in line 12 strike "that", show as stricken, and insert "the"; in line 13 strike the first comma and show as stricken; in line 15 after "permittee" insert an underscored comma; and in line 25 strike the semicolon and show as stricken and strike "to", show as stricken, and insert "will".
3. On page 6, line 18, strike "such" and insert "the".

**LEGISLATIVE BILL 441.** Placed on Select File as amended.
E & R amendments to LB 441:
AM5099

1. On page 2, line 8, strike the first comma and show as stricken; and in line 9 strike the comma and show as stricken.
2. On page 3, line 13, strike the comma and show as stricken.

**LEGISLATIVE BILL 578.** Placed on Select File.

**LEGISLATIVE BILL 578A.** Placed on Select File.

**LEGISLATIVE BILL 368.** Placed on Select File as amended.
E & R amendment to LB 368:
AM5100

1. On page 3, line 5, strike the underscored comma.

**LEGISLATIVE BILL 451.** Placed on Select File.

**LEGISLATIVE BILL 346.** Placed on Select File as amended.
E & R amendments to LB 346:
AM5102

1. Insert the following new section:

"Sec. 2. That section 66-418.03, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

66-418.03. Cancellation of security, failure to provide additional security as required, failure to report or pay taxes due within the time provided, filing of any false statement or affidavit, or violation of any of the provisions of sections 66-401 to 66-425 shall be grounds for suspension of any license or permit issued by the Tax Commissioner in accordance with sections 66-401 to ~~66-471~~ 66-470.

The Tax Commissioner may, by notice either by registered or certified mail, return receipt requested, to the address of the licensee or permitholder as shown on the records of the Tax Commissioner, suspend any license or permit theretofore granted. Such licensee or permitholder may, within thirty days after the mailing of the notice of such suspension, petition the Tax Commissioner in writing for a hearing and reconsideration of such suspension. If a petition is not filed within the thirty-day period, the suspended license shall be canceled by the Tax Commissioner at the expiration of that period. If a petition is filed with the Tax Commissioner, he or she shall, within ten days of ~~his~~ receipt of the petition, grant a hearing at which the licensee or permitholder may show cause why his or her suspended license should not be canceled and shall give the licensee or permitholder reasonable notice of the time and place of such hearing. Upon conclusion of the hearing, the Tax Commissioner shall, within a

reasonable time, issue a finding and order either reinstating or canceling such license.".

2. On page 1, line 2, after the first comma insert "66-418.03,"; and in line 6 after the second semicolon insert "to harmonize provisions;".

3. On page 5, line 13, strike "4 and 7" and insert "2 and 8"; and in line 21 after "That" insert "original section 66-418.03, Reissue Revised Statutes of Nebraska, 1943, and also".

4. In the V. Johnson amendment, AM0364, adopted March 27, 1985, on page 1, line 2, strike "3 and 8" and insert "4 and 9"; in line 7 strike "8" and insert "9"; and in line 10 strike "9" and insert "10".

5. Renumber original sections 2 to 7 as 3 to 8.

**LEGISLATIVE BILL 413.** Placed on Select File.

(Signed) Timothy Hall, Chairperson

## MOTION - Reconsider Action on LB 288

Mr. Sieck moved to reconsider the motion to indefinitely postpone LB 288.

Laid over.

## MOTION - Place LB 616 on General File

Mr. DeCamp moved to place LB 616 on General File notwithstanding the action of the committee.

Laid over.

## VISITORS

Visitors to the Chamber were Patty, Christie, Kara, and Ken Ayers from York; 70 students and teachers from Superior Northward School; and 50 fourth grade students and sponsors from Hill Elementary School, Lincoln.

## ADJOURNMENT

At 3:30 p.m., on a motion by Mr. Hall, the Legislature adjourned until 9:00 a.m., Monday, April 1, 1985.

Patrick J. O'Donnell
Clerk of the Legislature

# FIFTY-FIRST DAY - APRIL 1, 1985

## LEGISLATIVE JOURNAL

## EIGHTY-NINTH LEGISLATURE
## FIRST SESSION

## FIFTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Monday, April 1, 1985

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Nichol presiding.

## PRAYER

The prayer was offered by Rev. Susan Davies, Conestoga Parish, United Methodist Churches, Pleasant Dale, Nebraska.

## ROLL CALL

The roll was called and all members were present except Mrs. Labedz who was excused; and Messrs. Beutler, Chambers, Conway, Eret, Hannibal, Hoagland, R. Johnson, Landis, and Rupp who were excused until they arrive.

## CORRECTIONS FOR THE JOURNAL

The Journal for the Fiftieth Day was approved.

## MESSAGE FROM THE GOVERNOR

March 29, 1985

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 313, 313A, 324, 326, 350, 391 and 391A were received in my office on March 26, 1985.

These bills were signed by me on March 29, 1985 and delivered to the Secretary of State.

Sincerely,
(Signed) ROBERT KERREY
Governor

RK/jm

## GENERAL FILE

**LEGISLATIVE BILL 395.** Title read. Considered.

Standing Committee amendments, AM0256, found in the Journal on page 832 for the Thirty-Third Day were adopted with 27 ayes, 0 nays, 12 present and not voting, and 10 excused and not voting.

Mr. Beyer renewed his pending amendment, AM0774, found in the Journal on page 1211.

The Beyer 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 29 ayes, 0 nays, 15 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 488.** Title read. Considered.

Standing Committee amendments, AM0412, found in the Journal on page 858 for the Thirty-Fourth Day were adopted with 33 ayes, 0 nays, 11 present and not voting, and 5 excused and not voting.

Mr. Pappas asked unanimous consent to withdraw his pending amendment, found in the Journal on page 1182. No objections. So ordered.

Mr. Vickers renewed his pending amendment, AM0809, found in the Journal on page 1211.

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

Advanced to E & R for Review with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 216.** Title read. Considered.

Mr. Hall renewed his pending amendment, AM0782, found in the Journal on page 1200.

Mr. Barrett offered the following amendment to the pending Hall amendment:

1. On page 1, line 10, strike "through 3,100.00" and insert "and over"; and strike lines 11 to 23.

2. On page 2, strike line 1.

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

Mr. V. Johnson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 6 nays, and 18 not voting.

The Barrett amendment was adopted with 28 ayes, 7 nays, 10 present and not voting, and 4 excused and not voting.

Mr. Hall offered the following amendment to his pending amendment:

AM0778

1. On page 2, lines 14 through 27, reinstate the stricken matter.

2. On page 3, lines 1 through 27, reinstate the stricken matter.

3. On page 4, lines 1 through 13, reinstate the stricken matter; after line 14 insert

"2,900.01 through 2,950.00 ..... 120.00
2,950.01 through 3,000.00 ..... 122.00
3,000.01 through 3,050.00 ..... 124.00
3,050.01 through 3,100.00 ..... 126.00
3,100.01 through 3,150.00 ..... 128.00
3,150.01 through 3,200.00 ..... 130.00
3,200.01 through 3,250.00 ..... 132.00
3,250.01 through 3,300.00 ..... 134.00
3,300.01 through 3,350.00 ..... 136.00
3,350.01 and over .....138.00";

and in lines 15 through 27 strike the new matter.

4. On page 5, lines 1 through 27, strike the new matter.

5. On page 6, lines 1 through 15, strike the new matter.

Mr. R. Johnson 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. Hall moved for a call of the house. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

Mr. Hall requested a roll call vote on his amendment.

Voting in the affirmative, 20:

| | | | | |
|---|---|---|---|---|
| Beutler | DeCamp | Hartnett | Landis | Schmit |
| Chambers | Eret | Higgins | Lynch | Sieck |
| Chizek | Hall | Hoagland | Marsh | Vickers |
| Conway | Harris | Johnson, V. | Pappas | Wesely |

Voting in the negative, 28:

| | | | | |
|---|---|---|---|---|
| Abboud | Goll | Johnson, R. | Nichol | Rupp |
| Baack | Goodrich | Lamb | Peterson | Scofield |
| Barrett | Haberman | Lundy | Pirsch | Smith |
| Beyer | Hannibal | Miller | Remmers | Warner |
| Carsten | Hefner | Morehead | Rogers | Withem |
| Chronister | Johnson, L. | Nelson | | |

Excused and not voting, 1:

Labedz

The Hall amendment lost with 20 ayes, 28 nays, and 1 excused and not voting.

The Chair declared the call raised.

Pending.

## SELECT COMMITTEE REPORTS
### Enrollment and Review

**LEGISLATIVE BILL 533.** Placed on Select File as amended.
E & R amendments to LB 533:
AM5103

1. On page 1, line 4, after "claims" insert "resulting".

2. On page 2, line 12, strike "his or her", show "his" as stricken, and insert "a".

3. On page 3, lines 20 and 21, strike the comma and show as stricken.

**LEGISLATIVE BILL 279.** Placed on Select File as amended.
E & R amendments to LB 279:
AM5104

1. On page 3, line 11, reinstate the stricken comma.

2. On page 14, line 6, strike "body" and insert "bodies".

3. On page 21, line 27, strike the underscored comma.

4. On page 24, line 13, strike "the" and insert "such"; and in line 24 after "distributor" insert an underscored comma.

5. On page 25, line 21, after "53-160" insert ". Such", strike "such" and show the semicolon as stricken, and strike "to", show as stricken, and insert "shall"; in line 24 after "53-103" insert ". Such" and strike ", and which" and show as stricken; and in line 26 strike "which discount" and show as stricken.

6. On page 26, line 1, strike "which discount" and show as stricken; and in line 2 strike the comma, show as stricken, and insert "and".

7. On page 28, line 15, after "expenses" insert an underscored comma.

**LEGISLATIVE BILL 336.** Placed on Select File.

**LEGISLATIVE BILL 132.** Placed on Select File as amended.
E & R amendment to LB 132:
AM5105

1. On page 1, strike beginning with the second comma in line 4 through "prescribed" in line 6; and in line 10 strike "and" and after "sections" insert "; and to declare an emergency".

**LEGISLATIVE BILL 132A.** Placed on Select File.
**LEGISLATIVE BILL 259.** Placed on Select File.

(Signed) Timothy Hall, Chairperson

## SELECT COMMITTEE REPORT

## Rules

The Rules Committee met on Friday March 29, 1985, and in lieu of the Beutler proposed rule change, page 128 of the Journal, acted favorably on the attached proposed rule change.

VOTE: For: Senators Morehead, Beutler, Vickers. Against: Senators Chizek, L. Johnson. Present and not Voting: None. Absent: None.

Proposed Changes to the Rules of the Legislature
Rule 9
Code of Official Conduct

There is hereby established the following code of conduct, to be known as the "Code of Official Conduct":

1. A Member of the legislature shall conduct himself or herself at all times in a manner which shall reflect creditably on the legislature. This rule shall not be construed to apply to personal attire.

2. A Member of the legislature shall adhere to the spirit and the letter of the rules of the legislature and to the rules of duly constituted committees thereof.

3. A Member of the legislature shall receive no compensation nor shall he or she permit any compensation to accrue to his or her beneficial interest from any source, the receipt of which would occur by virtue of influence improperly exerted from his or her position in the legislature.

4. A Member of the legislature shall not accept gifts (other than personal hospitality of an organization when such hospitality is also extended to a substantial portion of the membership of such organization), from any person or organization (other than from a relative) having a direct interest in legislation before the legislature. Any person registered under the Nebraska Political Accountability and Disclosure Act (or any successor statute), any principal of such registered person, and any person retained by such registered person, for the purpose of influencing legislation before the legislature shall be deemed to have a direct interest in legislation before the legislature.

The term "gift" means and includes the definitions set out in Section 49-1490(3) of the Nebraska Political Accountability and Disclosure Act except that the term "gift" shall include breakfast, luncheon, dinner or other refreshments consisting of food and beverage provided for immediate consumption which exceeds a value of twenty-five dollars from a lobbyist in any one month period.

If a Member of the legislature, after exercising reasonable diligence to obtain the information necessary to comply with this rule,

unknowingly accepts a gift, such Member shall, upon learning of the nature of the gift and its source, return the gift or, if it is not possible to return the gift, reimburse the donor for the value of the gift. The return or reimbursement of the gift to the donor shall not preclude the Rules Committee from acting on the matter as a violation of the Code of Conduct.

5. A Member of the legislature shall accept no honorarium for a speech, writing for publication, or other similar activity, from any person, organization, or corporation in excess of the usual and customary value for such services.

6. A Member of the legislature shall retain no one in his or her hire who does not perform legislative duties commensurate with the compensation he or she receives.

7. A Member of the legislature shall not discharge or refuse to hire any individual, or otherwise discriminate against any individual with respect to compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, sex, age or national origin.

8. A Member of the legislature shall not hire or retain a relative for a paid position on his or her personal legislative staff in the legislature.

For purposes of paragraph 4 and 8 of this Code of Official Conduct the term "relative" means, with respect to any Member of the legislature, an individual who is related as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister or any person who is the grandfather or grandmother of the spouse of the member.

9. A Member of the legislature shall not knowingly solicit campaign contributions for his or her campaign from persons he or she has employed to work in the legislature.

10. A Member of the legislature or an individual who is a candidate for nomination for election to the legislature or any other office may not use the mail privilege afforded to the Members for constituent contact within sixty days immediately before the date of any primary or general election (whether regular, special, or runoff) in which the Member or individual is a candidate for any public office.

Nothing in this rule shall apply to any mailing under the legislative privilege which is (a) in direct response to inquiries or requests from persons to whom the matter is mailed, (b) addressed to colleagues in the legislature or to government officials (whether Federal, state, or

local), (c) consists entirely of news releases to the communications media, or (d) consists of less than 30 pieces of mail.

11. ENFORCEMENT

Any violations of the Code of Official Conduct shall be under the jurisdiction of the Committee on Rules of the Legislature together with the Speaker of the Legislature and the Chairperson of the Executive Board. In the event that any of the committee members noted above are the subject of the investigation undertaken, then such member shall be ineligible to serve and a replacement shall be chosen based upon the Order of Designation as set forth in Rule 1, Section 6.

The committee shall have authority after notice and a public hearing to prescribe and publish such regulations as its members believe are necessary to implement the Code of Official Conduct. Such regulations shall be approved by the Executive Board of the Legislative Council.

12. This code shall be effective January 8, 1986.

(Signed) Patricia Morehead, Chairperson

## UNANIMOUS CONSENT - Add Co-Introducer

Mr. Baack asked unanimous consent to have his name added as co-introducer to LR 16. No objections. So ordered.

## GENERAL FILE

**LEGISLATIVE BILL 216.** The Hall amendment, as amended, was adopted with 31 ayes, 0 nays, 17 present and not voting, and 1 excused and not voting.

Advanced to E & R for Review with 31 ayes, 3 nays, 14 present and not voting, and 1 excused and not voting.

**LEGISLATIVE BILL 383.** Title read. Considered.

Standing Committee amendments, AM0518, found in the Journal on page 912 for the Thirty-Seventh Day were adopted with 26 ayes, 0 nays, 22 present and not voting, and 1 excused and not voting.

Advanced to E & R for Review with 29 ayes, 0 nays, 19 present and not voting, and 1 excused and not voting.

**LEGISLATIVE BILL 383A.** Title read. Considered.

Advanced to E & R for Review with 31 ayes, 0 nays, 17 present and not voting, and 1 excused and not voting.

**LEGISLATIVE BILL 208.** Title read. Considered.

Standing Committee amendments, AM0480, found in the Journal on page 915 for the Thirty-Seventh Day were considered.

**MR. LAMB PRESIDING**

The Standing Committee amendments were adopted with 32 ayes, 0 nays, 16 present and not voting, and 1 excused and not voting.

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

Advanced to E & R for Review with 33 ayes, 0 nays, 14 present and not voting, and 2 excused and not voting.

**MOTION - Raise LR 16 From Committee**

Mr. DeCamp moved to raise LR 16 notwithstanding the action of the committee, pursuant to Rule 4, Section 9.

Laid over.

**UNANIMOUS CONSENT - Print in Journal**

Mr. Schmit asked unanimous consent to print the following amendment to LB 97 in the Journal. No objections. So ordered.

AM0724

1. Strike original sections 1 and 2 and insert the following new sections:

"Section 1. That section 54-1160, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

54-1160. There is hereby created in the Department of Agriculture a Livestock Auction Market Board consisting of three members. The board shall consist of the Director of Agriculture, the State Veterinarian, and a livestock auction market operator to be appointed by the Governor. The Director of Agriculture shall be ~~chairman~~ chairperson of the board.

The term of office of the appointed member shall be four years. The appointed member shall receive as compensation for his or her services the sum of ten dollars per day and actual expenses incurred while in the discharge of his or her duties. The board shall meet at least quarterly for the ordinary transaction of official business and otherwise at the call of the director. A majority affirmative vote of the board shall be necessary to constitute an official act.

The board shall have power and duty to:

(1) Administer the Nebraska Livestock Market Development Act ~~provisions of this act~~ in respect to recommending the issuance, suspensions, and revocations of market licenses;

(2) Prescribe and adopt the forms of application for market licenses, the forms of notice of hearings on market license applications, and such other forms as necessary to perform and carry out its functions; ~~and~~

(3) Adopt and promulgate rules subject to the approval of the director governing the conduct of hearings before it for applications for market licenses, transfers, suspensions, and revocations consistent with the Nebraska Livestock Market Development Act ~~provisions of this act~~ and not contrary to the general laws of Nebraska governing hearings before administrative boards; and

(4) Administer section 54-1166 relating to the terminations and hearings regarding such terminations of market licenses.

Sec. 2. That section 54-1166, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

54-1166. Except as provided in this section, each ~~Each~~ market license shall be personal to the holder and the facilities covered thereby, and transferable without a hearing. The market license covering any livestock auction market which does not hold a sale for a period of one year shall terminate automatically one year from the date of the last sale conducted by the livestock auction market and the license holder whose license is so terminated may request a hearing by filing a written request for such hearing within twenty days after the termination of the license.

2. On page 3, line 9 , strike "54-1165,"; and

in line 10 strike "54-1171" and insert "54-1160, 54-1166".

Mrs. Higgins asked unanimous consent to print the following amendment to LB 667 in the Journal. No objections. So ordered.

AM0870

(Amendments to Corrected Amendments, AM0723)

1. On page 3, line 2, strike "have the same responsibility" and insert "give every buyer a written statement of his or her rights".

## VISITORS

Visitors to the Chamber were Senator Lynch's daughter, Julie Freeman; Peggy Smith from Omaha; 24 seniors and teacher from Dodge Public School; 6 students and sponsor from Kimball County High School; Donna Cernohous, Mary Pat Pistillo, and Billie McCoy from Omaha; and Senator Pirsch's mother, Mrs. Lyle McBride.

## RECESS

At 11:50 a.m., on a motion by Mr. Chizek, the Legislature recessed until 1:30 p.m.

## AFTER RECESS

The Legislature reconvened at 1:30 p.m., President McGinley presiding.

## ROLL CALL

The roll was called and all members were present except Mrs. Labedz who was excused; and Messrs. Hoagland, R. Johnson, Lynch, Peterson, Remmers, Schmit, and Warner who were excused until they arrive.

## SELECT COMMITTEE REPORTS
### Enrollment and Review

**LEGISLATIVE BILL 585.** Placed on Select File as amended.
E & R amendment to LB 585:
AM5106

1. In the Standing Committee amendment, AM0384, adopted March 27, 1985, on page 1, line 3,

3 strike the underscored period and insert a period after
4 the quotation marks.

**LEGISLATIVE BILL 108.** Placed on Select File.

**LEGISLATIVE BILL 700.** Placed on Select File as amended.
E & R amendments to LB 700:
AM5107
1 1. On page 1, line 4, strike "to provide an
2 exemption;".
3 2. On page 2, line 21, strike "either".

**LEGISLATIVE BILL 209A.** Placed on Select File.
**LEGISLATIVE BILL 269A.** Placed on Select File.
**LEGISLATIVE BILL 407A.** Placed on Select File.

**LEGISLATIVE BILL 552A.** Placed on Select File as amended.
E & R amendment to LB 552A:
AM5108
1 1. On page 2, line 9, after "diems" insert
2 "for state employees shall be made".

**LEGISLATIVE BILL 606A.** Placed on Select File.

(Signed) Timothy Hall, Chairperson

## SELECT FILE

**LEGISLATIVE BILL 215.** E & R amendment, AM5083, found in the Journal on page 1013 for the Forty-First Day was adopted.

Messrs. Beutler and Warner renewed their pending amendment found in the Journal on page 996.

Mr. Beutler moved for a call of the house. The motion prevailed with 16 ayes, 0 nays, and 33 not voting.

The Beutler-Warner amendment was adopted with 26 ayes, 14 nays, 6 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Advanced to E & R for Engrossment.

## STANDING COMMITTEE REPORTS

## Judiciary

**LEGISLATIVE BILL 237.** Placed on General File.

**LEGISLATIVE BILL 239.** Placed on General File as amended.
Standing Committee amendments to LB 239:
AM0732

1. Strike original section 3.
2. On page 3, strike beginning with "and" in line 16 through "are" in line 17 and insert "is".
3. Renumber remaining section accordingly.

**LEGISLATIVE BILL 376.** Placed on General File as amended.
Standing Committee amendment to LB 376:
AM0853

1. On page 2, line 24, after "taken" insert "from any one person"; and in lines 26 and 27 strike "at the discretion of the prosecuting attorney".

**LEGISLATIVE BILL 481.** Placed on General File as amended.
Standing Committee amendment to LB 481:
AM0850

1. On page 4, line 23, strike the first "the" and insert "at least one", strike "agencies" and insert "agency", and strike "jurisdictions" and insert "jurisdiction"; and in line 24 strike "travel and".

**LEGISLATIVE BILL 520.** Placed on General File as amended.
Standing Committee amendment to LB 520:
AM0563

1. On page 2, strike beginning with the first "or" in line 4 through "parties" in line 6.

**LEGISLATIVE BILL 221.** Indefinitely postponed.
**LEGISLATIVE BILL 427.** Indefinitely postponed.

(Signed) Peter Hoagland, Chairperson

## SELECT FILE

**LEGISLATIVE BILL 606.** E & R amendments, AM5073, found in the Journal on page 1014 for the Forty-First Day were adopted.

Laid over.

**LEGISLATIVE BILL 356.** Mr. Vickers asked unanimous consent to withdraw his pending amendment, AM0619, found in the Journal on page 1009. No objections. So ordered.

Mr. Vickers renewed his pending amendment found in the Journal on page 1080.

The Vickers amendment was adopted with 29 ayes, 0 nays, 17 present and not voting, and 3 excused and not voting.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 407.** E & R amendments, AM5092, found in the Journal on page 1152 for the Forty-Fifth Day were adopted.

Mr. DeCamp renewed his pending amendment found in the Journal on page 1267.

The DeCamp amendment was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Mrs. Higgins offered the following amendment:

Page 3, line 7 after "party" insert ", except any member of the Nebraska Legislature,"

Mrs. Higgins requested a record vote on her amendment.

Voting in the affirmative, 11:

| | | | | |
|---|---|---|---|---|
| Beyer | Eret | Higgins | Morehead | Remmers |
| Carsten | Hartnett | Marsh | Pirsch | Rupp |
| Chronister | | | | |

Voting in the negative, 18:

| | | | | |
|---|---|---|---|---|
| Abboud | Hannibal | Lynch | Scofield | Warner |
| Chambers | Hoagland | Nichol | Sieck | Wesely |
| Goll | Johnson, L. | Peterson | Smith | Withem |
| Hall | Johnson, R. | Rogers | | |

Present and not voting, 18:

| | | | | |
|---|---|---|---|---|
| Baack | Chizek | Goodrich | Hefner | Landis |
| Barrett | Conway | Haberman | Johnson, V. | Lundy |
| Beutler | DeCamp | Harris | Lamb | Miller |

Nelson Pappas Vickers

Excused and not voting, 2:

Labedz Schmit

The Higgins amendment lost with 11 ayes, 18 nays, 18 present and not voting, and 2 excused and not voting.

Mr. Wesely offered the following amendment:
AM0875

1. On page 12, line 18, after the period insert "The chairperson of the committee shall not be a member of the applicant group, any health profession sought to be regulated by the application, or any health profession which is directly or indirectly affected by the application. The director shall ensure the total composition of the committee is fair, impartial, and equitable. If any member of a technical committee is a member of a health profession affected, either directly or indirectly, by the application, the director shall also appoint representatives of other health professions affected by the application to such committee to ensure that all affected health professions are equally and fairly represented on such committee. In no event shall more than two members of the same regulated health profession, the applicant group, or the health profession sought to be regulated by an application serve on a technical committee.".

The Wesely amendment was adopted with 27 ayes, 0 nays, 20 present and not voting, and 2 excused and not voting.

Speaker Nichol moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

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

Mr. Chambers requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 29:

| | | | | |
|---|---|---|---|---|
| Baack | Haberman | Johnson, L. | Nelson | Smith |
| Barrett | Hall | Johnson, V. | Nichol | Vickers |
| Beutler | Harris | Lamb | Peterson | Warner |
| Chizek | Hartnett | Lynch | Rogers | Wesely |
| DeCamp | Hefner | Miller | Scofield | Withem |
| Goodrich | Hoagland | Morehead | Sieck | |

Voting in the negative, 17:

| | | | | |
|---|---|---|---|---|
| Abboud | Chronister | Hannibal | Lundy | Pirsch |
| Beyer | Conway | Higgins | Marsh | Remmers |
| Carsten | Eret | Johnson, R. | Pappas | Rupp |
| Chambers | Goll | | | |

Absent and not voting, 1:

Landis

Excused and not voting, 2:

Labedz Schmit

Advanced to E & R for Engrossment with 29 ayes, 17 nays, 1 absent and not voting, and 2 excused and not voting.

The Chair declared the call raised.

## SELECT COMMITTEE REPORTS
### Enrollment and Review

**LEGISLATIVE BILL 496.** Placed on Select File as amended.
E & R amendments to LB 496:
AM5109

1. In lieu of the Haberman and Beutler amendments to the Morehead-Goll amendments, AM0798, adopted March 28, 1985, in the Morehead-Goll amendment, on page 2, strike beginning with "No" in line 12 through the underscored period in line 14 and insert "Enforcement of section 1 of this act by state or local law enforcement agencies shall be accomplished only as a secondary action when a driver of a motor vehicle has been detained for a suspected violation or some other offense.".

2. In the Morehead-Goll amendment, AM0798, on page 2, line 24, strike the underscored comma.

3. On page 1, line 1, after the semicolon insert "to amend section 39-6,171, Reissue Revised Statutes of Nebraska, 1943;"; in line 2 strike "seat" and "and safety seats"; in line 3 strike "define a term" and insert "change equipment requirements; to limit enforcement"; in line 4 strike the second "and"; and in line 6 after "actions" insert "; and to repeal the original section".

**LEGISLATIVE BILL 130.** Placed on Select File as amended.
E & R amendments to LB 130:
AM5110

1. In the Standing Committee amendments, AM0268, adopted March 28, 1985, on page 1, line 5, strike "a".

2. On page 2, line 17, strike "a" and show as stricken; and in line 26 after "71-4813" insert a period.

**Correctly Re-Engrossed**

The following bill was correctly re-engrossed: 387.

(Signed) Timothy Hall, Chairperson

**MOTION - Place LR 33 on General File**

Mr. Peterson moved to place Legislative Resolution 33 on General File, notwithstanding the action of the Committee on Constitutional Revision and Recreation.

Laid over.

**UNANIMOUS CONSENT - Print in Journal**

Mr. Wesely asked unanimous consent to print the following amendment to LB 382 in the Journal. No objections. So ordered.

AM0867

1. Strike the original sections and insert the following new sections:

"Section 1. Sections 1 to 16 of this act shall be known and may be cited as the Hospital Consumer Information Act.

Sec. 2. The purpose of the Hospital Consumer

Information Act is to promote the economic delivery of high quality and cost-effective health care services to the people of the State of Nebraska by consolidating hospital billing and outpatient surgical facility billing forms and providing better information to consumers as to the costs and charges for hospital and ambulatory surgical care in the state.

Sec. 3. As used in the Hospital Consumer Information Act, unless the context otherwise requires, the definitions in sections 4 to 10 of this act shall be used.

Sec. 4. Ambulatory surgical facility shall mean a facility, not a part of a hospital, which provides surgical treatment to patients not requiring hospitalization and which is licensed as a health clinic as defined by section 71-2017.01, but shall not include the offices of private physicians or dentists whether for individual or group practice.

Sec. 5. Hospital shall mean a hospital as defined by section 71-2017.01, except state hospitals administered by the Department of Public Institutions.

Sec. 6. Hospital uniform billing form shall mean the Health Care Financing Administration claim form number 1450 mandated for the Medicare program pursuant to sections 1814 (a)(2) and 1871 of the Social Security Act, as amended, developed by the National Uniform Billing Committee, and commonly referred to as the uniform billing claim form number 82.

Sec. 7. Insurer shall mean any insurance company as defined by section 44-103, fraternal benefit society as defined by section 44-1001, hospital service corporation formed pursuant to section 21-1509, or health maintenance organization as defined by section 44-3208, authorized to transact health insurance business in the State of Nebraska.

Sec. 8. Medicaid shall mean the medical assistance program pursuant to sections 68-1018 to 68-1025.

Sec. 9. Medicare shall mean Title XVIII of the Social Security Act, 42 U.S.C. section 1395 et seq., as amended.

Sec. 10. Third-party administrator shall mean any insurer, any insurance consultant licensed pursuant to sections 44-2606 to 44-2635, or any broker, agent, or insurance agency licensed pursuant to sections 44-4001

to 44-4044 which contracts to provide insurance services through any arrangement under which one or more employers, unions, or other organizations provide to their employees or members, either directly or indirectly, health care services or benefits.

Sec. 11. On or before January 1, 1987, all insurers and third-party administrators shall utilize and accept the hospital uniform billing form as the initial billing form on all claims filed for the payment of all inpatient and outpatient hospital charges and ambulatory surgical facility charges in Nebraska. After January 1, 1987, no insurer or third-party administrator shall require a Nebraska hospital or outpatient surgical facility to complete an initial billing form other than the hospital uniform billing form as a requirement of reimbursement for insured services provided by the hospital or ambulatory surgical facility. No insurer or third-party administrator shall contract with any person or employer, union, or other organization to provide insurance services, unless such person or organization accepts and utilizes or agrees to accept and utilize the hospital uniform billing form for claims for health care services or benefits provided to employees or members.

Sec. 12. Each hospital and ambulatory surgical facility shall accept and complete the uniform hospital billing form as a billing invoice for outpatient and inpatient services upon the request of any patient or any third-party payor, including the Medicaid and Medicare programs, insurers, or third-party administrators, on behalf of a patient.

Sec. 13. (1) Upon the written request of a prospective patient, his or her attending physician, or any authorized agent of the prospective patient, each hospital and ambulatory surgical facility shall provide a written estimate of the average charges for health services related to a particular diagnostic condition or medical procedure if such services are provided by the facility. Such written request shall include a written medical diagnosis made by a health care practitioner licensed to provide such diagnosis. The prospective patient or his or her agent may also provide to the facility the prospective patient's age and sex, any complications or co-morbidities of the prospective patient, other procedures required for the prospective patient, and other information which would allow the

facility to provide a more accurate or detailed estimate. Such estimate shall be provided within seven working days from the date of submission of the written request and information necessary to prepare such an estimate.

(2) All hospitals and ambulatory surgical facilities shall provide notice to the public that such hospital or facility will provide an estimate of charges for medical procedures or diagnostic conditions pursuant to subsection (1) of this section. Such public notice shall be provided either as a part of the advertising or promotional materials of the facility or by posting a notice in an obvious place within the public areas of the facility.

Sec. 14. (1) Effective January 1, 1986, each hospital and ambulatory surgical facility shall identify the twenty most common diagnostic related groups for which services are provided by the facility. Such listing of diagnostic related groups shall be made available to consumers of health care, along with the range of average charges for treatment and the associated average length of stay for each diagnostic related group listed. Such listing shall be provided to any person upon request. The information included in the listing shall show the date prepared and shall be regularly updated every six months.

(2) For any hospital or ambulatory surgical facility which provides services for fewer than twenty diagnostic related groups or performs an insufficient number of procedures to compute a statistically valid average, such facility shall provide a listing to the public of the most common diagnostic related groups provided by the facility and the average charges and length of stay for which a valid statistical average is available, the facility shall disclose the circumstances for such limited date available.

Sec. 15. Any person who violates or knowingly aids and abets in the violation of the Hospital Consumer Information Act or who fails to perform any duty under such act shall be guilty of a Class IV misdemeanor.

Sec. 16. If any section in this act or any part of any section shall be declared invalid or unconstitutional, such declaration shall not affect the validity or constitutionality of the remaining portions thereof.".

## NOTICE OF COMMITTEE HEARING
**Judiciary**

LR 57 Wednesday, April 17, 1985 7:00 p.m.

(Signed) Peter Hoagland, Chairperson

## STANDING COMMITTEE REPORT
**Judiciary**

**LEGISLATIVE BILL 410.** Indefinitely postponed.

(Signed) Peter Hoagland, Chairperson

## SELECT FILE

**LEGISLATIVE BILL 253.** E & R amendments, AM5095, found in the Journal on page 1249 for the Forty-Ninth Day were adopted.

Mr. Wesely offered the following amendment:
AM0811

1. On page 5, line 25, strike the semicolon, show as stricken, and insert "or persons using the services of a home health agency,"; and in line 27 strike "and" and show as stricken.

2. On page 6, line 1, strike "amendments thereof" and show as stricken; in line 2 strike "except", show as stricken, and insert "unless"; in line 4 strike "may be", show as stricken, and insert "is"; in line 7 strike the comma and show as stricken; after the period in line 11 insert the following paragraph:

"The Department of Health may waive any rule, regulation, or standard adopted and promulgated by the department relating to licensed health services or facilities when in the opinion of the department the waiver of such rule, regulation, or standard will not unduly jeopardize the health or welfare of the patients or residents and the closing of the service or facility would create an undue hardship on the community in taking care of the needs of such persons. Any such waiver may be under such terms and conditions and for such period of time, not to exceed one year at a time, as the department may prescribe. The department may each year waive such rule, regulation, or standard for

an additional year if the department determines that the continued waiver of such rule, regulation, or standard for an additional year will not constitute an imminent hazard to the health or welfare of the patients or residents by continued operation of the service or facility and the closing of the service or facility would create an undue hardship on the community in taking care of the needs of such persons. No waiver shall be allowed if it would cause the State of Nebraska to fail to comply with any of the applicable requirements of Medicare or Medicaid so as to make the state ineligible for the receipt of all funds to which it might otherwise be entitled." and before "Nothing" insert paragraphing; in line 13 after "adopted" insert "or promulgated"; in line 20 strike the comma and show as stricken; and in line 22 strike the semicolon, show as stricken, and insert an underscored comma.

3. On page 7, line 11, strike the comma and show as stricken; and in line 23 strike the second "or" and show as stricken.

4. On page 8, line 11, strike the second comma and show as stricken.

5. On page 9, line 7, strike the fourth comma and show as stricken; in line 8 after the period insert "Satellite clinics operated on an intermittent basis at a specific location or site and providing services within a portion of the total geographic area served by a licensed health clinic need not be licensed, but may operate as a part of the parent clinic and share administration and services."; and in line 11 strike the comma and show as stricken.

6. On page 10, line 9, after "disabled" insert an underscored comma; in line 10 strike the second comma and show as stricken; and in line 25 strike the second comma.

7. On page 11, line 14, strike the second comma and show as stricken.

8. On page 12, line 2, after "activities" insert an underscored comma; in line 14 after "affairs" insert an underscored comma; and in line 27 strike the second comma and show as stricken.

9. On page 13, lines 19 and 20, strike ", or any of them," and show as stricken; in line 22 strike "provides", show as stricken, and insert "in which there are provided"; and in line 26 strike "in which there

are" and "provided those" and show as stricken.

10. On page 14, line 1, strike the comma, "in", and "there" and show as stricken; in line 2 strike "provided" and show as stricken; in line 7 strike ", and specific", show as stricken, and insert ". Specific"; in line 10 strike "and" and show as stricken; in line 15 strike ", or any of them," and show as stricken; in line 19 strike "provides", show as stricken, and insert "in which there are provided"; in line 23 strike "in which there are" and "provided those" and show as stricken; in line 25 strike "in" and "there" and show as stricken; and in line 26 strike "provided" and show as stricken.

11. On page 15, line 5, strike ", and specific", show as stricken and insert ". Specific"; and in line 8 after "definition" insert "; and

(15) Home health agency shall mean a public agency, private organization, or subdivision of such an agency or organization which is primarily engaged in providing skilled nursing care or a minimum of one other therapeutic service as defined by the department on a full-time, part-time, or intermittent basis to patients in a place of temporary or permanent residence used as the patient's home under a plan of care as prescribed by the attending physician and which meets the regulations and standards as established by the Department of Health. Parent home health agency shall mean the primary home health agency which establishes, maintains, and assures administrative and supervisory control of branch offices and subunits. Branch office shall mean a home health agency which is at a location or site providing services within a portion of the total geographic area served by the parent agency and is in sufficient proximity to share administration, supervision, and services with its parent agency in a manner that renders it unnecessary for the branch independently to meet licensure requirements. A branch office shall be part of its parent home health agency and share administration and services. Subunit shall mean a home health agency which serves patients in a geographic area different from that of the parent agency and which, by virtue of the distance between it and the parent agency, is judged incapable of sharing administration, supervision, and services on a daily basis and shall independently meet the licensing requirements for home health agencies. Home health

agency shall not include private duty nursing registries as long as the individual is the direct payee from the patient. Home health agency shall not apply to the practice of home health care by other licensed medical persons as authorized by the practice of their particular specialty nor to the individuals providing homemaker or chore services within the home.".

The Wesely amendment was adopted with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 253A.** Passed over.

**LEGISLATIVE BILL 341.** E & R amendment, AM5020, found in the Journal on page 508 for the Nineteenth Day was adopted.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 213.** Mr. DeCamp moved to indefinitely postpone.

**SPEAKER NICHOL PRESIDING**

Mr. Lundy moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 3 nays, and 20 not voting.

Mr. DeCamp moved for a call of the house. The motion prevailed with 20 ayes, 0 nays, and 29 not voting.

Mr. Wesely requested a roll call vote on the DeCamp motion to indefinitely postpone LB 213.

Voting in the affirmative, 24:

| | | | | |
|---|---|---|---|---|
| Baack | DeCamp | Johnson, R. | Morehead | Remmers |
| Barrett | Goll | Lamb | Nelson | Rogers |
| Beyer | Hannibal | Lundy | Nichol | Rupp |
| Carsten | Hefner | Marsh | Peterson | Sieck |
| Chronister | Johnson, L. | Miller | Pirsch | |

Voting in the negative, 22:

| | | | | |
|---|---|---|---|---|
| Abboud | Eret | Higgins | Pappas | Vickers |
| Beutler | Haberman | Hoagland | Schmit | Warner |
| Chambers | Hall | Landis | Scofield | Wesely |
| Chizek | Harris | Lynch | Smith | Withem |
| Conway | Hartnett | | | |

Present and not voting, 1:

Goodrich

Absent and not voting, 1:

Johnson, V.

Excused and not voting, 1:

Labedz

The DeCamp motion lost with 24 ayes, 22 nays, 1 present and not voting, 1 absent and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Mrs. Higgins moved to bracket LB 213 until April 8, 1985.

Mr. Carsten moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

Mrs. Higgins asked unanimous consent to withdraw her pending motion. No objections. So ordered.

Pending.

**LEGISLATIVE BILL 209.** E & R amendments, AM5089, found in the Journal on page 1058 for the Forty-Second Day were adopted.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 255.** E & R amendments, AM5090, found in the Journal on page 1065 for the Forty-Third Day were adopted.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 384.** Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 268.** E & R amendments, AM5093, found in the Journal on page 1179 for the Forty-Seventh Day were adopted.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 569.** E & R amendments, AM5096, found in the Journal on page 1250 for the Forty-Ninth Day were adopted.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 705.** E & R amendments, AM5097, found in the Journal on page 1250 for the Forty-Ninth Day were adopted.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 347.** E & R amendments, AM5098, found in the Journal on page 1251 for the Forty-Ninth Day were adopted.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 349.** Advanced to E & R for Engrossment.
**LEGISLATIVE BILL 559.** Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 441.** E & R amendments, AM5099, found in the Journal on page 1295 for the Fiftieth Day were adopted.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 368.** E & R amendment, AM5100, found in the Journal on page 1296 for the Fiftieth Day was adopted.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 451.** Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 346.** E & R amendments, AM5102, found in the Journal on page 1296 for the Fiftieth Day were adopted.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 413.** Advanced to E & R for Engrossment.

## BILL ON FIRST READING

The following bill was read for the first time by title:

**LEGISLATIVE BILL 208A.** By Withem, 14th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 208, Eighty-ninth Legislature, First Session, 1985.

**UNANIMOUS CONSENT - Print in Journal**

Mr. Schmit asked unanimous consent to print the following amendment to LB 553 in the Journal. No objections. So ordered.

AM0868

(Amendments to Standing Committee Amendments)

1. On page 1, line 2, after the semicolon insert "in line 9 after 'specify' insert 'the maximum allowable width, length, height, and weight of the building to be transported' and after 'used' insert an underscored comma;".

Mr. DeCamp asked unanimous consent to print the following amendment to LB 208 in the Journal. No objections. So ordered.

AM0769

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. That section 66-414, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

66-414. ~~A~~ (1) Except as provided in subsection (2) of this section, a dealer shall be entitled to a maximum shrinkage of ~~three~~ one per cent of the number of gallons, to be based on the capacity of a container, of motor vehicle fuels received or imported, produced, refined, manufactured, blended, or compounded by ~~him~~ such dealer, as shown by such report, at the point where the car or container comes to rest or is unloaded within the State of Nebraska.

(2) As a result of the study prescribed in section 2 of this act, commencing January 1, 1987, a dealer shall be entitled to a shrinkage allowance of (a) seventy-five hundredths of one per cent or (b) an amount equal to twenty-five per cent more than the amount the

Department of Revenue and the Revenue Committee of the Legislature certify as the actual shrinkage amount pursuant to section 2 of this act, whichever is greater.

Sec. 2. (1) Commencing September 1, 1985, the Department of Revenue and the Revenue Committee of the Legislature shall jointly conduct a study to accurately determine the actual shrinkage amount on motor vehicle fuels. The department and committee shall select three representative stations in this state and monitor such stations for a period of one year. At the end of such one-year period, the department and committee shall report on the results of such study and certify the amount they determine to be the actual shrinkage amount on motor vehicle fuels.

(2) There is hereby appropriated seventy-five thousand dollars from the General Fund for fiscal year 1985-86 to the Department of Revenue and the Revenue Committee of the Legislature for the purpose of conducting the study prescribed in this section.

Sec. 3. Sections 1 and 4 of this act shall become operative for all motor vehicle fuels received or imported, produced, refined, manufactured, blended, or compounded on or after October 1, 1985. The remaining sections of this act shall become operative on their effective date.

Sec. 4. That original section 66-414, Reissue Revised Statutes of Nebraska, 1943, is repealed.

Sec. 5. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

Mr. V. Johnson asked unanimous consent to print the following amendment to LB 271 in the Journal. No objections. So ordered.

(Amendment printed separate from the Journal and on file in the Clerk's Office - Room 1102 - AM0843.)

Mr. DeCamp asked unanimous consent to print the following amendment to LB 359 in the Journal. No objections. So ordered.

AM0876

1. Insert the following new sections:

"Section 1. That section 53-160.01Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

53-160.01. No excise taxes of this state, direct or indirect, ~~other than those on distilled spirits or wine,~~ shall be imposed upon the sale, use, delivery, or storage of articles of merchandise to any instrumentality of the armed forces of the United States engaged in resale activities, except those state excise taxes which may be specifically authorized by the various acts of the Congress of the United States.

Sec. 4. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

2. On page 6, line 23, strike "section" and insert "sections 53-160.01 and "; and in line 24 strike "is" and insert "are".

3. Renumber remaining sections accordingly.

## STANDING COMMITTEE REPORT
**Public Health and Welfare**

**LEGISLATIVE BILL 470.** Indefinitely postponed.

(Signed) Don Wesely, Chairperson

## VISITORS

Visitors to the Chamber were Bruce Pratt from Elmwood; and Bob and Cindy Spagnola and daughter from Denver, Colorado.

## ADJOURNMENT

At 4:39 p.m., on a motion by Mrs. Morehead, the Legislature adjourned until 9:00 a.m., Tuesday, April 2, 1985.

Patrick J. O'Donnell
Clerk of the Legislature

# FIFTY-SECOND DAY - APRIL 2, 1985

# LEGISLATIVE JOURNAL

# FIFTY-SECOND DAY - APRIL 2, 1985

## LEGISLATIVE JOURNAL

## EIGHTY-NINTH LEGISLATURE
## FIRST SESSION

## FIFTY-SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, April 2, 1985

Pursuant to adjournment, the Legislature met at 9:01 a.m., Speaker Nichol presiding.

### PRAYER

The prayer was offered by Reverend John Ross, Faith Lutheran Church, Seward, Nebraska.

### ROLL CALL

The roll was called and all members were present except Messrs. Chambers, Hoagland, Withem, and Mrs. Morehead who were excused until they arrive.

### CORRECTIONS FOR THE JOURNAL

The Journal for the Fifty-First Day was approved.

### MOTION - Place LR 16CA on General File

Mr. DeCamp asked unanimous consent to withdraw his pending motion found in the Journal on page 1252 to place LR 16CA on General File notwithstanding the action of the committee. No objections. So ordered.

### MOTION - Raise LR 16CA From Committee

Mr. DeCamp renewed his pending motion found in the Journal on page 1307 to raise LR 16 notwithstanding the action of the committee, pursuant to Rule 4, Section 9.

Mr. DeCamp requested a ruling of the Chair whether twenty-five votes were required to raise LR 16CA pursuant to Rule 4, Section 9, or whether 30 votes were required pursuant to Rule 4, Section 2 and Rule 3, Section 17.

The Chair ruled that 25 votes were required, pursuant to Rule 4, Section 9.

Mr. Wesely challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

Mr. Conway moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 13 nays, and 10 not voting.

Mr. Wesely moved for a call of the house. The motion prevailed with 15 ayes, 1 nay, and 33 not voting.

Mr. Wesely requested a roll call vote on his motion to overrule the Chair.

Voting in the affirmative, 23:

| | | | | |
|---|---|---|---|---|
| Abboud | Chronister | Hefner | Lundy | Sieck |
| Barrett | Eret | Johnson, R. | Miller | Smith |
| Beutler | Goll | Johnson, V. | Nelson | Vickers |
| Carsten | Hannibal | Lamb | Scofield | Wesely |
| Chizek | Harris | Landis | | |

Voting in the negative, 20:

| | | | | |
|---|---|---|---|---|
| Baack | Goodrich | Higgins | Marsh | Rogers |
| Beyer | Haberman | Johnson, L. | Pappas | Rupp |
| Conway | Hall | Labedz | Peterson | Schmit |
| DeCamp | Hartnett | Lynch | Remmers | Warner |

Present and not voting, 3:

| | | |
|---|---|---|
| Morehead | Nichol | Pirsch |

Excused and not voting, 3:

| | | |
|---|---|---|
| Chambers | Hoagland | Withem |

The Wesely motion to overrule the Chair lost with 23 ayes, 20 nays,

3 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Mr. Lundy moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 9 nays, and 15 not voting.

Mr. DeCamp moved for a call of the house. The motion prevailed with 13 ayes, 1 nay, and 35 not voting.

Mr. DeCamp requested a roll call vote on his motion to raise LR 16CA from committee.

Voting in the affirmative, 25:

| | | | | |
|---|---|---|---|---|
| Abboud | Conway | Hartnett | Landis | Peterson |
| Baack | DeCamp | Higgins | Lynch | Rogers |
| Beutler | Goodrich | Hoagland | Marsh | Rupp |
| Beyer | Haberman | Johnson, L. | Nichol | Smith |
| Chronister | Hannibal | Labedz | Pappas | Withem |

Voting in the negative, 23:

| | | | | |
|---|---|---|---|---|
| Barrett | Hall | Lamb | Pirsch | Sieck |
| Carsten | Harris | Lundy | Remmers | Vickers |
| Chizek | Hefner | Miller | Schmit | Warner |
| Eret | Johnson, R. | Morehead | Scofield | Wesely |
| Goll | Johnson, V. | Nelson | | |

Excused and not voting, 1:

Chambers

The DeCamp motion to raise LR 16CA from committee prevailed with 25 ayes, 23 nays, and 1 excused and not voting.

The Chair declared the call raised.

## SELECT COMMITTEE REPORTS
### Enrollment and Review

**LEGISLATIVE BILL 183.** Placed on Select File as amended.
E & R amendments to LB 183:
AM5112

1. On page 1, line 1, after "sections" insert "53-103,"; in line 2 strike "53-168.03" and insert "53-168.05, 53-169, 53-170.01"; in line 3 after the semicolon insert "to eliminate a definition;"; strike beginning with "change" in line 5 through "changing" in line 6 and insert "eliminate provisions for filing of certain price schedules"; in line 8 strike "and" and insert "to harmonize provisions;" and after "sections" insert ", and also sections 53-168.02 to 53-168.04, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency".

2. On page 2, lines 17, 19, 21, and 23, strike "from" and show as stricken.

3. On page 8, line 23, strike the comma and show as stricken.

4. On page 9, lines 5 and 17, strike the comma and show as stricken; and in line 18 strike the first comma and show as stricken.

5. Insert the following new section:

"Sec. 6. That section 53-170.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

53-170.01. (1) Terms used in sections 53-170.01 to 53-170.04 shall have the meanings given in section 53-103. ~~, except as provided in subsection (2) of this section.~~

(2) As used in sections 53-170.01 to 53-170.04, price shall mean the platform price at the point of origin, excluding differentials based on transportation costs, containers, or other costs not directly related to the quality and proof of the product, and adjusted to reflect excise taxes or license fees imposed by any state or the District of Columbia and all discounts, rebates, free goods, allowances, and any other inducement of any kind given or offered to any wholesaler, distributor, or jobber in any state or the District of Columbia or to any state agency.".

6. Renumber the remaining sections accordingly.

7. In the Standing Committee amendments, AM0342, adopted March 29, 1985, on page 13, line 12, after the third comma insert "53-170.01,".

**LEGISLATIVE BILL 61.** Placed on Select File as amended.
E & R amendment to LB 61:

AM5113
1. On page 1, line 4, strike the first "and";
and in line 5 after "restrictions" insert "; and to
provide severability".

**LEGISLATIVE BILL 280.** Placed on Select File as amended.
E & R amendment to LB 280:
AM5111
1. On page 1, line 3, after the semicolon
insert "to provide an operative date;".

**LEGISLATIVE BILL 280A.** Placed on Select File.
**LEGISLATIVE BILL 287.** Placed on Select File.

(Signed) Timothy Hall, Chairperson

## STANDING COMMITTEE REPORTS
### Government, Military and Veterans Affairs

**LEGISLATIVE BILL 471.** Placed on General File.
**LEGISLATIVE BILL 595.** Placed on General File.
**LEGISLATIVE BILL 621.** Placed on General File.

**LEGISLATIVE BILL 392.** Indefinitely postponed.
**LEGISLATIVE BILL 637.** Indefinitely postponed.
**LEGISLATIVE BILL 683.** Indefinitely postponed.

(Signed) David Landis, Chairperson

## MOTION - Proposed Rule Change

Messrs. Beutler, Wesely, and Mrs. Morehead asked unanimous consent to print the following rule change. No objections. So ordered.

To amend Rule 4, Section 9 as follows:
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.

Referred to the Rules Committee.

## GENERAL FILE

**LEGISLATIVE BILL 171.** Considered.

Mr. Lamb offered the following amendment:
AM0887

1. Insert the following new section:

"Sec. 3. That section 43-2,120, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

43-2,120. The salary of ~~a judge~~ up to two judges of a separate juvenile court shall be as provided in section 24-301.01 and shall be paid out of the General Fund of the state. The salary of any additional judge or judges of a separate juvenile court shall be as provided in section 24-301.01 and shall be paid out of the general fund of the county which such judge serves.".

2. On page 2, line 22, strike "section 43-2,119" and insert "sections 43-2,119 and 43-2,120"; and in line 23 strike "is" and insert "are".

3. Renumber remaining sections accordingly.

Mr. Lamb asked unanimous consent to withdraw his pending amendment. No objections. So ordered.

Advanced to E & R for Review with 28 ayes, 3 nays, 17 present and not voting, and 1 excused and not voting.

**LEGISLATIVE BILL 171A.** Title read. Considered.

Advanced to E & R for Review with 27 ayes, 3 nays, 18 present and not voting, and 1 excused and not voting.

**LEGISLATIVE BILL 598.** Title read. Considered.

Standing Committee amendment, AM0512, found in the Journal on page 919 for the Thirty-Eighth Day was considered.

Mr. Remmers asked unanimous consent to be excused. No objections. So ordered.

Mr. Sieck renewed his pending amendment found in the Journal on page 1258 to the Standing Committee amendment.

Mr. Pappas moved the previous question. The question is, "Shall the debate now close?" The motion lost with 7 ayes, 10 nays, and 32 not voting.

Pending.

**LEGISLATIVE BILL 60.** Title read. Considered.

Standing Committee amendments, AM0519, found in the Journal on page 922 for the Thirty-Eighth Day were considered.

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

The Standing Committee amendments were adopted with 25 ayes, 8 nays, 14 present and not voting, and 2 excused and not voting.

Mr. Vickers renewed his pending amendment, AM0516, found in the Journal on page 930.

Messrs. Eret and Lundy asked unanimous consent to be excused until they return. No objections. So ordered.

Pending.

**UNANIMOUS CONSENT - Print in Journal**

Mrs. Morehead asked unanimous consent to print the following amendment to LB 213 in the Journal. No objections. So ordered.

AM0623

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. That section 48-801, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

48-801. As used in sections 48-801 to 48-823, unless the context otherwise requires:

(1) Person shall include an individual, partnership, association, corporation, business trust,

or any other organized group of persons;

(2) Governmental service shall mean all services performed under employment by the State of Nebraska, any political or governmental subdivision thereof, any municipal corporation, or any public power district or public power and irrigation district;

(3) Public utility shall include any individual, partnership, association, corporation, business trust, or any other organized group of persons, any political or governmental subdivision of the State of Nebraska, any public corporation, or any public power district or public power and irrigation district, which carries on an intrastate business in this state and over which the government of the United States has not assumed exclusive regulation and control, that furnishes transportation for hire, telephone service, telegraph service, electric light, heat and power service, gas for heating or illuminating, whether natural or artificial, or water service, or any one or more thereof;

(4) Employer shall mean the State of Nebraska or any political or governmental subdivision of the State of Nebraska, except the Nebraska National Guard or state militia, any municipal corporation, or any public power district or public power and irrigation district. It shall also include any public utility as defined in sections 48-801 to 48-823;

(5) Employee shall include any person and any supervisor employed by any employer as defined in sections 48-801 to 48-823;

(6) Labor organization shall mean any organization of any kind, or any agency or employee representation committee or plan, in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work;

(7) Industrial dispute shall include any controversy concerning terms, tenure, or conditions of employment, or concerning the association or representation of persons in negotiating, fixing, maintaining, changing, or seeking to arrange terms or conditions of employment, or refusal to discuss terms or conditions of employment; ~~and~~

(8) Commission shall mean the Commission of Industrial Relations; and

(9) Supervisor shall mean any employee having authority, in the interest of the employer, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or responsibly to direct them or to adjust their grievances, or effectively to recommend such action, if in connection with the foregoing the exercise of such authority is not a merely routine or clerical nature, but requires the use of independent judgment.

Sec. 2. That section 48-816, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

48-816. (1) After a petition has been filed under ~~the provisions of~~ section 48-811, the clerk shall immediately notify the members of the Commission of Industrial Relations, who ~~which~~ shall promptly take such preliminary proceedings as may be necessary to insure a prompt hearing and speedy adjudication of the industrial dispute. The commission shall have power and authority upon its own initiative or upon request of a party to the dispute to make such temporary findings and orders as may be necessary to preserve and protect the status of the parties, property, and public interest involved, pending final determination of the issues. In the event of an industrial dispute between an employer and an employee or a labor organization when such employer and employee or labor organization have failed or refused to bargain in good faith concerning the matters in dispute, the commission may order such bargaining to be begun or resumed, as the case may be, and may make any such order or orders as may be appropriate to govern the situation pending such bargaining. The commission shall require good faith bargaining concerning the terms and conditions of employment of its employees by any employer, including school districts covered by the Nebraska Teachers' Professional Negotiations Act after all provisions of such act have been exhausted without resolution of the dispute involved. The commission may require the parties to an industrial dispute to submit to mediation or factfinding ~~,~~ and may appoint mediators or factfinders for this purpose. Such orders for bargaining, mediation, or factfinding may be issued at any time during the pendency of an action to resolve an industrial dispute. To bargain in good faith shall mean the performance of the mutual obligation of the employer

and the labor organization to meet at reasonable times and confer in good faith with respect to wages, hours, and other terms and conditions of employment, or any question arising thereunder, and the execution of a written contract incorporating any agreement reached if requested by either party, but such obligation does not compel either party to agree to a proposal or require the making of a concession.

(2) Public employers are hereby authorized to recognize employee organizations for the purpose of negotiating collectively in the determination of, and administration of grievances arising under, the terms and conditions of employment of their public employees as provided in this act, and to negotiate and enter into written agreements with such employee organizations in determining such terms and conditions of employment.

(3)(a) Except as provided in subdivision (b) of this subsection, a supervisor shall not be included in a single bargaining unit with any other employee who is not a supervisor.

(b) All firefighters and police officers employed in the fire department or police department of any municipal corporation in a position or classification subordinate to the chief of the department and his or her immediate assistant or assistants holding authority subordinate only to the chief, shall be presumed to have a community of interest and may be included in a single negotiating unit represented by an employee organization for the purposes of this act. Public employers shall be required to recognize an employee's negotiating unit composed of firefighters and police officers holding positions or classifications subordinate to the chief of the fire department or police department and his or her immediate assistant or assistants holding authority subordinate only to the chief when such negotiating unit is designated or elected by employees in the unit.

(4) When an employee organization has been certified as an exclusive collective-bargaining agent or recognized pursuant to any other provisions of this act, the appropriate public employer shall be and is hereby authorized to negotiate collectively with such employee organization in the settlement of grievances arising under the terms and conditions of employment of the public employees as provided in this act, and to

negotiate and enter into written agreements with such employee organizations in determining such terms and conditions of employment, including wages and hours.

(5) Upon receipt by an employer of a request from a labor organization to bargain on behalf of employees, the duty to engage in good faith bargaining shall arise if the labor organization has been certified by the commission or recognized by the employer as the exclusive bargaining representative for the employees in that bargaining unit.

(6) The commission shall have the authority (a) to make studies and analyses of and act as a clearinghouse of information relating to conditions of employment of public employees throughout the state; (b) to request from any government, and such governments are authorized to provide, such assistance, services, and data as will enable it properly to carry out its functions and powers; (c) to conduct studies of problems involved in representation and negotiation, including, but not limited to, those subjects which are for determination solely by the appropriate legislative body, and make recommendations from time to time for legislation based upon the results of such studies; (d) to make available to employee organizations, governments, mediators, factfinding boards and joint study committees established by governments, and employee organizations statistical data relating to wages, benefits, and employment practices in public and private employment applicable to various localities and occupations to assist them to resolve complex issues in negotiations; and (e) to establish, after consulting representatives of employee organizations and administrators of public services, panels of qualified persons broadly representative of the public to be available to serve as mediators or members of factfinding boards.

(7)(a) Except for those cases arising under section 48-818, the commission shall be required to make findings of facts in all cases in which one of the parties to the dispute requests findings. Such request shall be specific as to the issues on which the party wishes the commission to make findings of fact.

(b) In cases arising under section 48-818, findings of fact shall not be required of the commission unless both parties to the dispute stipulate to the

request and to the specific issues on which findings of fact are to be made.

(c) If findings of fact are requested under subdivision (a) or (b) of this subsection, the commission may require the parties making the request to submit proposed findings of fact to the commission on the issues on which findings of facts are requested.

(d) In cases arising under section 48-818, the commission shall issue a recommended decision and order, which decision and order shall become final within ten days of entry unless either party to the dispute files with the commission a request for a posttrial conference. If such a request is filed, the commission shall hold a posttrial conference within ten days of receipt of such request and shall issue an order within ten days after holding of such posttrial conference which order shall become the final order in the case. The purpose of such posttrial conference shall be to allow the commission to hear from the parties on those portions of the recommended decision and order which is not based upon or which mischaracterizes evidence in the record and to allow the commission to correct any such errors after having heard the matter in a conference setting in which all parties are represented.

Sec. 3. That original sections 48-801 and 48-816, Reissue Revised Statutes of Nebraska, 1943, are repealed.".

## VISITORS

Visitors to the Chamber were students and teacher from Shelton High School; 27 seniors and teacher from Deshler High School; 28 fourth grade students and sponsor from Stanton Elementary School; and 10 students and teachers from District 38, Grand Island School.

## RECESS

At 11:55 a.m., on a motion by Mr. Haberman, the Legislature recessed until 1:30 p.m.

## AFTER RECESS

The Legislature reconvened at 1:30 p.m., President McGinley presiding.

## ROLL CALL

The roll was called and all members were present except Mr. Remmers who was excused; and Messrs. Beutler, V. Johnson, Peterson, and Schmit who were excused until they arrive.

## BILL ON FIRST READING

The following bill was read for the first time by title:

**LEGISLATIVE BILL 333A.** By Barrett, 39th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 333, Eighty-ninth Legislature, First Session, 1985.

## GENERAL FILE

**LEGISLATIVE BILL 60.** Mr. Vickers renewed his pending amendment, AM0516, found in the Journal on page 930 and referred to in this day's Journal on page 1334.

Mr. Hoagland 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. Vickers moved for a call of the house. The motion prevailed with 24 ayes, 0 nays, and 25 not voting.

Mr. Haberman requested a roll call vote on the Vickers amendment.

Voting in the affirmative, 17:

| | | | | |
|---|---|---|---|---|
| Abboud | Goodrich | Johnson, V. | Morehead | Rupp |
| Carsten | Haberman | Landis | Nelson | Vickers |
| Chambers | Hall | Marsh | Pirsch | Warner |
| DeCamp | Hoagland | | | |

Voting in the negative, 24:

| | | | | |
|---|---|---|---|---|
| Baack | Conway | Johnson, L. | Lynch | Scofield |
| Barrett | Eret | Johnson, R. | Miller | Sieck |
| Beyer | Goll | Labedz | Nichol | Wesely |
| Chizek | Hartnett | Lamb | Peterson | Withem |
| Chronister | Hefner | Lundy | Rogers | |

Present and not voting, 6:

| | | | | |
|---|---|---|---|---|
| Beutler | Harris | Higgins | Pappas | Smith |
| Hannibal | | | | |

Excused and not voting, 2:

Remmers Schmit

The Vickers amendment lost with 17 ayes, 24 nays, 6 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Mr. Vickers asked unanimous consent to withdraw his pending amendment, AM0515, found in the Journal on page 932. No objections. So ordered.

Mr. Schmit asked unanimous consent to withdraw his pending amendment found in the Journal on page 1229. No objections. So ordered.

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

Messrs. Vickers and Warner moved to indefinitely postpone LB 60.

Mr. Hoagland moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Schmit moved for a call of the house. The motion prevailed with 11 ayes, 1 nay, and 37 not voting.

Mr. Chambers moved for the call of the house to be raised. The motion lost with 8 ayes, 24 nays, and 17 not voting.

Mr. Schmit requested a roll call vote on the motion to indefinitely postpone.

Voting in the affirmative, 24:

| | | | | |
|---|---|---|---|---|
| Abboud | Beyer | Chambers | Goodrich | Hall |
| Barrett | Carsten | Goll | Haberman | Hannibal |

| | | | | |
|---|---|---|---|---|
| Harris | Johnson, V. | Lundy | Nelson | Vickers |
| Hefner | Lamb | Marsh | Pirsch | Warner |
| Johnson, L. | Landis | Morehead | Smith | |

Voting in the negative, 22:

| | | | | |
|---|---|---|---|---|
| Baack | Eret | Lynch | Peterson | Scofield |
| Chizek | Hartnett | Miller | Rogers | Sieck |
| Chronister | Higgins | Nichol | Rupp | Wesely |
| Conway | Johnson, R. | Pappas | Schmit | Withem |
| DeCamp | Labedz | | | |

Present and not voting, 1:

Hoagland

Excused and not voting, 2:

Beutler Remmers

The Vickers-Warner motion to indefinitely postpone prevailed with 24 ayes, 22 nays, 1 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

## UNANIMOUS CONSENT - Print in Journal

Mr. Hartnett asked unanimous consent to print the following amendment to LB 359 in the Journal. No objections. So ordered.

AM0611

1. Insert following new sections:

"Section 1. That section 53-102, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

53-102. No person shall manufacture, bottle, blend, sell, barter, transport, deliver, furnish, or possess any alcoholic liquor for beverage purposes, except as specifically provided in this act. Nothing ; ~~PROVIDED, nothing~~ herein contained shall prevent the possession ~~and transportation~~ of alcoholic liquor legally obtained as provided in the Nebraska Liquor Control Act for the personal use of the possessor, his or her family, and guests; nor prevent the making of

wine, cider, or other alcoholic liquor by a person from fruits, vegetables, or grains, or the product thereof, by simple fermentation and without distillation, if it is made solely for the use of the maker, his or her family, and guests; nor prevent any duly licensed practicing physician or dentist from possessing or using alcoholic liquor in the strict practice of his or her profession, ~~or~~ any hospital or other institution caring for the sick and diseased persons, from possessing and using alcoholic liquor for the treatment of bona fide patients of such hospital or other institution, or any drug store employing a licensed pharmacist from possessing or using alcoholic liquors in the compounding of prescriptions of duly licensed physicians; nor prevent the possession and dispensation of wine by an authorized representative of any church for the purpose of conducting any bona fide rite or religious ceremony conducted by such church; nor prevent persons who are sixteen years old or older from carrying beer from grocery stores when they are accompanied by a person not a minor; nor prevent persons who are sixteen years old or older from handling beer containers and beer in the course of their employment in grocery stores; nor prevent persons who are sixteen years or older from removing and disposing of alcoholic liquor containers for the convenience of the employer and customers in the course of their employment as waiters, waitresses, or busboys ~~,~~ by any restaurant, club, hotel, or similar organization; nor prevent persons who are nineteen years or older from serving or selling alcoholic liquor in the course of their employment.

Sec. 3. (1) It shall be unlawful for any person to transport, import, bring, or ship, or cause to be transported, imported, brought, or shipped into the state of Nebraska for the personal use of the possessor, his or her family, or guests a quantity of alcoholic liquor in excess of one gallon at any one time or in excess of two gallons in any one calendar month.

(2) Alcoholic liquor transported, imported, brought, or shipped into the state of Nebraska in violation of this section shall be seized by the commission and disposed of in the manner provided for contraband. Any person violating this section shall be guilty of a Class IV misdemeanor.".

2. On page 2, line 1, strike "1" and insert

"2".

3. On page 6, line 23, strike "2" and insert "4" and strike "section" and insert "sections 53-102 and "; and in line 24 strike "is" and insert "are".

## ATTORNEY GENERAL'S OPINION

Opinion No. 52
March 28, 1985

Dear Senator Vickers:

This is in response to your letter of March 22, 1985, concerning the committee amendments to LB 459. These amendments would return jurisdiction over noxious weeds to the Department of Agriculture and give the director of that department the authority to decide if a county is in compliance with the weed control laws of the state. The amendment further provides that:

> When it is determined by the director that a control authority has failed to carry out any of its duties and responsibilities as a control authority, the Attorney General shall notify the State Treasurer to withhold allocation of funds distributed under section 39-2402 until notified by the director that the control authority has properly enforced sections 2-952 to 2-965.

Your question is whether such a procedure is constitutional. We have no concerns about the mechanism for withholding funds for failure to enforce the laws. Such procedures are now available in other situations under state law.

We do, however, have some concerns as to the fundamental requirements of due process afforded by this amendment. The decision to withhold funds would here be made solely upon the determination of the director that the local weed control authority was not in compliance with the state law. There are no procedures for any notice or hearing as a result of such a determination as in similar existing statutory schemes. See, for example, Neb.Rev.Stat. §77-378 (Reissue 1981). From this standpoint, without such procedural due process safeguards, the amendment is constitutionally suspect.

Sincerely,
ROBERT M. SPIRE
Attorney General
(Signed) John Boehm
Assistant Attorney General

JB:ejg
cc: Patrick J. O'Donnell

Clerk of the Legislature

## UNANIMOUS CONSENT - Member Excused

Mr. Pappas asked unanimous consent to be excused. No objections. So ordered.

## GENERAL FILE

**LEGISLATIVE BILL 382.** Title read. Considered.

Mr. Wesely renewed his pending amendment, AM0867, found in the Journal on page 1315.

The Wesely amendment was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Mr. Wesely offered the following amendment:

(Amendments to AM0867)

1. On page 1, line 3 strike "16" and insert "17"; and in line 16, strike "10" and insert "11".

2. On page 3, line 9, strike "and" and insert a comma and after "administrators" insert ", and persons operating under insurance arrangements in Nebraska"; in line 14 strike "or" and insert a comma and after "administrator" insert ", or any person operating under an insurance arrangement"; and in line 19 strike "No" and insert "After January 1, 1987, no".

3. On page 4, line 5, strike "or"; and in line 6 after the comma insert "or persons operating under an insurance arrangement,".

4. On page 6, line 5 strike "date" and after "available" insert "data".

5. Insert the following new section:

"Sec. 7. Insurance arrangement shall mean a plan, program, contract, or any other arrangement under which one or more employers, unions or other organizations provide to their employees or members, either directly or indirectly, health care services or benefits."

6. Renumber remaining sections accordingly.

The Wesely amendment was adopted with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

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

Advanced to E & R for Review with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Mr. Haberman asked unanimous consent to be excused. No objections. So ordered.

**LEGISLATIVE BILL 709.** Title read. Considered.

Standing Committee amendments, AM0615, found in the Journal on page 1072 for the Forty-Third Day were adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Messrs. Schmit and DeCamp asked unanimous consent to be excused until they return. No objections. So ordered.

Advanced to E & R for Review with 27 ayes, 4 nays, 13 present and not voting, and 5 excused and not voting.

Mrs. Labedz asked unanimous consent to be excused. No objections. So ordered.

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

## STANDING COMMITTEE REPORTS
### Government, Military and Veterans Affairs

**LEGISLATIVE BILL 393.** Placed on General File as amended. (Standing Committee amendments printed separate from the Journal and on file in the Clerk's Office - Room 1102 - AM0877.)

**LEGISLATIVE BILL 428.** Placed on General File as amended.
Standing Committee amendment to LB 428:
AM0879

1. On page 12, line 14, strike "may" and insert "shall" and strike "one or" and insert "a"; in line 15 strike "more", strike the first "superintendents" and insert "superintendent", and strike the second "superintendents" and insert "superintendent"; and in line 19 strike "Each" and insert "The".

**LEGISLATIVE BILL 511.** Placed on General File as amended.
Standing Committee amendment to LB 511:
AM0878

1. Strike the original sections and insert the following new sections:

"Section 1. No water shall be impounded in an impoundment or other facility which will flood an area of one hundred fifty acres or more in a county containing in whole or in part a city of the metropolitan class unless the water impounded will be of a quality sufficient, as determined by the health department of such county, to allow for, at a minimum, limited recreational uses involving partial body contact.

For purposes of this section, a partial body contact use shall mean a use in which the body comes in direct contact with the water, but normally not to the point of complete submergence, such that it is unlikely that the water will be ingested or that critical organs such as eyes, ears, and nose will be exposed to the water. Partial body contact uses shall include fishing, hunting, trapping, boating, and similar activities.

Sec. 2. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

**LEGISLATIVE BILL 564.** Placed on General File as amended.
Standing Committee amendments to LB 564:
AM0886

1. On page 2, line 8, strike "one"; in line 9 strike "hundred" and insert "seventy-five"; and in line 16 strike "fifty" and insert "thirty-five".

2. On page 3, line 9, strike "one hundred" and insert "seventy-five".

**LEGISLATIVE BILL 707.** Indefinitely postponed.

(Signed) David Landis, Chairperson

## GENERAL FILE

**LEGISLATIVE BILL 503.** Title read. Considered.

Standing Committee amendment, AM0634, found in the Journal on page 1074 for the Forty-Third Day was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Advanced to E & R for Review with 25 ayes, 1 nay, 16 present and

not voting, and 7 excused and not voting.

**LEGISLATIVE BILL 493.** Title read. Considered.

Standing Committee amendments, AM0616 found in the Journal on page 1113 for the Forty-Fourth Day were adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Mr. Hoagland offered the following amendment:
AM0685

1. Insert the following new section:
"Sec. 3. This act shall become operative on January 1, 1986.".
2. Renumber remaining section accordingly.

The Hoagland amendment was adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

## UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendment to LB 452 in the Journal. No objections. So ordered.

AM0900

1. On page 4, line 14, strike "and"; in line 17 strike the period, show as stricken, and insert "; and
(9) Problem bank shall mean a bank which shall have been informed in a written communication from a regulator of such bank that unless terms specified in such communication are met, the regulator will take formal action which, if successful, may materially and adversely affect the ability of such bank to remain in operation. A regulator may be the Director of Banking and Finance, the Office of the Comptroller of the Currency, the Federal Deposit Insurance Corporation, or the Board of Governors of the Federal Reserve System or their delegates, as the case may be.".
2. On page 6, line 11, strike "twenty" and insert "eleven"; and in lines 26 and 27 reinstate the stricken matter.
3. On page 7, lines 1, 10, 18, 23, and 24,

reinstate the stricken matter; after line 24 insert:

"If any provision of subdivision (4) of this section authorizing the acquisition or control of Nebraska banks by regional out-of-state bank holding companies is declared invalid or unconstitutional, subdivision (4) of this section allowing such out-of-state banking activities shall be invalid in its entirety, but such declaration shall not affect the validity or constitutionality of the remaining portions of this section."; and in line 27 strike "of Nebraska" and insert "Supplement".

4. Insert new sections as follows:

"Sec. 3. Until July 1, 1987, a bank holding company as defined or referred to in 12 U.S.C. 1842(d), and which is a regional out-of-state bank holding company or a subsidiary thereof may acquire voting shares of a problem bank or of a bank formed to acquire all or substantially all of the assets of a problem bank. However, if the bank whose assets or shares are to be acquired is a bank chartered by the State of Nebraska, before such acquisition may take place, the Director of Banking and Finance must find that:

(1) The owners of such problem bank or the Director of Banking and Finance shall have made reasonable efforts to solicit offers from other responsible prospective purchasers in Nebraska who are not regional out-of-state bank holding companies;

(2) The terms of the acquisition offer are more favorable to the owners than responsible offers received pursuant to subdivision (1) of this section; and

(3) If shares of such problem bank are to be acquired, the acquiring holding company shall have committed to invest capital in such problem bank in an amount equal to or greater than any capital investment which had been required by such problem bank's regulator, or if assets are to be acquired, the acquiring bank shall assume all deposit and other liabilities of such problem bank and the acquiring bank shall have adequate capital.

Sec. 4. Until July 1, 1987, no bank which is a subsidiary of a regional out-of-state bank holding company pursuant to an acquisition transaction permitted by section 3 of this act, shall acquire voting shares or assets of or merge with any other Nebraska bank or

engage in any acquisition or merger transaction with any other Nebraska bank or the shareholders thereof unless such other Nebraska bank is a problem bank and such acquisition or merger transaction is permitted by section 3 of this act.".

5. Renumber sections accordingly.

## UNANIMOUS CONSENT - Withdraw Co-Introducer

Mr. Pappas asked unanimous consent to have his name withdrawn as co-introducer to LB 645. No objections. So ordered.

## VISITORS

Visitors to the Chamber were Wayne Lipps from Tekamah; 30 students and instructor from Weeping Water High School; and Tisha Engel from South Sioux City.

## ADJOURNMENT

At 4:01 p.m., on a motion by Mrs. Smith, the Legislature adjourned until 9:00 a.m., Wednesday, April 3, 1985.

Patrick J. O'Donnell
Clerk of the Legislature

# FIFTY-THIRD DAY - APRIL 3, 1985

## LEGISLATIVE JOURNAL

## EIGHTY-NINTH LEGISLATURE
## FIRST SESSION

## FIFTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, April 3, 1985

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Nichol presiding.

## PRAYER

The prayer was offered by Dr. Robert Palmer, Westminster Presbyterian Church, Lincoln, Nebraska.

## ROLL CALL

The roll was called and all members were present except Messrs. Beutler, Chambers, Chronister, Landis, Miller, and Warner who were excused until they arrive.

## CORRECTIONS FOR THE JOURNAL

The Journal for the Fifty-Second Day was approved.

## MESSAGE FROM THE GOVERNOR

April 2, 1985

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 28, 33, 235, 265, 308, 335, 340, 373,

423, 424, 547, 568, 625, 94 and 487 were received in my office on March 29, 1985.

These bills were signed by me on April 2, 1985 and delivered to the Secretary of State.

Sincerely,
(Signed) ROBERT KERREY
Governor

RK/jm

**MOTION - Reconsider Action on LB 38**

Mr. R. Johnson renewed his pending motion found in the Journal on page 1207 to reconsider the indefinitely postponed motion on LB 38.

Mr. Sieck moved the previous question. The question is, "Shall the debate now close?" The motion lost with 17 ayes, 6 nays, and 26 not voting.

Mr. Lamb moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. R. Johnson moved for a call of the house. The motion prevailed with 12 ayes, 0 nays, and 37 not voting.

Mr. R. Johnson requested a roll call vote on his motion to reconsider action on LB 38.

Voting in the affirmative, 20:

| | | | | |
|---|---|---|---|---|
| Baack | Eret | Johnson, L. | Miller | Remmers |
| Barrett | Goll | Johnson, R. | Morehead | Rogers |
| Beyer | Haberman | Lamb | Nichol | Schmit |
| Carsten | Hefner | Landis | Peterson | Sieck |

Voting in the negative, 25:

| | | | | |
|---|---|---|---|---|
| Abboud | Hall | Hoagland | Marsh | Scofield |
| Chizek | Hannibal | Johnson, V. | Nelson | Smith |
| Conway | Harris | Labedz | Pappas | Vickers |
| DeCamp | Hartnett | Lundy | Pirsch | Warner |
| Goodrich | Higgins | Lynch | Rupp | Wesely |

Absent and not voting, 1:

Withem

Excused and not voting, 3:

Beutler Chambers Chronister

The R. Johnson motion to reconsider action lost with 20 ayes, 25 nays, 1 absent and not voting, and 3 excused and not voting.

The Chair declared the call raised.

## STANDING COMMITTEE REPORT
### Banking, Commerce and Insurance

**LEGISLATIVE BILL 305.** Placed on General File as amended.
Standing Committee amendment to LB 305:
AM0889

1. On page 3, after line 17, insert the following new subsection:

"(2) If coverage is not provided for Part A Medicare eligible expenses incurred in an amount equal to the amount deductible under Medicare for skilled nursing care in skilled nursing facility from the twenty-first day through the one hundredth day of such care for any benefit period, that fact shall be disclosed in writing to any prospective insured in (a) the application for such policy, (b) the outline of coverage for such policy provided pursuant to section 44-3605, and (c) the policy itself."; in line 18 strike "(2)", show as stricken, and insert "(3)"; and in line 26 strike "(3)" show as stricken, and insert "(4)".

(Signed) John DeCamp, Chairperson

## UNANIMOUS CONSENT - Print in Journal

Mr. Pappas asked unanimous consent to print the following amendment to LB 107 in the Journal. No objections. So ordered.

(Amendments to Standing Committee Amendments)
1. On page 2, line 5, after the period insert, "The department may contract for services which are necessary to carry out its duties."

## SELECT FILE

**LEGISLATIVE BILL 213.** Mrs. Morehead asked unanimous consent to withdraw her pending amendment, AM0623, found in the Journal on page 1334. No objections. So ordered.

Mr. Conway offered the following amendment:

Strike beginning on line 1, page 5, "does not perform substantial supervisory activities", and insert, "is not determined to be a supervisor by definition for at least 75% of the employee's monthly work period."

Mr. Conway asked unanimous consent to withdraw his pending amendment. No objections. So ordered.

Mr. Hefner requested a machine vote on the advancement of the bill.

Mr. Wesely moved for a call of the house. The motion prevailed with 12 ayes, 0 nays, and 37 not voting.

Mr. Wesely requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 19:

| | | | | |
|---|---|---|---|---|
| Abboud | Goodrich | Higgins | Landis | Vickers |
| Chizek | Hall | Hoagland | Lynch | Wesely |
| Conway | Harris | Johnson, V. | Nelson | Withem |
| Eret | Hartnett | Labedz | Scofield | |

Voting in the negative, 22:

| | | | | |
|---|---|---|---|---|
| Baack | DeCamp | Johnson, L. | Nichol | Rupp |
| Barrett | Goll | Johnson, R. | Peterson | Sieck |
| Beutler | Haberman | Lundy | Remmers | Smith |
| Beyer | Hannibal | Marsh | Rogers | Warner |
| Carsten | Hefner | | | |

Present and not voting, 6:

| | | | | |
|---|---|---|---|---|
| Lamb | Morehead | Pappas | Pirsch | Schmit |
| Miller | | | | |

Excused and not voting, 2:

Chambers Chronister

Failed to advance to E & R for Engrossment with 19 ayes, 22 nays, 6 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

**LEGISLATIVE BILL 253A.** Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 250.** E & R amendments, AM5091, found in the Journal on page 1064 for the Forty-Third Day were adopted.

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

Mr. Wesely offered the following amendment:
AM0893

1. Insert new sections as follows:

"Sec. 18. That section 71-6108, Revised Statutes Supplement, 1984, be amended to read as follows:

71-6108. ~~(1) Any person applying for licensure under the Occupational Therapy Practice Act shall, in addition to demonstrating his or her eligibility in accordance with the education and fieldwork requirements of sections 71-6106 and 71-6107, make an application for examination at least thirty days prior to the date of examination upon a form and in such manner as the department shall prescribe. Such application shall be accompanied by the fee prescribed by section 71-6114 and such fee shall not be refunded. A person who fails an examination may submit an application for reexamination. The fee for reexamination shall be the same as that for examination.~~

~~(2)~~ (1) Each applicant for licensure pursuant to the Occupational Therapy Practice Act shall be examined by a written examination which tests his or her knowledge of the basic and clinical sciences relating to occupational therapy and occupational therapy theory and practice including, but not limited to, professional skills and judgment in the utilization of occupational therapy techniques and methods and such other subjects as the board may deem useful to determine the applicant's fitness to practice. The board shall approve the examination and establish standards for acceptable performance. The board may choose a

nationally standardized occupational therapist and occupational therapy assistant entry level examination.

~~(3)~~ (2) Applicants for licensure shall be examined at a time and place and under such supervision as the board may determine. The board shall notify all applicants by mail of the time and place of the examination.

Sec. 19. That section 71-6109, Revised Statutes Supplement, 1984, be amended to read as follows:

71-6109. (1) The department shall grant a license as an occupational therapist or occupational therapy assistant to any applicant who has actively practiced in the respective field for at least one of the five years immediately prior to July 10, 1984, and who is certified as a registered occupational therapist or who is a certified occupational therapy assistant in accordance with guidelines established by a national association upon payment of not less than thirty nor more than fifty dollars as the department shall determine.

~~(2) The department shall grant a license without examination to any foreign-trained applicant who has completed educational and supervised fieldwork requirements approved by the department as substantially equivalent to those contained in sections 71-6106 and 71-6107, upon payment of a fee of not less than thirty nor more than fifty dollars as the department shall determine.~~

~~(3)~~ (2) The department may waive the examination requirements in the Occupational Therapy Practice Act and grant a license to any applicant who presents proof of current licensure as an occupational therapist or occupational therapy assistant in another state, the District of Columbia, or territory of the United States which requires standards for licensure considered by the department to be substantially equivalent to the requirements for licensure of the Occupational Therapy Practice Act.".

2. On page 3, line 11, strike "annually or" and show the old matter as stricken.

3. On page 8, in lines 2 and 3 strike "June", show as stricken, and insert "August".

4. On page 9, line 20, strike "June", show as stricken, and insert "August".

5. On page 20, line 11, strike "and 71-1,162" and insert "71-1,162, 71-6108, and 71-6109".
6. Renumber remaining sections accordingly.

The Wesely amendment was adopted with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 117.** E & R amendments, AM5094, found in the Journal on page 1181 for the Forty-Seventh Day were adopted.

Mr. Hoagland renewed his pending amendment found in the Journal on page 1174.

Mr. Hoagland asked unanimous consent to withdraw his pending amendment. No objections. So ordered.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 359.** E & R amendments, AM5101, found in the Journal on page 1295 for the Fiftieth Day were adopted.

Mr. DeCamp renewed his pending amendment, AM0876, found in the Journal on page 1326.

The DeCamp amendment was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Mr. Hartnett renewed his pending amendment, AM0611, found in the Journal on page 1342.

The Hartnett amendment was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 578.** Advanced to E & R for Engrossment.
**LEGISLATIVE BILL 578A.** Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 132.** E & R amendment, AM5105, found in the Journal on page 1303 for the Fifty-First Day was adopted.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 132A.** Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 496.** E & R amendments, AM5109, found in the Journal on page 1314 for the Fifty-First Day were adopted.

Mr. Hoagland asked unanimous consent to withdraw his pending amendment, AM0622, found in the Journal on page 1122, and AM0727, found in the Journal on page 1137. No objections. So ordered.

Mr. Beutler renewed his pending amendment found in the Journal on page 1261.

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

Mr. Vickers offered the following amendment:

In the general file amendments to the Standing Committee amendments, in Sec. 2, line 3, strike "taxicabs" and show as stricken.

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

Messrs. Hoagland, Beutler, and V. Johnson offered the following amendment:

AM0908

1. In the Morehead-Goll amendments beginning on page 1229 of the Journal, on page 3, strike lines 2 through 6 and insert:

"Sec. 6. Evidence that a person was not wearing a seat belt at the time he or she was injured shall not be admissible in regard to the issue of liability or proximate cause, but may be admissible as evidence concerning mitigation of damages, except that it shall not reduce recovery for damages by more than five per cent.".

**MRS. LABEDZ PRESIDING**

Mr. Chambers offered the following amendment to the pending Hoagland-Beutler-V. Johnson amendment:

In line 7, put a period after "cause" and strike the balance of the paragraph.

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. Chambers asked unanimous consent to withdraw his pending amendment. No objections. So ordered.

**SPEAKER NICHOL PRESIDING**

Messrs. Haberman and Chambers offered the following amendment to the Hoagland-Beutler-V. Johnson amendment:

To amend the Hoagland amendment, AM0908 by striking lines 4 through 10 and inserting the following:

Failure to wear a safety seat belt system, in violation of this act, shall not be considered evidence of negligence nor limit liability of an insurer nor diminish recovery for damages arising out of the ownership, maintenance, or operation of a passenger automobile. In no event shall failure to wear a safety seat belt system be considered as contributory negligence, nor shall the failure to wear a safety seat belt system be admissible as evidence in the trial of any other civil action.

Messrs. Haberman and Chambers asked unanimous consent to withdraw their pending amendment. No objections. So ordered.

Mr. Hoagland moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 1 nay, and 21 not voting.

The Hoagland-Beutler-V. Johnson pending amendment was adopted with 25 ayes, 8 nays, 14 present and not voting, and 2 excused and not voting.

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

Mr. Haberman offered the following amendment:

To amend Sec. 1 line 3 after the word "belt" add "if a seat belt is provided"

Pending.

## SELECT COMMITTEE REPORTS
### Enrollment and Review

### Correctly Engrossed

The following bill was correctly engrossed: 268.

(Signed) Timothy Hall, Chairperson

**Enrollment and Review Change to LB 268**

The following changes, required to be reported for publication in the Journal, have been made:
ER0044

1. In the E & R amendments, AM5093:

a. On page 1, line 23, "and" has been inserted after the semicolon; and

b. On page 2, the matter beginning with the semicolon in line 1 through "stricken" in line 2 and been struck.

(Signed) Mary Sommermeyer
E & R Attorney

**STANDING COMMITTEE REPORT**
**Education**

**LEGISLATIVE BILL 242.** Indefinitely postponed.

(Signed) Tom Vickers, Chairperson

**MOTION - Reconsider Action on LB 60**

Mr. Haberman moved to reconsider the motion to indefinitely postpone LB 60.

Laid over.

**ATTORNEY GENERAL'S OPINION**

Opinion No. 53
April 1, 1985

RE: LB 452

Dear Senator Harris:

You have requested our opinion regarding an amendment to LB 452, which would allow an out-of-state bank holding company to acquire a "problem bank" in Nebraska. Specifically, you have

asked us whether allowing a bank holding company to come into the state for such a limited purpose would, in fact, allow entry of all out-of-state bank holding companies into the state for all purposes. It is our opinion that such limited entry for out-of-state bank holding companies, as proposed by the amendment to LB 452, would not allow entry of all out-of-state bank holding companies into the state for all purposes.

Section 3(d) of the Bank Holding Company Act (also known as the Douglas Amendment) authorizes the states to control acquisition of banks within their borders by out-of-state bank holding companies. Pursuant to that authority, most states have prohibited out-of-state bank holding companies from acquiring a bank within their respective states. Recently, some states have passed legislation authorizing out-of-state bank holdings companies to acquire an in-state bank, under limited circumstances. Opponents of the restrictions have argued that the Douglas Amendment acts as a "on-off switch". That is, if out-of-state bank holding companies are allowed into a state for a limited purpose, then the real effect is to allow all out-of-state bank holding companies to enter the state for any purpose. The argument is that the Douglas Amendment is an all or nothing proposition.

The position is based almost entirely on a textual analysis of the Douglas Amendment. The Douglas Amendment provides that an out-of-state bank holding company is prohibited from acquiring a bank located in another state "unless the acquisition of such shares or assets of a state bank by an out-of-state bank holding company is specifically authorized . . ." Bank of New York C. Inc. 70 Federal Reserve Bulletin 527 (1984) (emphasis supplied). The argument is made that the use of the indefinite article "an" demonstrates that Congress intended that a state statute authorizing acquisition by a single bank under any circumstance would remove the Douglas Amendment's prohibition on interstate acquisition by bank holding companies in that state.

This argument was considered by the Federal Reserve Board in a number of cases. The Board rejected the argument, stating: "Nothing in the history of the Douglas Amendment suggests that the states were to be permitted only to choose between not allowing out-of-state bank holding companies to enter, and allowing completely free entry." Bank of New England Corporation, 70 Federal Reserve Bulletin 374 (1984), Bank of New York Company,l Inc., 70 Federal Reserve Bulletin, 527 (1984), citing Iowa Independent Bankers Association v. Board of Governors of the Federal Reserve System, 511 F.2d 1288 (D.C. Cir.), cert. denied, 423 U.S. 875 (1975).

The issue was recently considered in the case of Northeast Bancorp, Inc. v. Board of Governors of the Federal Reserve System,

740 F.2d 203 (2d Cir. 1984). The court stated that it found nothing in the language or history of the Douglas Amendment to support the contention that the states must either permit all bank holding companies throughout the United States to acquire their banks or to permit none to do so. We would note that the Supreme Court has granted certiorari on this case. Therefore, it is impossible to state without reservation that the Second Circuit's position will be affirmed. However, the weight of authority indicates that it will be upheld. Therefore, the amendment to LB 452 which allows entry of out-of-state bank holding companies into Nebraska in order to acquire a "problem bank" would not inadvertently allow all out-of-state bank holding companies to enter the state at will.

Very truly yours,
ROBERT M. SPIRE
Attorney General
(Signed) Timothy E. Divis
Assistant Attorney General

TED:dr
cc: Patrick J. O'Donnell
Clerk of the Legislature

**UNANIMOUS CONSENT - Print in Journal**

Mr. Hoagland asked unanimous consent to print the following amendment to LB 146 in the Journal. No objections. So ordered.

AM0894

1. Insert the following new section:

"Section 1. That section 24-312, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

24-312. The district judges may interchange~~,~~ and hold each other's court. Whenever ~~; and whenever~~ it shall appear by affidavit, to the satisfaction of any district judge in the state, that the judge of any other district is unable to act, on account of sickness, interest, or absence from the district~~,~~ or from any other cause, the judge to whom application may be made shall have power to make any order~~,~~ or do any act relative to any suit, judicial matter, or proceeding, or to any special matter arising within the district where such vacancy or disability exists~~,~~ which the judge of such district court could make or do. The ~~; and the~~ order or act shall have the same effect as if made or

done by the judge of such district.

A district judge may appoint by order a consenting county judge residing in the district to act as a district judge in specific instances on any matter over which the district court has determined that it has jurisdiction over the parties and subject matter, except appeals from the county court. The appointed county judge shall have power to make any order or do any act relative to any suit, judicial matter, or proceeding or to any special matter which the district judge of such district could make or do if (1) all parties have consented to the appointment or (2) no party has objected to the appointment within ten days after service of the order of appointment upon him or her. Such order or act shall have the same effect as if made or done by the district judge of such district. A copy of the order of appointment shall be filed in each action in which a county judge acts as a district judge.".

2. On page 9, line 5, after "sections" insert "24-312,".

3. Renumber remaining sections accordingly.

## VISITORS

Visitors to the Chamber were 60 fourth grade students and teachers from Davenport and Washington School, Fremont; 78 fourth grade students and teachers from Golden Hills School, Omaha; and 43 grade school students, teacher and coordinator from Broadwater Angora, District 41, Chadron.

## RECESS

At 11:56 a.m., on a motion by Mr. Miller, the Legislature recessed until 1:30 p.m.

## AFTER RECESS

The Legislature reconvened at 1:30 p.m., President McGinley presiding.

## ROLL CALL

The roll was called and all members were present except Messrs. Chronister, V. Johnson, Miller, Pappas, Sieck, and Mrs. Pirsch who

were excused until they arrive.

## SELECT FILE

**LEGISLATIVE BILL 496.** The Haberman pending amendment found in this day's Journal on page 1359 was renewed.

Mrs. Morehead offered the following amendment to the pending Haberman amendment:
add "by the manufacturer"

Mrs. Morehead asked unanimous consent to withdraw her pending amendment. No objections. So ordered.

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

Mr. Haberman requested a roll call vote on his amendment.

Voting in the affirmative, 16:

| | | | | |
|---|---|---|---|---|
| Abboud | Conway | Hall | Labedz | Peterson |
| Barrett | Eret | Johnson, R. | Lamb | Pirsch |
| Carsten | Haberman | Johnson, V. | Landis | Vickers |
| Chambers | | | | |

Voting in the negative, 18:

| | | | | |
|---|---|---|---|---|
| Baack | Goll | Marsh | Rupp | Warner |
| Beutler | Hoagland | Morehead | Schmit | Wesely |
| Beyer | Johnson, L. | Remmers | Smith | Withem |
| Chizek | Lundy | Rogers | | |

Present and not voting, 13:

| | | | | |
|---|---|---|---|---|
| DeCamp | Harris | Higgins | Nelson | Scofield |
| Goodrich | Hartnett | Lynch | Nichol | Sieck |
| Hannibal | Hefner | Miller | | |

Excused and not voting, 2:

Chronister Pappas

The Haberman amendment lost with 16 ayes, 18 nays, 13 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

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

Mr. Hall offered the following amendment:
Sec. 4. Page 2
Strike: twenty-five dollars,
insert: ten dollars,

Mr. Hall moved for a call of the house. The motion prevailed with 9 ayes, 0 nays, and 40 not voting.

Mr. Hall requested a roll call vote on his amendment.

Voting in the affirmative, 22:

| | | | | |
|---|---|---|---|---|
| Abboud | Haberman | Labedz | Nichol | Scofield |
| Carsten | Hall | Lamb | Pappas | Sieck |
| Chambers | Hannibal | Lynch | Peterson | Vickers |
| Chizek | Hartnett | Nelson | Pirsch | Withem |
| Eret | Johnson, R. | | | |

Voting in the negative, 19:

| | | | | |
|---|---|---|---|---|
| Baack | Goll | Johnson, L. | Morehead | Smith |
| Barrett | Goodrich | Johnson, V. | Remmers | Warner |
| Beutler | Hefner | Landis | Rogers | Wesely |
| Beyer | Hoagland | Lundy | Rupp | |

Present and not voting, 6:

| | | | | |
|---|---|---|---|---|
| Conway | Harris | Higgins | Miller | Schmit |
| DeCamp | | | | |

Absent and not voting, 1:

Marsh

Excused and not voting, 1:

Chronister

The Hall amendment lost with 22 ayes, 19 nays, 6 present and not voting, 1 absent and not voting, and 1 excused and not voting.

The Chair declared the call raised.

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

Pending.

## ATTORNEY GENERAL'S OPINION

Opinion No. 54
April 2, 1985

Dear Senator Wesely:

You have requested our opinion as to the constitutionality of a proposed amendment to LB 325. Generally, the amendment would allow an employee who terminates from state employment, then later returns to state employment within five years of the termination, to count the previous years of employment for vesting purposes of employer retirement contributions.

Presently, under Neb.Rev.Stat. §84-1322 (Reissue 1981), a member of the State Employees Retirement System who terminates employment is considered a new employee upon their return to state employment. Pursuant to Neb.Rev.Stat. §84-1321 (Supp. 1984), an employee who terminates employment, who has not been a member of the system for five years, forfeits his or her rights to receive any state retirement contributions to the system.

Under the proposed amendment to LB 325, an employee returning to work, who was not a member of the system for five years prior to terminating their original employment, would have no claim to state contributions made during the first period of employment. The amendment would, however, allow the returning employee to count the previous period of service to determine when the employee would become vested in the new state contributions.

The only potential constitutional issue we foresee is whether the proposed amendment to LB 325 would violate the provisions of Article III, Section 19, of the Nebraska Constitution. Article III, Section 19, provides, in part:

The Legislature shall never grant any extra compensation to any

public officer, agent, or servant after the services have been rendered nor to any contractor after the contract has been entered into, except that 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, . . . .

As was noted, an employee returning to state employment would not be granted any entitlement to state retirement contributions previously forfeited upon leaving their original employment. The amendment would simply grant employees returning to state employment credit for their prior years of service for purposes of determining when they become vested in their new employer contributions. Under these circumstances, we do not believe the proposed amendment to LB 325 would provide a grant of "extra compensation" within the meaning of the prohibition contained in Article III, Section 19.

Based on the foregoing, it is our opinion that the proposed amendment to LB 325 does not violate the provisions of Article III, Section 19, of the Nebraska Constitution.

Very truly yours,
ROBERT M. SPIRE
Attorney General
(Signed) L. Jay Bartel
Assistant Attorney General

LJB:ejg
cc: Patrick J. O'Donnell
Clerk of the Legislature

**UNANIMOUS CONSENT - Print in Journal**

Mr. Wesely asked unanimous consent to print the following amendment to LB 569 in the Journal. No objections. So ordered.

AM0872

1. Insert the following new section:

"Sec. 3. That section 79-2647, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-2647. A vacancy on any board shall exist in the event of the death, disability, resignation, or removal from the area of any member. After notice and hearing, a vacancy shall also exist in the event of the absence of any director from more than two consecutive regular meetings of the board, unless such absences are

excused by a majority of the remaining board members. In the event of a vacancy from any of such causes or otherwise, such vacancy shall be filled by the remaining board members for the balance of the unexpired term. Any person so named to fill a vacancy shall have the same qualifications as his or her immediate predecessor. Such appointment shall be made in writing and certified to the office of the Secretary of State. If, after an election, there shall through any cause whatsoever be a vacancy upon the ballot, such vacancy shall be filled by a petition candidate pursuant to section 32-537. An incumbent shall not be permitted to hold over the term, but such office shall automatically become vacant and an appointment shall be made within one calendar month to fill such vacancy for the ensuing term.".

2. On page 4, line 12, strike "and" and insert a comma; and in line 13 after the first comma insert "and 79-2647,".

3. Renumber remaining sections accordingly.

Mr. Warner asked unanimous consent to print the following amendment to LB 662 in the Journal. No objections. So ordered.

AM0890

(Amendments to Final Reading Copy)

1. Insert a new section as follows:

"Sec. 59. For purposes of providing the increased state revenue required due to section 17 of this act, there shall be imposed, effective January 1, 1989, a sales and use tax of four per cent in addition to the tax imposed under Chapter 77, article 27. Such tax shall be interpreted, collected, remitted, and enforced by the Tax Commissioner under the provisions of Chapter 77, article 27. Except for the proceeds derived from motor vehicles, trailers, and semitrailers, which shall be credited to the Highway Allocation Fund, all proceeds from the additional tax established by this section shall be used to provide aid to schools to insure compliance with section 17 of this act.".

2. On page 54, line 22, strike "and 60" and insert "59 and 61"; and in line 24 strike "61" and insert "62".

3. Renumber sections accordingly.

Mr. Beutler asked unanimous consent to print the following

amendment to LB 451 in the Journal. No objections. So ordered.

AM0918

1. On page 2, line 3, before "No" insert "(1)"; in line 4 after the comma insert "(2) no spouse of any director or officer, (3)" and strike "or director"; in line 5 after "and" insert "(4)"; in line 6 strike "or director"; in line 16 strike "(1)", show as stricken, and insert "(a)"; in line 17 strike the comma and show as stricken; and in line 21 strike "(2)", show as stricken, and insert "(b)".

2. On page 3, line 12, strike the second "or" and show as stricken; in line 13 after "or" insert "any"; in line 18 before "No" insert "(1)"; in line 19 after the comma insert "(2) no spouse of any director or officer, (3)"; in line 20 strike "or director"; and in line 22 after "and" insert "(4)" and strike "or director".

Mr. Beutler asked unanimous consent to print the following amendment to LB 451 in the Journal. No objections. So ordered.

AM0912

1. Insert the following new sections:

Sec. 2. If an examiner of a trust company has knowledge (1) of the insolvency or unsafe condition of any such company, (2) that there are bad or doubtful assets in such company, (3) that any such company has violated any law governing its conduct, or (4) that it is unsafe and inexpedient to permit such company to continue business, and fails to promptly report such fact in writing over his or her signature to the Department of Banking and Finance, he or she shall be guilty of a Class II misdemeanor and shall forfeit his or her office.

Sec. 3. No trust company shall accept or receive any money, bank bills, United States treasury notes or currency, or other notes, bills, checks, drafts, credits, or currency as a deposit or for a certificate of indebtedness or other deposit-type account when such company is insolvent. If any trust company receives or accepts any such funds when such company is insolvent, the officer, agent, or employee knowingly receiving or accepting or permitting the receipt of such funds shall be guilty of a Class III

felony.

Sec. 4. If an examiner of a building and loan association has knowledge (1) of the insolvency or unsafe condition of any such association, (2) that there are bad or doubtful assets in such association, (3) that any such association has violated any law governing its conduct, or (4) that it is unsafe and inexpedient to permit such association to continue business, and fails to promptly report such fact in writing over his or her signature to the Department of Banking and Finance, he or she shall be guilty of a Class II misdemeanor and shall forfeit his or her office.

Sec. 5. No building and loan association shall accept or receive any money, bank bills, United States treasury notes or currency, or other notes, bills, checks, drafts, credits, or currency for premiums, certificates of indebtedness, or other deposit-type accounts when such association is insolvent. If any such association receives or accepts any such funds when such association is insolvent, the officer, agent, or employee knowingly receiving or accepting or permitting the receipt of such funds shall be guilty of a Class III felony.

Sec. 6. If an examiner of an industrial loan and investment company has knowledge (1) of the insolvency or unsafe condition of any such company, (2) that such company has bad or doubtful assets, (3) that any such company has violated any law governing its conduct, or (4) that it is unsafe and inexpedient to permit such company to continue business, and fails to promptly report such fact in writing over his or her signature to the Department of Banking and Finance, he or she shall be guilty of a Class II misdemeanor and shall forfeit his or her office.

Sec. 8. No industrial loan and investment company shall accept or receive any money, bank bills, United States treasury notes or currency, or other notes, bills, checks, drafts, credits, or currency for certificates of indebtedness or other deposit-type accounts when such industrial loan and investment company is insolvent. If any industrial loan and investment company receives or accepts any such funds for any certificate of indebtedness or deposit-type accounts when such industrial savings and investment company is insolvent, the officer, agent, or employee

knowingly receiving or accepting or permitting the receipt of such funds shall be guilty of a Class III felony.

Sec. 9. If an examiner of a cooperative credit association has knowledge (1) of the insolvency or unsafe condition of any such association, (2) that there are bad or doubtful assets in such association, (3) that any such association has violated any law governing its conduct, or (4) that it is unsafe and inexpedient to permit such association to continue business, and fails to promptly report such fact in writing over his or her signature to the Department of Banking and Finance, he or she shall be guilty of a Class II misdemeanor and shall forfeit his or her office.

Sec. 10. No cooperative credit association shall accept or receive any money, bank bills, United States treasury notes or currency, or other notes, bills, checks, drafts, credits, or currency for certificates of indebtedness or other deposit-type account when such association is insolvent. If any cooperative credit association receives or accepts any such funds when such association is insolvent, the officer, agent, or employee knowingly receiving or accepting or permitting the receipt of such funds shall be guilty of a Class III felony.

Sec. 11. If an examiner of a credit union has knowledge (1) of the insolvency or unsafe condition of any such credit union, (2) that there are bad or doubtful assets in such credit union, (3) that any such credit union has violated any law governing its conduct, or (4) that it is unsafe and inexpedient to permit such credit union to continue business, and fails to promptly report such fact in writing over his or her signature to the Department of Banking and Finance, he or she shall be guilty of a Class II misdemeanor and shall forfeit his or her office.

Sec. 12. No credit union shall accept or receive any money, bank bills, United States treasury notes, or currency, or other notes, bills, checks, drafts, credits, or currency for certificates of indebtedness or other deposit-type account when such credit union is insolvent. If any credit union receives or accepts any such funds when such credit union is insolvent, the officer, agent, or employee knowingly

receiving or accepting or permitting the receipt of such funds shall be guilty of a Class III felony.

2. Renumber original section 3 as section 13.

## STANDING COMMITTEE REPORT
### Education

**LEGISLATIVE BILL 204.** Placed on General File.

(Signed) Tom Vickers, Chairperson

## SELECT FILE

**LEGISLATIVE BILL 496.** Mr. Vickers offered the following amendment:

To amend LB 496 as amended by the Morehead-Hall amendment to the Standing Committee amendment as follows:
Sec. 2, line 2, insert after "later":
and all school buses

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

Mr. Hefner moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Vickers moved for a call of the house. The motion prevailed with 12 ayes, 3 nays, and 34 not voting.

Mr. Vickers requested a roll call vote on his amendment.

Voting in the affirmative, 14:

| | | | | |
|---|---|---|---|---|
| Abboud | DeCamp | Hall | Pappas | Schmit |
| Carsten | Eret | Labedz | Peterson | Vickers |
| Chambers | Haberman | Lamb | Pirsch | |

Voting in the negative, 24:

| | | | | |
|---|---|---|---|---|
| Baack | Goodrich | Johnson, V. | Morehead | Sieck |
| Beutler | Hannibal | Landis | Nichol | Warner |
| Beyer | Hoagland | Lundy | Remmers | Wesely |
| Conway | Johnson, L. | Lynch | Rogers | Withem |
| Goll | Johnson, R. | Miller | Rupp | |

Present and not voting, 9:

| | | | | |
|---|---|---|---|---|
| Chizek | Hartnett | Higgins | Nelson | Smith |
| Harris | Hefner | Marsh | Scofield | |

Excused and not voting, 2:

Barrett Chronister

The Vickers amendment lost with 14 ayes, 24 nays, 9 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

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

Mr. Vickers moved to indefinitely postpone LB 496.

Mr. V. Johnson asked unanimous consent to be excused. No objections. So ordered.

**SPEAKER NICHOL PRESIDING**

Mr. Lundy moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 4 nays, and 20 not voting.

Mr. Vickers moved for a call of the house. The motion prevailed with 16 ayes, 0 nays, and 33 not voting.

Mr. Vickers requested a roll call vote on his motion to indefinitely postpone LB 496.

Voting in the affirmative, 19:

| | | | | |
|---|---|---|---|---|
| Abboud | DeCamp | Hannibal | Landis | Scofield |
| Barrett | Eret | Johnson, R. | Nichol | Vickers |
| Carsten | Haberman | Labedz | Peterson | Wesely |
| Chambers | Hall | Lamb | Rupp | |

Voting in the negative, 25:

| | | | | |
|---|---|---|---|---|
| Baack | Beutler | Beyer | Chizek | Conway |

| | | | | |
|---|---|---|---|---|
| Goll | Higgins | Lynch | Nelson | Rogers |
| Goodrich | Hoagland | Marsh | Pappas | Smith |
| Harris | Johnson, L. | Miller | Pirsch | Warner |
| Hefner | Lundy | Morehead | Remmers | Withem |

Present and not voting, 2:

Hartnett Sieck

Excused and not voting, 3:

Chronister Johnson, V. Schmit

The Vickers motion lost with 19 ayes, 25 nays, 2 present and not voting, and 3 excused and not voting.

Pending.

The Chair declared the call raised.

## UNANIMOUS CONSENT - Print in Journal

Mr. Schmit asked unanimous consent to print the following amendment to LB 585 in the Journal. No objections. So ordered.

AM0901

1. On page 3, after line 6, insert the following new subsection:

"(6) No licensee shall be deemed to have authorized an anatomical gift if neither notation authorized in subsection (1) or (5) of this section has been marked."; and in line 7 strike "(6)" and insert "(7)".

Ms. Scofield and Mr. Hannibal asked unanimous consent to print the following amendment to LB 279 in the Journal. No objections. So ordered.

On page 12, line 21 after "state" insert:
"due to natural disaster which causes substantial loss to the Nebraska-grown crop"

## RESOLUTION

**LEGISLATIVE RESOLUTION 80.**

Introduced by Abboud, 12th District; Baack, 47th District; Barrett, 39th District; Beutler, 28th District; Beyer, 3rd District; Carsten, 2nd District; Chizek, 31st District; Conway, 17th District; DeCamp, 40th District; Eret, 32nd District; Goll, 16th District; Goodrich, 20th District; Haberman, 44th District; Hall, 7th District; Hannibal, 4th District; Harris, 27th District; Hartnett, 45th District; Hefner, 19th District; Higgins, 9th District; Hoagland, 6th District; L. Johnson, 15th District; R. Johnson, 34th District; V. Johnson, 8th District; Labedz, 5th District; Lamb, 43rd District; Landis, 46th District; Lundy, 36th District; Lynch, 13th District; Marsh, 29th District; Nelson, 35th District; Nichol, 48th District; Peterson, 21st District; Remmers, 1st District; Rogers, 41st District; Rupp, 22nd District; Schmit, 23rd District; Scofield, 49th District; Sieck, 24th District; Smith, 33rd District; Vickers, 38th District; Warner, 25th District; Wesely, 26th District; Withem, 14th District.

WHEREAS, John James Audubon was born April 26, 1785, and lived a portion of his life in our neighboring state of Missouri; and

WHEREAS, the National Audubon Society was established in 1905 to honor the life and works of John James Audubon; and

WHEREAS, there are over 500 Audubon Societies in the United States including Omaha, Lincoln, Hastings, Kearney, Scottsbluff, Norfolk-Wayne, and North Platte with a total of 3000 members in Nebraska; and

WHEREAS, John James Audubon played a role in the exploration of the territory now comprising Nebraska including extensive travels in the state and meticulous observations of the plants and wildlife he saw; and

WHEREAS, John James Audubon was the first to identify the Western Meadowlark, the Nebraska State Bird.

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

1. That the month of April 1985 be recognized as NEBRASKA AUDUBON BICENTENNIAL MONTH in honor of John James Audubon, a great pioneer ornithologist and artist.

2. That a copy of this resolution be forwarded to the National Audubon Society and the Nebraska Audubon Council, representing the chapters of the National Audubon Society in Nebraska.

Laid over.

**UNANIMOUS CONSENT - Print in Journal**

Mr. Hoagland asked unanimous consent to print the following amendment to LB 447 in the Journal. No objections. So ordered.

(Amendment printed separate from the Journal and on file in the Clerk's Office - Room 1102 - AM0895.)

## STANDING COMMITTEE REPORT
### Revenue

**LEGISLATIVE BILL 505.** Placed on General File as amended. (Standing Committee amendments printed separate from the Journal and on file in the Clerk's Office - Room 1102 - AM0852.)

(Signed) Vard Johnson, Chairperson

## SELECT FILE

**LEGISLATIVE BILL 130.** E & R amendments, AM5110, found in the Journal on page 1315 for the Fifty-First Day were adopted.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 61.** E & R amendment, AM5113, found in the Journal on page 1331 for the Fifty-Second Day was adopted.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 280.** E & R amendment, AM5111, found in the Journal on page 1332 for the Fifty-Second Day was adopted.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 280A.** Advanced to E & R for Engrossment.
**LEGISLATIVE BILL 287.** Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 533.** E & R amendments, AM5103, found in the Journal on page 1302 for the Fifty-First Day were adopted.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 336.** Advanced to E & R for Engrossment.
**LEGISLATIVE BILL 259.** Advanced to E & R for Engrossment.
**LEGISLATIVE BILL 108.** Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 700.** E & R amendments, AM5107, found in

the Journal on page 1310 for the Fifty-First Day were adopted.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 209A.** Advanced to E & R for Engrossment.
**LEGISLATIVE BILL 269A.** Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 407A.** Mr. Chambers requested a machine vote on the advancement of the bill.

Mr. Wesely moved for a call of the house. The motion prevailed with 21 ayes, 0 nays, and 28 not voting.

Advanced to E & R for Engrossment with 31 ayes, 8 nays, 7 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

**LEGISLATIVE BILL 552A.** E & R amendment, AM5108, found in the Journal on page 1310 for the Fifty-First Day was adopted.

Advanced to E & R for Engrossment.

## UNANIMOUS CONSENT - Print in Journal

Mrs. Marsh asked unanimous consent to print the following amendment to LB 383 in the Journal. No objections. So ordered.

AM0913

1. Insert the following new sections:

"Sec. 4. As used in section 5 of this act, flammable liquids shall include kerosene, heating oils, gasoline, and all other combustible liquids subject to the rules and regulations adopted by the State Fire Marshal in accordance with section 81-502.

Sec. 5. (1) Automotive service stations shall store in underground tanks:

(a) Kerosene and heating oil in quantities greater than five hundred gallons; and

(b) All other flammable liquids in quantities greater than sixty gallons.

(2) If high water table conditions will not warrant underground installation as reasonably feasible or practicable, subsection (1) of this section shall not apply.

(3) Any person, firm, or corporation who violates this section shall be guilty of a Class III misdemeanor.".

## SELECT FILE

**LEGISLATIVE BILL 496.** Considered.

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

Mr. Chambers requested a machine vote on the advancement of the bill.

Mrs. Morehead requested a roll call vote on the advancement of the bill

Voting in the affirmative, 25:

| | | | | |
|---|---|---|---|---|
| Baack | Conway | Hefner | Lynch | Remmers |
| Beutler | Goll | Higgins | Marsh | Rogers |
| Beyer | Goodrich | Hoagland | Miller | Smith |
| Chizek | Harris | Johnson, L. | Morehead | Warner |
| Chronister | Hartnett | Lundy | Nelson | Withem |

Voting in the negative, 20:

| | | | | |
|---|---|---|---|---|
| Abboud | DeCamp | Hannibal | Landis | Rupp |
| Barrett | Eret | Johnson, R. | Pappas | Scofield |
| Carsten | Haberman | Labedz | Peterson | Vickers |
| Chambers | Hall | Lamb | Pirsch | Wesely |

Present and not voting, 2:

Nichol Sieck

Excused and not voting, 2:

Johnson, V. Schmit

Advanced to E & R for Engrossment with 25 ayes, 20 nays, 2 present and not voting, and 2 excused and not voting.

## VISITORS

Visitors to the Chamber were 42 third and fourth grade students and teachers from Lost Creek Elementary School, Columbus; and 15 students, teacher, and sponsors from District 100R, Gothenberg.

## ADJOURNMENT

At 4:11 p.m., on a motion by Mr. Lynch, the Legislature adjourned until 9:00 a.m., Thursday, April 4, 1985.

Patrick J. O'Donnell
Clerk of the Legislature

# FIFTY-FOURTH DAY - APRIL 4, 1985

# LEGISLATIVE JOURNAL

# FIFTY-FOURTH DAY - APRIL 4, 1985

## LEGISLATIVE JOURNAL

## EIGHTY-NINTH LEGISLATURE
## FIRST SESSION

## FIFTY-FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, April 4, 1985

Pursuant to adjournment, the Legislature met at 9:03 a.m., Speaker Nichol presiding.

## PRAYER

The prayer was offered by Reverend Louise Munkel, Christ Unity Church, Lincoln, Nebraska.

## ROLL CALL

The roll was called and all members were present except Mr. Haberman who was excused; and Messrs. Chambers, Hall, Rupp, Schmit, Warner, and Mrs. Smith who were excused until they arrive.

## CORRECTIONS FOR THE JOURNAL

The Journal for the Fifty-Third Day was approved.

## SELECT COMMITTEE REPORTS
### Enrollment and Review

**LEGISLATIVE BILL 395.** Placed on Select File as amended.
E & R amendments to LB 395:
AM5114

1. In the Beyer amendment, AM0774, adopted on April 1, 1985, on page 1, line 10, strike "17" and insert "16".

2. In the Standing Committee amendment, AM0256, adopted April 1, 1985:

a. On page 1, line 9, strike "the period" and

insert " 'same' "; and strike beginning with the comma in line 9 through "period" in line 11;

b. On page 2, line 26, after "and" insert "in";

c. On page 3, line 9, strike the semicolon and insert an underscored comma; and

d. Insert a new amendment as follows:

"13. Renumber the remaining sections accordingly.".

3. On page 1, line 2, after "60-1303" insert ", 60-1305"; in line 9 after the first semicolon insert "to create a fund;" and after the second semicolon insert "to provide an operative date;"; and in line 10 after "sections" insert ", and also section 60-1304, Reissue Revised Statutes of Nebraska, 1943".

4. On page 6, line 13, strike the first "and", show as stricken, and insert an underscored comma.

5. On page 9, line 14, strike ", or", show as stricken, and insert an underscored semicolon; and in line 20 strike the comma, show as stricken, and insert an underscored semicolon.

6. On page 11, lines 1 and 23, strike the first comma and show as stricken.

7. On page 15, line 11, strike the comma and show as stricken.

8. On page 17, line 16, reinstate the stricken comma.

9. On page 19, line 10, strike the comma; and in lines 21 and 24 strike the comma and show as stricken.

10. On page 22, line 9, after "81-2009" insert an underscored comma; and in line 27 strike the semicolon, show as stricken, and insert an underscored comma.

11. On page 23, lines 5, 10, 25, and 27, strike the semicolon, show as stricken, and insert an underscored comma; in line 13 strike the comma, show as stricken, and insert "and"; and in line 21 strike the semicolon and insert an underscored comma.

**LEGISLATIVE BILL 488.** Placed on Select File as amended.
E & R amendments to LB 488:
AM5115

1. For purposes of correlation with section

2, LB 103, in the Standing Committee amendment, AM0412, adopted April 1, 1985:

a. Strike section 5 and insert the following new section:

"Sec. 5. That section 46-241, Reissue Revised Statutes of Nebraska, 1943, as amended by section 2, Legislative Bill 103, Eighty-ninth Legislature, First Session, 1985, be amended to read as follows:

46-241. (1) Every person intending to construct and operate a storage reservoir for irrigation or any other beneficial purpose or intending to construct and operate a facility for intentional underground water storage and recovery shall, except as provided in sections 46-243 and 46-257, make an application to the Department of Water Resources upon the prescribed form. Such application shall be filed and proceedings had thereunder in the same manner and under the same rules and regulations as other applications. Upon the approval of such application, the applicant shall have the right to impound in such reservoir, or store in and recover from such underground water storage facility, all waters not otherwise appropriated and any appropriated water not needed for immediate use, to construct and operate necessary ditches for the purpose of conducting water to such storage reservoir or facility, and to condemn land for such reservoir, ditches, or other facility. The procedure to condemn property shall be exercised in the manner set forth in sections 76-704 to 76-724.

(2) The owner of a storage reservoir or facility shall be liable for all damages arising from leakage or overflow of the water therefrom or from the breaking of the embankment of such reservoir. The owner or possessor of a reservoir or intentional underground water storage facility shall not have the right to store water in such reservoir or facility during the time that such water is required in ditches for direct irrigation or for any reservoir or facility holding a senior right. Every person who owns, controls, or operates a reservoir or intentional underground water storage facility, except political subdivisions of this state, shall be required to pass through the outlets of such reservoir or facility, whether presently existing or hereafter constructed, a portion of the measured inflows to furnish water for livestock in such amounts and at such

times as directed by the Department of Water Resources to meet the requirements for such purposes as determined by the department, except that a reservoir or facility owner shall not be required to release water for this purpose which has been legally stored. Any dam shall be constructed in accordance with ~~the provisions of~~ section 46-257, and the outlet works shall be installed in such a manner that water may be released in compliance with ~~the provisions of~~ this section. Whenever any person shall divert water from a public stream and return it into the same stream, he or she may take out the same amount of water, less a reasonable deduction for losses in transit, to be determined by the department, providing no prior appropriator for beneficial use shall be prejudiced by such diversion.

(3) An application for storage and recovery of water ~~incidentally~~ intentionally stored underground may be made only by an appropriator of record who shall show, by documentary evidence, sufficient interest in the underground water storage facility to entitle the applicant to the water requested."; and

b. On page 6, line 7, strike "and"; and in line 8 strike "46-241," and after the quotation marks insert "; and in line 26 after the second comma insert 'and section 46-241, Reissue Revised Statutes of Nebraska, 1943, as amended by section 2, Legislative Bill 103, Eighty-ninth Legislature, First Session, 1985,' ".

2. In the Standing Committee amendments, AM0412, adopted on April 1, 1985, on page 6, line 2, insert underscoring under "actual".

3. On page 1, line 2, after the first comma insert "46-226.01," and after the second comma insert "46-240,"; in line 4 after "1943" insert ", and section 46-241, Reissue Revised Statutes of Nebraska, 1943, as amended by section 2, Legislative Bill 103, Eighty-ninth Legislature, First Session, 1985"; and in line 6 strike "provide additional requirements" and insert "change provisions" and after "to" insert "incidental and intentional".

**LEGISLATIVE BILL 216.** Placed on Select File as amended.
E & R amendment to LB 216:
AM5116

1. On page 2, line 1, after "Revised" insert

"Statutes".

**LEGISLATIVE BILL 383.** Placed on Select File as amended.
E & R amendments to LB 383:
AM5117

1. On page 2, line 1, strike "Sec." and insert "Section"; in line 2 strike "above ground" and insert "aboveground"; and in line 18 strike "Section" and insert "Sec.".

2. On page 4, line 1, after "the" insert "rules and".

**LEGISLATIVE BILL 383A.** Placed on Select File.

**LEGISLATIVE BILL 208.** Placed on Select File as amended.
E & R amendment to LB 208:
AM5118

1. On page 1, line 4, after the semicolon insert "to provide an operative date;".

(Signed) Timothy Hall, Chairperson

## MOTION - Reconsider Action on LB 288

Mr. Sieck renewed his pending motion found in the Journal on page 1297 to reconsider the motion to indefinitely postpone LB 288.

The motion to reconsider prevailed with 25 ayes, 5 nays, 12 present and not voting, and 7 excused and not voting.

## STANDING COMMITTEE REPORTS
### Judiciary

**LEGISLATIVE BILL 529.** Placed on General File as amended.
Standing Committee amendments to LB 529:
AM0864

1. Insert the following new sections:

"Sec. 8. That section 24-541.01, Revised Statutes Supplement, 1984, be amended to read as follows:

24-541.01. (1) Any party may appeal from the final judgment or final order of the county court to the district court of the county where the county court is located, except in cases of appeals from proceedings for the termination of parental rights in the county court

sitting as a juvenile court. The same right of appeal exists in those cases in which a final judgment or final order was entered by a municipal court prior to July 1, 1985.

(2) In cases of appeals from adoption proceedings and proceedings under the Nebraska Probate Code an appeal may also be taken by any person against whom the final judgment or final order may be made or who may be affected thereby.

(3) In cases of appeals from proceedings in the county court sitting as a juvenile court an appeal may be taken by:

(a) The child;

(b) The child's parent, custodian, or guardian; or

(c) The county attorney or petitioner, except that in any case determining delinquency issues in which the child has been placed legally in jeopardy an appeal of such issues may only be taken by exception proceedings pursuant to sections 29-2317 to 29-2319.

(4) In cases of appeals from proceedings for the termination of parental rights in the county court sitting as a juvenile court, the appeal shall be taken directly to the Supreme Court in the same manner as cases appealed from a separate juvenile court pursuant to section 43-2,126.

(5) ~~(4)~~ In cases of appeals from inheritance tax matters an appeal may also be taken by any person dissatisfied with and affected by the appraisement or assessment.

(6) ~~(5)~~ The provisions of sections 24-541.01 to 24-541.10 and 24-551 shall not apply to appeals in eminent domain proceedings as provided in sections 76-715 to 76-723.

Sec. 10. That section 25-1901, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

25-1901. A judgment rendered~~,~~ or final order, except an order in proceedings for the termination of parental rights, made~~,~~ by any tribunal, board, or officer exercising judicial functions~~,~~ and inferior in jurisdiction to the district court~~,~~ may be reversed, vacated, or modified by the district court.

Sec. 11. That section 43-2,106, Reissue Revised Statutes of Nebraska, 1943, be amended to read

as follows:

43-2,106. When a juvenile court proceeding has been instituted before a county court sitting as a juvenile court, the original jurisdiction of the county court shall continue until the final disposition thereof, and except in proceedings for the termination of parental rights appeal may be had to the district court as in civil cases, but no such appeal shall stay the enforcement of any order entered in the county court. After appeal has been filed, the district court, upon application and hearing, may stay any order, judgment, or decree on appeal if suitable arrangement is made for the care and custody of the juvenile. The county court shall continue to exercise supervision over the juvenile until a hearing is had in the district court and the district court enters an order making other disposition. If the district court adjudges the juvenile to be a juvenile ~~defined in~~ meeting the criteria established in subdivision (1), (2), (3), or (4) of section 43-247, the district court shall affirm the disposition made by the county court, unless it is shown by clear and convincing evidence that the disposition of the county court is not in the best interest of such juvenile. Upon determination of the appeal, the district court shall remand the case to the county court for further proceedings consistent with the determination of the district court. In the event of an appeal of a proceeding for termination of parental rights, the matter shall be reviewed by the Supreme Court of Nebraska within the same time and in the same manner prescribed by law for review of an order or judgment of the district court, except that such termination order or judgment shall be advanced for argument before the Supreme Court and the Supreme Court, in order to expedite the preferred disposition of the case and the juvenile, shall render the judgment and write an opinion as speedily as possible.".

2. On page 7, strike beginning with "Hear" in line 16 through line 27, show the old matter as stricken, and insert "Conduct any proceeding which is a misdemeanor, traffic infraction, violation of a city or village ordinance, or a traffic violation or infraction under the laws of this state, except the trial of defendants who plead not guilty or for whom a not guilty plea has been entered. Any penalty imposed under this

subdivision shall be made pursuant to a schedule established by the Supreme Court. Such schedule shall not provide for imprisonment;

(2) Conduct any proceeding for the issuance of warrants for arrest or for searches and seizures when no county or district judge is available in the county and the county or district judge serving the county is not available by telephone at the time of the issuance of the warrant and the issuance of such warrant is an emergency;".

3. On page 8, strike lines 1 through 9 and show the old matter as stricken; in line 10 strike "(4)" and insert "(3)"; in line 12 strike ", commitment prior to trial," and show as stricken; in line 18 strike "(5)" and insert "(4)"; in line 23 after the semicolon insert "and"; strike lines 24 and 25 and show the old matter as stricken; and in line 26 strike "(7)" and insert "(5)".

4. On page 14, line 5, after "statutes" insert "other than in sections 2, 9, and 12 of this act"; in line 10 strike "and" and after "24-520," insert "25-1901, and 43-2,106,"; and in line 11 after "24-513" insert ", 24-541.01,".

5. Renumber remaining sections accordingly.

**LEGISLATIVE BILL 542.** Indefinitely postponed.

(Signed) Peter Hoagland, Chairperson

**MR. BEUTLER PRESIDING**

**MOTION - Place LR 33 on General File**

Mr. Peterson asked unanimous consent to withdraw his pending motion found in the Journal on page 1315 to place LR 33 on General File, notwithstanding the action of the Committee on Constitutional Revision and Recreation. No objections. So ordered.

**MOTION - Raise LR 33 From Committee**

Mr. Peterson moved to raise LR 33 notwithstanding the action of the committee, pursuant to Rule 4, Section 9.

Mr. Wesely requested a ruling of the Chair whether LR 33CA should be raised pursuant to Rule 4, Section 9 or Rule 3, Section 17.

Speaker Nichol asked unanimous consent to be excused. No objections. So ordered.

The Chair ruled that the appropriate rule to raise the resolution should be Rule 3, Section 17.

Mr. Peterson challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

Mr. Peterson moved for a call of the house. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

Mr. Peterson requested a roll call vote on his motion to overrule the Chair.

Voting in the affirmative, 20:

| | | | | |
|---|---|---|---|---|
| Baack | Conway | Hartnett | Lynch | Remmers |
| Beyer | DeCamp | Hefner | Pappas | Rogers |
| Carsten | Eret | Johnson, L. | Peterson | Rupp |
| Chronister | Goodrich | Lamb | Pirsch | Sieck |

Voting in the negative, 21:

| | | | | |
|---|---|---|---|---|
| Barrett | Harris | Johnson, V. | Miller | Smith |
| Beutler | Higgins | Labedz | Morehead | Vickers |
| Goll | Hoagland | Landis | Nelson | Wesely |
| Hall | Johnson, R. | Marsh | Scofield | Withem |
| Hannibal | | | | |

Present and not voting, 4:

| | | | |
|---|---|---|---|
| Abboud | Chambers | Chizek | Lundy |

Excused and not voting, 4:

| | | | |
|---|---|---|---|
| Haberman | Nichol | Schmit | Warner |

The Peterson motion to overrule the Chair lost with 20 ayes, 21 nays, 4 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

**MOTION - Place LR 33 on General File**

Mr. Peterson reoffered his motion found in the Journal on page 1315 to place LR 33 on General File, notwithstanding the action of the committee.

Mr. Peterson moved for a call of the house. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

Mr. Peterson requested a roll call vote on his motion to place LR 33 on General File.

Voting in the affirmative, 23:

| | | | | |
|---|---|---|---|---|
| Abboud | DeCamp | Hefner | Morehead | Remmers |
| Baack | Eret | Johnson, L. | Pappas | Rogers |
| Beyer | Goodrich | Lamb | Peterson | Rupp |
| Carsten | Hannibal | Lundy | Pirsch | Sieck |
| Chronister | Hartnett | Miller | | |

Voting in the negative, 21:

| | | | | |
|---|---|---|---|---|
| Barrett | Hall | Johnson, R. | Lynch | Smith |
| Beutler | Harris | Johnson, V. | Marsh | Vickers |
| Chambers | Higgins | Labedz | Nelson | Wesely |
| Conway | Hoagland | Landis | Scofield | Withem |
| Goll | | | | |

Present and not voting, 1:

Chizek

Excused and not voting, 4:

| | | | |
|---|---|---|---|
| Haberman | Nichol | Schmit | Warner |

The Peterson motion lost with 23 ayes, 21 nays, 1 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

## UNANIMOUS CONSENT - Member Excused

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

## GENERAL FILE

**LEGISLATIVE BILL 404.** Title read. Considered.

Standing Committee amendments, AM0682, found in the Journal on page 1076 for the Forty-Third Day were considered.

Mr. Schmit requested a division of the question on the Standing Committee amendments.

The Chair sustained the division of the question.

The first Standing Committee amendments are as follows:

1. On page 2, line 15, after "applications" insert "for registration of motor vehicles"; strike beginning with "a" in line 16 through "evidencing" in line 17; and in line 18 strike the new matter and insert ". Proof of financial responsibility may be evidenced by a copy of proof of financial responsibility filed pursuant to section 60-528 bearing the seal of the Department of Motor Vehicles or by a certificate of insurance. Such certificate of insurance shall be written by an insurance carrier duly authorized to do business in this state and shall certify that there is in effect a motor vehicle liability policy for the benefit of the person required to furnish proof of financial responsibility. Such certificate shall give the effective date of such motor vehicle liability policy, which date shall be the same as the effective date of the certificate, and designate, by explicit description or by appropriate reference all motor vehicles covered thereby, unless the policy is issued to a person who is not the owner of a motor vehicle.".

2. On page 3, line 24, reinstate "furnished" and strike the new matter.

3. On page 4, line 7, strike "50-562 to 50-564" and insert "60-562 to 60-564"; strike beginning with "prescribe" in line 8 through "furnished" in line 9 and insert "issue a copy of such filing with the department's seal affixed"; in line 10 after "a" insert "motor"; in line 11 strike "form" and insert "copy with seal affixed"; in line 15 after "has" insert "in his or her motor vehicle"; strike beginning with "one" in line 16 through "60-528" in line 17 and insert ", current and effective proof of financial responsibility required in section 60-302".

5. Renumber remaining section accordingly.

Mr. Pappas moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The first Standing Committee amendments were adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

The second Standing Committee amendment is as follows:

4. Insert the following new section:

"Sec. 4. When any person insured under an automobile liability policy is involved in an accident in which the license of the operator of another vehicle is suspended pursuant to section 60-507 because the operator failed to provide proof of financial responsibility and there is a reasonable possibility of judgment being rendered against such operator, the insurance carrier covering the insured person shall not surcharge any of the automobile coverages in the insured party's current policy or any subsequent renewal policy for any loss which was sustained by the insured person and covered under such person's automobile liability policy.".

The second Standing Committee amendment was adopted with 27 ayes, 1 nay, 17 present and not voting, and 4 excused and not voting.

Mr. Pappas 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. Conway requested a record vote on the advancement of the bill.

Voting in the affirmative, 29:

| | | | | |
|---|---|---|---|---|
| Baack | Hall | Johnson, V. | Morehead | Rupp |
| Beutler | Hannibal | Labedz | Nelson | Scofield |
| Beyer | Hartnett | Landis | Pappas | Smith |
| Chizek | Higgins | Lundy | Pirsch | Wesely |
| Conway | Hoagland | Lynch | Remmers | Withem |
| Goodrich | Johnson, L. | Marsh | Rogers | |

Voting in the negative, 6:

| | | | | |
|---|---|---|---|---|
| Abboud | Harris | Hefner | Lamb | Sieck |
| Barrett | | | | |

Present and not voting, 10:

| | | | | |
|---|---|---|---|---|
| Carsten | Chronister | Goll | Miller | Schmit |
| Chambers | Eret | Johnson, R. | Peterson | Vickers |

Excused and not voting, 4:

| | | | |
|---|---|---|---|
| DeCamp | Haberman | Nichol | Warner |

Advanced to E & R for Review with 29 ayes, 6 nays, 10 present and not voting, and 4 excused and not voting.

## SELECT COMMITTEE REPORTS
### Enrollment and Review

### Correctly Engrossed

The following bills were correctly engrossed: 215, 341, 356, 384, 569, and 705.

(Signed) Timothy Hall, Chairperson

### Enrollment and Review Change to LB 215

The following changes, required to be reported for publication in the Journal, have been made:
ER0041

1. In lieu of the Warner-Beutler amendment adopted April 1, 1985:

a. Section 8 has been struck and the remaining sections renumbered accordingly;

b. On page 1, line 4, after the first comma "and" has been inserted and "and 79-1056.06," has been struck;

c. On page 2, lines 4 and 9; page 4, line 20; page 6, line 23; and page 7, lines 10 and 17, "9" has been struck and "8" inserted;

d. On page 16, lines 21 and 23, "9" has been struck and "8" inserted; and in line 27 after the second comma "and" has been inserted and the "and" after the last comma has been struck; and

e. On page 17, line 1, "79-1056.06," has been struck.

### Enrollment and Review Change to LB 356

The following changes, required to be reported for publication in the Journal, have been made:
ER0042
1. In the Vickers amendment adopted April 1, 1985, on page 1, line 4, "the second" has been inserted after "after" and "or" has been underscored.

(Signed) Mary Sommermeyer
E & R Attorney

## REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of April 3, 1985. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Ryan, James E. - Lincoln, Nebraska Judicial Council, Wyoming Fuel Company
Singer, Sheryl - Lincoln, Junior League of Lincoln
(Withdrawn 3/27/85)

## UNANIMOUS CONSENT - Print in Journal

Mr. Chambers asked unanimous consent to print the following amendments to LB 496 in the Journal. No objections. So ordered.

(1)
Add new section 1 and renumber accordingly:
"The legislature finds and declares that safety belts do not always prevent persons from being injured in automobile accidents, and that the National Highway Traffic Safety Administration has determined that air bags provide greater safety than safety belts in many instances. The legislature finds further that pressure from the American automobile manufacturers has been the driving force behind this legislation. Were it not for such pressure, this legislation would not be enacted.

(2)
In amendments to Standing Committee amendments:
Strike all of Subsection (2) of Section 5.

(3)

Add new section: "The effective date of this act shall be Sept. 1, 1989."

(4)

In Section 4 of Amendments to Standing Committee amendments: In line 19, strike period and insert: "nor shall any points be assessed against the driving record of such person."

Mrs. Pirsch asked unanimous consent to print the following amendment to LB 496 in the Journal. No objections. So ordered.

Striking lines 7 through 10 in the adopted Amendment # 0908 and inserting the following new language in its place: "liability, proximate cause, or mitigation of damages."

Mrs. Marsh asked unanimous consent to print the following amendment to LB 593 in the Journal. No objections. So ordered.

AM0914

1. Insert the following new section:

"Sec. 3. That section 44-513, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

44-513. Whenever any insurer shall provide by contract, policy, certificate, or any other means whatsoever for a service, or for the partial or total reimbursement, payment, or cost of a service, to or on behalf of any of its policyholders, group policyholders, subscribers, or group subscribers, or any person or group of persons, which service may be legally performed by a person licensed in this state for the practice of osteopathy, chiropractic, optometry, psychology, dentistry, or podiatry, or licensed as a nurse practitioner-anesthetist under sections 71-1730 to 71-1732, the person rendering such service or such policyholder, subscriber, or other person shall be entitled to such partial or total reimbursement, payment, or cost of such service, whether the service is performed by a duly licensed medical doctor or by a duly licensed osteopath, chiropractor, optometrist, psychologist, dentist, ~~or~~ podiatrist, or nurse practitioner-anesthetist. This section shall not limit the negotiation of preferred provider policies and

contracts under sections 44-4101 to 44-4113.".

2. In AM0197, beginning on page 691 of the Journal, on page 2, line 1, strike "14 to 15" and insert "15 and 16".

3. On page 35, line 10, after the first comma insert "44-513,".

4. Renumber the remaining sections accordingly.

Mr. Wesely asked unanimous consent to print the following amendment to LB 60 in the Journal. No objections. So ordered.

AM0898

1. In the Standing Committee Amendments on page 922 of the Journal, on page 1, lines 3 and 8, after "influence" insert "federal".

Mr. Pappas asked unanimous consent to print the following amendment to LB 614 in the Journal. No objections. So ordered.

1. Insert a new section (5) "Sec. 5. (1) Notwithstanding any other provisions in this act a person individual, Nebraska partnership, Nebraska corporation or other Nebraska association that has filed a Chapter 11 Bankruptcy under the Federal Bankruptcy Act shall be liable for the unpaid principal of any debt with a rate of interest not to exceed six (6) percent per annum on the unpaid principal balance.

(2) This section shall only apply to the first three hundred thousand dollars in debts under a Chapter 11 Bankruptcy.

2. Renumber the sections accordingly.

## GENERAL FILE

**LEGISLATIVE BILL 112.** Considered.

Advanced to E & R for Review with 28 ayes, 1 nay, 17 present and not voting, and 3 excused and not voting.

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

**LEGISLATIVE BILL 667.** Title read. Considered.

Standing Committee amendments, AM0723, printed separate from the Journal and referred to on page 1172 were considered.

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

Mrs. Higgins renewed her pending amendment, AM0870, found in the Journal on page 1309 to the Standing Committee amendments.

The Higgins amendment was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

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

The Standing Committee amendments, as amended, were adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Advanced to E & R for Review with 30 ayes, 0 nays, 13 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 645.** Title read. Considered.

Mrs. Higgins moved to indefinitely postpone LB 645.

Mrs. Marsh asked unanimous consent to be excused. No objections. So ordered.

Mr. L. Johnson moved for a call of the house. The motion prevailed with 12 ayes, 0 nays, and 37 not voting.

Mrs. Higgins requested a roll call vote on her motion to indefinitely postpone.

Voting in the affirmative, 15:

| | | | | |
|---|---|---|---|---|
| Baack | Chizek | Higgins | Rogers | Smith |
| Beyer | Conway | Johnson, R. | Scofield | Vickers |
| Carsten | Hefner | Miller | Sieck | Wesely |

Voting in the negative, 23:

| | | | | |
|---|---|---|---|---|
| Abboud | Goodrich | Johnson, L. | Lundy | Rupp |
| Beutler | Hall | Johnson, V. | Morehead | Schmit |
| Chronister | Hannibal | Labedz | Nelson | Warner |
| Eret | Harris | Lamb | Pirsch | Withem |
| Goll | Hoagland | Landis | | |

Present and not voting, 3:

| | | |
|---|---|---|
| Chambers | Hartnett | Remmers |

Absent and not voting, 2:

| | |
|---|---|
| Lynch | Pappas |

Excused and not voting, 6:

| | | | | |
|---|---|---|---|---|
| Barrett | Haberman | Marsh | Nichol | Peterson |
| DeCamp | | | | |

The Higgins motion lost with 15 ayes, 23 nays, 3 present and not voting, 2 absent and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Messrs. Lynch, Pappas, and Chronister asked unanimous consent to be excused. No objections. So ordered.

Mr. L. Johnson moved for a call of the house. The motion prevailed with 10 ayes, 1 nay, and 38 not voting.

Mrs. Higgins requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 19:

| | | | | |
|---|---|---|---|---|
| Abboud | Hall | Johnson, L. | Lundy | Rupp |
| Beutler | Hannibal | Johnson, V. | Morehead | Schmit |
| Goll | Harris | Labedz | Nelson | Withem |
| Goodrich | Hoagland | Lamb | Pirsch | |

Voting in the negative, 17:

| | | | | |
|---|---|---|---|---|
| Baack | Chizek | Landis | Scofield | Vickers |
| Beyer | Hefner | Miller | Sieck | Warner |
| Carsten | Higgins | Rogers | Smith | Wesely |
| Chambers | Johnson, R. | | | |

Present and not voting, 5:

| | | | | |
|---|---|---|---|---|
| Barrett | Conway | Eret | Hartnett | Remmers |

Excused and not voting, 8:

| | | | | |
|---|---|---|---|---|
| Chronister | Haberman | Marsh | Pappas | Peterson |
| DeCamp | Lynch | Nichol | | |

Failed to advance to E & R for Review with 19 ayes, 17 nays, 5 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

## BILL ON FIRST READING

The following bill was read for the first time by title:

**LEGISLATIVE BILL 667A.** By Higgins, 9th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 667, Eighty-ninth Legislature, First Session, 1985.

## UNANIMOUS CONSENT - Print in Journal

Mr. V. Johnson asked unanimous consent to print the following amendment to LB 157 in the Journal. No objections. So ordered.

AM0815

1. On page 2, strike beginning with "and" in line 5 through "thereto" in line 6; and strike beginning with "Interest" in line 11 through the period in line 16.

Mr. Hoagland asked unanimous consent to print the following amendment to LB 146 in the Journal. No objections. So ordered.

AM0920

1. Insert the following new sections:

"Section 1. That section 24-312, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

24-312. The district judges may interchange, and hold each other's court. Whenever ~~; and whenever~~ it shall appear by affidavit, to the satisfaction of any district judge in the state, that the judge of any other district is unable to act, on account of sickness, interest, or absence from the district, or from any other cause, the judge to whom application may be made

shall have power to make any order, or do any act relative to any suit, judicial matter, or proceeding, or to any special matter arising within the district where such vacancy or disability exists, which the judge of such district court could make or do. The ~~; and the~~ order or act shall have the same effect as if made or done by the judge of such district.

A district judge may appoint by order a consenting county judge residing in the district to act as a district judge in specific instances on any matter over which the district court has determined that it has jurisdiction over the parties and subject matter, except appeals from the county court. The appointed county judge shall have power to make any order or do any act relative to any suit, judicial matter, or proceeding or to any special matter which the district judge of such district could make or do if (1) all parties have consented to the appointment or (2) no party has objected to the appointment within ten days after service of the order of appointment upon him or her. Such order or act shall have the same effect as if made or done by the district judge of such district. A copy of the order of appointment shall be filed in each action in which a county judge acts as a district judge.

Sec. 2. That section 24-516, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

24-516. In the event of a vacancy in the office of county judge, or the disqualification, absence, or the temporary incapacity of a county judge, the Chief Justice of the Supreme Court may designate a county judge from another district to temporarily perform the duties of the office. The Chief Justice also may assign a county judge to temporarily perform duties in another district when in his or her opinion such assignment would be beneficial to the administration of justice.

A county judge may appoint by order a consenting district judge residing in the district to act as county judge in specific instances on any matter over which the county court has determined that it has jurisdiction over the parties and subject matter. The appointed district judge shall have power to make any order or do any act relative to any suit, judicial matter, or proceeding or to any special matter which the

county judge of such county could make or do. Such order or act shall have the same effect as if made or done by the county judge of such county. A district judge shall not hear any appeals of matters in which he or she acted as a county judge. A copy of the order of appointment shall be filed in each action in which a district judge acts as a county judge.".

2. On page 9, line 5, after "sections" insert "24-312, 24-516,".

3. Renumber remaining sections accordingly.

## SELECT COMMITTEE REPORTS
### Enrollment and Review

### Correctly Engrossed

The following bills were correctly engrossed: 255, 347, 349, and 441.

(Signed) Timothy Hall, Chairperson

## STANDING COMMITTEE REPORT
### Education

**LEGISLATIVE BILL 182.** Indefinitely postponed.

(Signed) Tom Vickers, Chairperson

## UNANIMOUS CONSENT - Members Excused

Messrs. Beyer, Chambers, Rogers, and Mrs. Labedz asked unanimous consent to be excused until they return. No objections. So ordered.

## GENERAL FILE

**LEGISLATIVE BILL 628.** Title read. Considered.

Standing Committee amendments, AM0750, found in the Journal on page 1209 for the Forty-Eighth Day were adopted with 27 ayes, 0 nays, 10 present and not voting, and 12 excused and not voting.

Mr. Lamb offered the following amendment:

Page 8 line 13 after commission insert "Failure of a member state to provide its share of financing shall be cause for the state to lose its membership in the compact".

The Lamb amendment was adopted with 28 ayes, 0 nays, 9 present and not voting, and 12 excused and not voting.

Messrs. Abboud, L. Johnson, and Goll asked unanimous consent to be excused until they return. No objections. So ordered.

Advanced to E & R for Review with 26 ayes, 0 nays, 8 present and not voting, and 15 excused and not voting.

## UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendment to LB 662 in the Journal. No objections. So ordered.

AM0938

(Amendments to Final Reading Copy)

1. Strike the original sections and all amendments thereto and insert new sections as follows:

"Section 1. (1) The Legislature hereby finds and declares that the issue of property tax relief, school reorganization, financing of educations, establishing standards for quality education, and the issue of just what the entire tax system of the state should be are so inextricable interwoven that only by comprehensively dealing with all of these matters as a single entity can the Legislature ever hope to begin to deal effectively with all of the problems inherent in each of these issues. The Legislature further finds that attempts in past years to deal individually with each of these issues or problems have resulted in a patchwork quilt of legislative enactments which have, in total, only exacerbated the problems inherent in each of the issues.

(2) The Legislature declares that it is the purpose of sections 1 to 8 of this act to provide for the establishment of a complete refinancing system for primary and secondary education in the State of Nebraska which will address effectively the property tax issue, the school reorganization issue, the entire tax system of the State of Nebraska, and such other issues as may be inherent and a part of such issues.

Sec. 2. There is hereby created the State School District which shall include all territory within the outer boundaries of the State of Nebraska. The

purpose of the State School District shall be to insure uniform property taxation for school purposes and equitable distribution of funds to school districts. The existence of the State School District shall not effect the boundaries or existence of any local school district. Except as specifically authorized in sections 1 to 8 of this act, a local school district shall not levy a property tax for any purpose except to retire bonded indebtedness existing on the operative date of this section.

Sec. 3. Each county shall levy a tax of one dollar on each one hundred dollars upon the actual value of all the taxable property in the county. The revenue collected pursuant to such tax shall, within ten days after receipt by the county treasurer, be forwarded to the State Treasurer and placed in the State School District Property Tax Financing Fund, which is hereby created. On or before the fifth day of each month, the State Treasurer shall notify the Commissioner of Education of the amount of money in the fund available for distribution pursuant to sections 4 and 5 of this act. Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1269, and any interest received shall be placed in the fund.

Sec. 4. The State Department of Education shall, on a monthly basis, determine the amount of money to be received by each school district under sections 1 to 8 of this act. The State Department of Education shall notify the Director of Administrative Services on or before the twentieth day of each month of the amount due each school district. The Director of Administrative Services shall issue a warrant to each school district on or before the last day of each month.

Sec. 5. Money in the School District Property Tax Financing Fund shall be distributed to the various school districts based upon the number of students attending public schools in the school district. Each school district shall receive a percentage of the money in the fund equal to the percentage derived by dividing the number of student units in the school district by the number of student units in all school districts in the state. Each student in grades one through eight attending a public school in the school district shall equal one student unit. Each student in grades nine

through twelve attending a public school in the school district shall equal one and one-third student units. The number of student units in a school district shall be determined by the State Department of Education based upon the fall school membership report filed pursuant to section 79-1333.02.

Sec. 6. There is hereby created the Educational Apportionment Fund. Such fund shall consist of money appropriated by the Legislature, federal funds, and all other grants, gifts, and funds made available for schools in this state which are not specifically designated for another purpose. The Legislature shall determine the average per student cost of educating children in this state. The State Department of Education shall distribute funds from the Educational Apportionment Fund to those school districts which receive less than the average per student cost from funds distributed pursuant to section 5 of this act. Each school district receiving funds from the Educational Apportionment Fund shall receive the difference between the amount received under section 5 of this act and the total average per pupil cost for all students attending public schools in the school district.

Any money in the Educational Apportionment Fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1269.

Sec. 7. The school board or board of education for a school district may propose a special property tax levy to meet the financial needs of the district. Such levy shall not remain in effect for more than three years and shall be in the amount specified by the school board or board of education. A special property tax shall not be levied under this section until it has been approved at an election by sixty-five per cent of the registered voters in the school district.

Sec. 8. The Legislature finds that due to geography, demographics, and other special conditions the costs of education in certain areas of the state will be higher than those in other areas. There is hereby created the State Equalization Fund. Money appropriated to such fund by the Legislature shall be distributed to school districts with such special

conditions as specified by the Legislature.

Any money in the State Equalization Fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1269.

Sec. 9. On or before January 10, 1986, the Revenue Committee of the Legislature shall prepare legislation to be placed before the Legislature which shall implement the provisions of sections 1 to 8 of this act. The Department of Revenue and the State Department of Education shall assist such committee in preparing the required legislation.

Sec. 10. Sections 1 to 8 and 11 of this act shall become operative on July 1, 1987, the remaining sections shall become operative on their effective date.

Sec. 11. That sections 79-432 to 79-438, 79-506.01 to 79-506.04, 79-542, 79-548.01, 79-904, 79-1007 to 79-1007.02, 79-1103.02, 79-1330 to 79-1332, 79-1334 to 79-1340, and 79-1342 to 79-1344.01, Reissue Revised Statutes of Nebraska, 1943, and sections 79-4,102, 79-1052, 79-1332.01, 79-1333, and 79-1333.01, Revised Statutes Supplement, 1984 are repealed.

Sec. 12. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

## SELECT COMMITTEE REPORTS
### Enrollment and Review

### Correctly Engrossed

The following bills were correctly engrossed: 368 and 559.

(Signed) Timothy Hall, Chairperson

## STANDING COMMITTEE REPORTS
### Judiciary

**LEGISLATIVE BILL 540.** Placed on General File as amended.
Standing Committee amendments to LB 540:
AM0896

1. On page 6, reinstate the stricken matter beginning with the second stricken comma in line 23 through the stricken comma in line 24.

2. On page 8, strike beginning with "(2)" in line 22 through the period in line 25.

3. On page 9, line 4, strike "(3)" and insert "(2)"; in line 5 after "than" insert "or equal to"; and in line 19 strike "(4)" and insert "(3)".

4. On page 12, line 5, after "circumstances" insert ", including expenses of job retraining or similar employment-related rehabilitative services,".

5. On page 15, line 17, after "act" insert "committed in the State of Nebraska"; and in line 26 after "wages" insert "and future earning capacity".

6. On page 16, line 5, after "Funeral" insert "and burial".

7. On page 17, line 7, after "committee" insert "which may be conducted by means of teleconferance".

8. On page 18, line 14, strike "penal" show as stricken, and insert "criminal"; and in line 19 after "victim" insert "or if the operator is convicted of a violation of section 39-669.07 or 39-669.08".

9. On page 19, line 17, after "incident" insert "unless expenses for job retraining or similar employment-related rehabilitative services for the victim are deemed necessary. In such case, amounts in excess of ten thousand dollars shall be used only for such purposes"; and in line 26 after "1979" insert "or outside the State".

**LEGISLATIVE BILL 462.** Indefinitely postponed.

(Signed) Peter Hoagland, Chairperson

## UNANIMOUS CONSENT - Print in Journal

Mr. Hefner asked unanimous consent to print the following amendment to LB 408 in the Journal. No objections. So ordered.

AM0902

(Amendments to AM0212)

1. Insert the following new section:

"Sec. 33. That section 9-185, Revised Statutes Supplement, 1984, be amended to read as follows:

9-185. (1) The gross proceeds of any lottery or raffle conducted pursuant to section 9-199 or lottery by sale of pickle cards shall be used solely for lawful purposes, awarding of prizes, remission of ~~proper~~ taxes

imposed under section 9-196, and allowable expenses.

(2) Not less than sixty-five per cent of the gross proceeds of any lottery by the sale of pickle cards shall be used for the awarding of prizes and not more than ten per cent of the gross proceeds shall be used to pay the allowable expenses of operating such lottery.

(3) When the gross proceeds of any lottery conducted pursuant to section 9-199 are greater than one thousand dollars, not less than sixty-five per cent of such proceeds shall be used for the awarding of prizes and not more than ten per cent of the gross proceeds shall be used to pay the allowable expenses of operating such scheme.

(4) When the gross proceeds of any raffle conducted pursuant to section 9-199 are greater than five thousand dollars, not less than sixty-five per cent of such proceeds shall be used for the awarding of prizes and not more than ten per cent of the gross proceeds shall be used to pay the allowable expenses of operating such scheme, except that if prizes are donated to the licensee to be awarded in connection with such raffle, the prizes awarded shall have a fair market value equal to at least sixty-five per cent of the gross proceeds and the licensee shall use the proceeds for the remission of taxes imposed under section 9-196, allowable expenses, optional additional prizes, and a lawful purpose pursuant to the Nebraska Bingo and Lottery Control Act.

(5) For the purpose of this section, allowable expenses shall include: (a) All costs associated with the purchasing, printing, or manufacturing of any items to be used or distributed to participants such as tickets or other paraphernalia; (b) all office expenses; (c) all promotional expenses; (d) all salaries of persons employed to operate the lottery by the sale of pickle cards; (e) any rental or lease expense; and (f) any fee paid to any person associated with the operation of any lottery or raffle conducted pursuant to section 9-199 or lottery by the sale of pickle cards.".

2. On page 10, line 14, after the period insert "For purposes of this section, week shall mean any period consisting of seven consecutive days.".

3. On page 11, line 22, before "Except" insert "(1)".

4. On page 12, after line 5, insert the following new subsections:

"(2) In all proceedings initiated in any court or otherwise under the Nebraska Bingo and Lottery Control Act, it shall be the duty of the Attorney General and appropriate county attorney to prosecute and defend all such proceedings. The Attorney General shall have concurrent jurisdiction with the county attorney in the prosecution of offenses under the Nebraska Bingo and Lottery Control Act.

(3) Any prosecution under the Nebraska Bingo and Lottery Control Act shall be instituted within eighteen months from the time the offense was committed.

(4) The failure to do any act required by or under the Nebraska Bingo and Lottery Control Act shall be deemed an act in part in the principal office of the department. Any prosecution under such act may be conducted in any county where the defendant resides or has a place of business or in any county in which any violation occurred.

(5) In the enforcement and investigation of any offense committed under the Nebraska Bingo and Lottery Control Act, the department may call to its aid any sheriff, deputy sheriff, or other peace officer in the state.".

5. On page 26, line 13, strike "and", show as stricken, and insert an underscored comma and after "determine" insert ",assess, and collect".

6. On page 30, line 6, strike "9-186" and insert "9-185".

7. Renumber the remaining sections accordingly.

Mr. Hefner asked unanimous consent to print the following amendment to LB 183 in the Journal. No objections. So ordered.

AM0907

(Amendments to Standing Committee amendments)

1. In the Standing Committee amendments, AM0342, on page 11, line 20, strike "such" and show as stricken and after "license" insert "to sell alcoholic liquor at retail".

**UNANIMOUS CONSENT - Add Co-Introducer**

Mr. Beyer asked unanimous consent to have his name added as co-introducer to LB 404. No objections. So ordered.

## VISITORS

Visitors to the Chamber were Barb Hassler, Bob Krafka, Lois Losee, John Ward, Ken Ward, Steve Peterson, Johnny Schlepp, E. F. and Marge Vonderlage, Ivan Dohmen, Dorothy Boettner, and Emma Schlautman from Dodge County; 18 sixth grade students and teacher from Mount View School, Omaha; 28 tenth grade students and teacher from Newcastle High School; 40 fourth grade students and teachers from Lincoln Elementary School, Beatrice; 9 seventh and eighth grade students and teacher from Elm Creek; 20 seniors and teachers from Waterloo; 40 fourth grade students and teacher from Centennial School, Utica; 5 students and teacher from Kearney College; and Prof. Balduins Barbosa de Deus from Brazil, Gilbert Erickson, Bob Gingery, and Eliano Bush from Lincoln.

## ADJOURNMENT

At 12:18 p.m., on a motion by Mr. Vickers, the Legislature adjourned until 9:00 a.m., Tuesday, April 9, 1985.

Patrick J. O'Donnell
Clerk of the Legislature

# FIFTY-FIFTH DAY - APRIL 9, 1985

## LEGISLATIVE JOURNAL

## EIGHTY-NINTH LEGISLATURE
## FIRST SESSION

## FIFTY-FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, April 9, 1985

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

## PRAYER

The prayer was offered by Mr. Jerry Wallis, Christian Science Practitioner, representing the Christian Science Churches in Nebraska.

## ROLL CALL

The roll was called and all members were present except Mr. Chizek who was excused; and Messrs. Conway, Goll, Goodrich, Hoagland, and Rupp who were excused until they arrive.

## CORRECTIONS FOR THE JOURNAL

The Journal for the Fifty-Fourth Day was approved.

## SELECT COMMITTEE REPORTS
### Enrollment and Review

### Correctly Engrossed

The following bills were correctly engrossed: 407 and 407A.

(Signed) Timothy Hall, Chairperson

### Enrollment and Review Change to LB 407

The following changes, required to be reported for publication in the Journal, have been made:
ER0043

1. In the Wesely amendment, AM0875, adopted April 1, 1985, on page 1, line 6, "that" has been inserted after "ensure".
2. In the E & R amendment, AM5092, on page 2, line 4, the matter beginning with "in" through the second semicolon has been struck.
3. On page 3, line 17, "who" has been inserted after "and".
4. On page 4, line 20, "which" has been struck and "and" inserted and "allow" has been struck and "allows" inserted.
5. On page 6, line 20, a comma has been inserted after "section".

(Signed) Mary Sommermeyer
E & R Attorney

## RESOLUTION

**LEGISLATIVE RESOLUTION 80.** Read. Considered.

LR 80 was adopted with 32 ayes, 0 nays, and 17 not voting.

## UNANIMOUS CONSENT - Member Excused

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

## MOTION - Place LB 616 on General File

Mr. DeCamp asked unanimous consent to withdraw his pending motion found in the Journal on page 1297 to place LB 616 on General File notwithstanding the action of the committee. No objections. So ordered.

## GENERAL FILE

**LEGISLATIVE BILL 208A.** Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

**LEGISLATIVE BILL 347A.** Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

**LEGISLATIVE BILL 421A.** Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

**LEGISLATIVE BILL 333.** Title read. Considered.

Standing Committee amendments, AM0787, found in the Journal on page 1222 for the Forty-Eighth Day were considered.

Mr. Barrett offered the following amendment to the Standing Committee amendments:

(1) on page 4, line 4 after the word "the" add the word "appointed".

(2) on the Standing Committee amendments, March 27, 1985, on page 6, line 20, insert 6 in place of 5.

(3) on page 11, line 4, omit "Childrens trust" and insert "Child Abuse Prevention".

(4) on page 13, line 6, omit "Childrens Trust" and insert "Child Abuse Prevention".

The Barrett amendment was adopted with 30 ayes, 0 nays, 13 present and not voting, and 6 excused and not voting.

Mr. Beutler offered the following amendment to the Standing Committee amendments:

Strike the words "which in the opinion of the Director is inconsistent with sections 1 to 6 of this act" on lines 4, 5 & 6 of page 1.

The Beutler amendment was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Mr. Chambers offered the following amendment to the Standing Committee amendments:

Page 2 - strike new language in lines 4-14

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

Mr. Beutler moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Chambers moved for a call of the house. The motion prevailed with 9 ayes, 0 nays, and 40 not voting.

Mr. Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 17:

| | | | | |
|---|---|---|---|---|
| Beutler | DeCamp | Johnson, R. | Nichol | Remmers |
| Carsten | Goll | Johnson, V. | Pappas | Vickers |
| Chambers | Haberman | Labedz | Peterson | Warner |
| Conway | Hannibal | | | |

Voting in the negative, 24:

| | | | | |
|---|---|---|---|---|
| Baack | Harris | Johnson, L. | Marsh | Sieck |
| Barrett | Hartnett | Lamb | Nelson | Smith |
| Beyer | Hefner | Landis | Pirsch | Wesely |
| Chronister | Higgins | Lundy | Rogers | Withem |
| Hall | Hoagland | Lynch | Scofield | |

Present and not voting, 5:

| | | | | |
|---|---|---|---|---|
| Abboud | Eret | Goodrich | Morehead | Rupp |

Absent and not voting, 1:

Miller

Excused and not voting, 2:

Chizek Schmit

The Chambers amendment lost with 17 ayes, 24 nays, 5 present and not voting, 1 absent and not voting, and 2 excused and not voting.

The Chair declared the call raised.

The Standing Committee amendments, as amended, were adopted with 26 ayes, 4 nays, 17 present and not voting, and 2 excused and not voting.

Mr. Chambers offered the following amendment:
Pages 10 (bottom) and 11 (top):
Strike all new language regarding $5 fee for marriage license.

Messrs. DeCamp and Haberman asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers moved for a call of the house. The motion prevailed with 11 ayes, 0 nays, and 38 not voting.

Mr. Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 25:

| | | | | |
|---|---|---|---|---|
| Abboud | Eret | Johnson, R. | Morehead | Remmers |
| Beutler | Goll | Johnson, V. | Nichol | Rupp |
| Carsten | Hannibal | Labedz | Pappas | Sieck |
| Chambers | Higgins | Landis | Peterson | Vickers |
| Conway | Johnson, L. | Miller | Pirsch | Warner |

Voting in the negative, 18:

| | | | | |
|---|---|---|---|---|
| Baack | Goodrich | Hefner | Lynch | Rogers |
| Barrett | Hall | Hoagland | Marsh | Scofield |
| Beyer | Harris | Lamb | Nelson | Wesely |
| Chronister | Hartnett | Lundy | | |

Present and not voting, 2:

Smith Withem

Excused and not voting, 4:

Chizek DeCamp Haberman Schmit

The Chambers amendment was adopted with 25 ayes, 18 nays, 2 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Pending.

## SELECT COMMITTEE REPORTS
### Enrollment and Review

**LEGISLATIVE BILL 171.** Placed on Select File as amended.
E & R amendment to LB 171:
AM5119
1 1. On page 2, line 20, strike "section 1 of

this act" and insert "the amendments to section 43-2,119 in this legislative bill".

**LEGISLATIVE BILL 171A.** Placed on Select File.

**LEGISLATIVE BILL 382.** Placed on Select File as amended.
E & R amendments to LB 382:
AM5120

1. In the Wesely amendment adopted April 2, 1985, found on page 1345 of the Journal, on page 1, line 16, after "unions" insert a comma.

2. In the Wesely amendment, AM0867, adopted April 2, 1985:

a. On page 2, line 17, strike the comma;

b. On page 3, strike beginning with "sections" in line 2 through "44-4044" in line 3 and insert "the Insurance Producers Licensing Act";

c. On page 5, line 22, strike "For any" and insert "Any"; and in line 26 strike ", such facility"; and

d. On page 6, line 4, strike ", the facility" and insert "and".

3. On page 1, strike beginning with "amend" in line 1 through the first semicolon in line 4 and insert "adopt the Hospital Consumer Information Act; to provide a penalty; and"; and strike beginning with the second semicolon in line 4 through "section" in line 5.

**LEGISLATIVE BILL 709.** Placed on Select File as amended.
E & R amendment to LB 709:
AM5121

1. On page 2, line 20, strike "state operated" and insert "state-operated".

**LEGISLATIVE BILL 503.** Placed on Select File as amended.
E & R amendments to LB 503:
AM5122

1. In the Standing Committee amendments, AM0634, adopted April 2, 1985, on page 2, line 11, after "lien" insert "provided in section 1 of this act"; in line 14 strike "as provided"; and in line 16 strike "This" and insert "The" and after "lien" insert "provided in section 1 of this act".

2. On page 1, line 1, after "seed" insert "or electrical power or energy".

**LEGISLATIVE BILL 493.** Placed on Select File as amended.
E & R amendment to LB 493:
AM5123

1. On page 1, line 3, strike "a penalty" and insert "penalties"; in line 4 after "for" insert "or sale of alcoholic liquor to"; and in line 5 after the second semicolon insert "to provide an operative date;".

(Signed) Timothy Hall, Chairperson

**UNANIMOUS CONSENT - Print in Journal**

Mr. Vickers asked unanimous consent to print the following amendment to LB 641 in the Journal. No objections. So ordered.

AM0916

(Amendments to Standing Committee Amendments)

1. On page 1, line 6, after "students" insert "as defined in section 85-988"; and in line 7 after "of" insert "tuition and".

2. Insert new amendments as follows:

"3. Insert a new section as follows:

'Sec. 3. The Nebraska Coordinating Commission for Postsecondary Education shall identify those circumstances in which the waiving of the nonresident portion of tuition and fees, on a reciprocal basis with other states, would enhance educational opportunities for Nebraska residents. Relative to such identified circumstances, the commission may negotiate with other states to establish reciprocal agreements for the waiving of the nonresident portion of tuition and fees for Nebraska residents attending institutions in such states in exchange for Nebraska institutions waiving the nonresident portion of tuition and fees for residents of such other states. Upon successful completion of such negotiations, the commission may identify those classes and numbers of Nebraska residents whose educational opportunities would be enhanced and the number and classes of nonresident students for whom the nonresident portion of tuition and fees is to be waived by the Nebraska institutions. The commission shall adopt and promulgate rules and regulations for the administration of the waivers and for the reporting of the cases in which the waivers are given. Waivers under this section

shall only apply to students enrolling in a graduate degree program as defined in section 85-931.'.

4. Renumber sections accordingly.".

## ATTORNEY GENERAL'S OPINION

Opinion No. 56
April 9, 1985

Dear Senator DeCamp:

You have requested us to reconsider the conclusion reached in Attorney General Opinion No. 46, issued on March 27, 1985, in which we concluded that LB 616, which would allow a taxpayer entitled to a refund to designate a portion of the refund to be paid as a contribution to the United States Olympic Committee, would violate the prohibition against special legislation contained in Article III, Section 18, of the Nebraska Constitution. This conclusion is consistent with a previous opinion issued by our office concerning this subject. Attorney General Opinion No. 209, March 2, 1982.

Following the issuance of our opinion, we were contacted by Ronald Rowan, General Counsel for the United States Olympic Committee. We have discussed this matter with Mr. Rowan, and are aware of the Olympic Committee's position on this issue. While we appreciate the Committee's interest concerning this matter, and welcome their comments, we nevertheless believe the conclusion reached in our earlier opinion is correct.

Based on the foregoing, we adhere to our opinion that LB 616 would be held unconstitutional as establishing unreasonable class legislation, in violation of Article III, Section 18, of the Nebraska Constitution.

Very truly yours,
ROBERT M. SPIRE
Attorney General
(Signed) L. Jay Bartel
Assistant Attorney General

LJB:ejg
cc: Patrick J. O'Donnell
Clerk of the Legislature

## RESOLUTION

**LEGISLATIVE RESOLUTION 81.**

Introduced by Labedz, 5th District; Abboud, 12th District; Baack, 47th District; Barrett, 39th District; Beutler, 28th District; Beyer, 3rd District; Carsten, 2nd District; Chambers, 11th District; Chizek, 31st District; Chronister, 18th District; Conway, 17th District; DeCamp, 40th District; Eret, 32nd District; Goll, 16th District; Goodrich, 20th District; Haberman, 44th District; Hall, 7th District; Harris, 27th District; Hartnett, 45th District; Hefner, 19th District; Higgins, 9th District; Hoagland, 6th District; L. Johnson, 15th District; R. Johnson, 34th District; Lamb, 43rd District; Lundy, 36th District; Lynch, 13th District; Marsh, 29th District; Miller, 37th District; Morehead, 30th District; Nelson, 35th District; Nichol, 48th District; Pappas, 42nd District; Peterson, 21st District; Pirsch, 10th District; Remmers, 1st District; Rogers, 41st District; Rupp, 22nd District; Schmit, 23rd District; Scofield, 49th District; Sieck, 24th District; Smith, 33rd District; Warner, 25th District; Wesely, 26th District;

WHEREAS, Irene Philpot has graciously conveyed to the Nebraska Game and Parks Foundation property located in Cass County, Nebraska holding great development potential for camping, hiking, scenic experiences, and related outdoor recreational activities; and

WHEREAS, the Nebraska Game and Parks Commission has the general authority to acquire real estate with the consent of the Governor by gift; and

WHEREAS, in the interest of promoting recreational opportunities for Nebraskans, the Nebraska Legislature wishes to grant approval for the Nebraska Game and Parks Commission to obtain title to all or any part of such land presently held in trust by the Nebraska Game and Parks Foundation.

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

1. That the Legislature approves the gift from the Nebraska Game and Parks Foundation to the Nebraska Game and Parks Commission of all of the real estate described as follows:

Lot 8 of an irregular tract in Section 4;

Lot 9 of an irregular tract in Section 5;

The East Half of the Northeast Quarter (E 1/2 NE 1/4) and the East Half of the Southeast Quarter (E 1/2 SE 1/4) of Section 8;

The West Half of the Southwest Quarter (W 1/2 SW 1/4) and the West Half of the Northwest Quarter (W 1/2 NW 1/4) and Lot 15 of an irregular tract being a subdivision of Government Lot 2 in Section 9;

All being in Township 12 North, Range 10 East of the 6th P.M., Cass County, Nebraska containing 420.60 acres more or less, subject

to easements and restrictions of record, if any; and including all accretions thereto.

2. That such approval is granted with the understanding that the land described shall be designated and utilized as the Eugene T. Mahoney State Park.

Laid over.

## UNANIMOUS CONSENT - Print in Journal

Mr. Vickers asked unanimous consent to print the following amendment to LB 608 in the Journal. No objections. So ordered.

(Amendment printed separate from the Journal and on file in the Clerk's Office - Room 1102 - AM0930.)

## GENERAL FILE

**LEGISLATIVE BILL 333.** Mr. Chambers offered the following amendment:

Strike all language regarding increased fee for birth certificate

The Chambers 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 29 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 333A.** Title read. Considered.

Advanced to E & R for Review with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

## SELECT COMMITTEE REPORTS
### Enrollment and Review

### Correctly Engrossed

The following bills were correctly engrossed: 209, 209A, 253, 253A, 346, 413, and 451.

(Signed) Timothy Hall, Chairperson

### Enrollment and Review Change to LB 209

The following changes, required to be reported for publication in the Journal, have been made:

ER0048
1. On page 12, line 8, the underscored comma has been struck.

**Enrollment and Review Change to LB 253**

The following changes, required to be reported for publication in the Journal, have been made:

ER0045
1. On page 1, line 1, "hospitals" has been struck and "health care facilities" inserted; in line 5 "to restate intent; to provide for a waiver; to define terms;" has been inserted after the semicolon; and in line 6 "intermediate" has been struck and "certain health" inserted.

2. On page 11, line 12, the first comma has been struck and shown as stricken.

3. In the Wesely amendment, AM0811:
a. On page 1, the matter beginning with "in" in line 8 through the semicolon in line 9 has been struck;
b. On page 3, the matter beginning with "line" in line 6 through "in" in line 7 has been struck; in line 21 "the comma," has been struck; and in line 22 the comma has been struck; and
c. On page 5, line 19, the underscored period has been struck.

(Signed) Mary Sommermeyer
E & R Attorney

## STANDING COMMITTEE REPORTS
### Education

**LEGISLATIVE BILL 636.** Placed on General File as amended.
Standing Committee amendments to LB 636:
AM0851

1. Strike original section 1 and insert the following new sections:

"Section 1. As used in sections 1 to 5 of this act, unless the context otherwise requires:

(1) Board shall mean the governing board of any educational service unit;

(2) Certificated employee shall mean all teachers, nurses, and other persons required to have a

certificate from the State Department of Education who are employed by an educational service unit;

(3) Just cause shall mean incompetency, neglect of duty, unprofessional conduct, insubordination, immorality, physical or mental incapacity, or other conduct which interferes substantially with the continued performance of duties or a change in circumstances such as financial exigency or a diminution of demand for services by the school districts served by the educational service unit necessitating a reduction in the number of teachers or nurses to be employed by the board;

(4) Permanent certificated employee shall mean a certificated employee (a) who has served under a contract with the educational service unit for at least three successive years under any contract which was entered into to create initial employment on or after September 1, 1985 or (b) who was initially employed by the educational service unit prior to September 1, 1985; and

(5) Probationary certificated employee shall mean a certificated employee who has served under a contract with the educational service unit for less than three successive years under any contract which was entered into to create initial employment on or after September 1, 1985.

Sec. 2. The contract of a certificated employee shall be deemed renewed and remain in full force and effect unless amended, terminated, or not renewed in accordance with sections 1 to 5 of this act.

Sec. 3. (1) Any certificated employee whose contract of employment may be amended, terminated, or not renewed for the following school year shall be notified in writing on or before April 15 of each year of such possible action on the contract. If the certificated employee wishes a hearing, a written request shall be sent to the secretary of the board or the administrator of the educational service unit within seven calendar days after receipt of the written notice. If a hearing on such amendment, termination, or nonrenewal is not requested within the time provided in this section, the board shall make a final determination. With regard to all hearings under sections 1 to 5 of this act, the certificated employee shall be advised in writing at least five days prior to

the hearing of the date, time, and place of the hearing. All such hearings shall be held within thirty days of the date of the request for the hearing, except when the parties or their representatives, by a mutual agreement confirmed in writing, extend the time for hearings or final determinations by the board under sections 1 to 5 of this act. Unless continued by written agreement between the parties or their representatives, final action by the board shall be taken on or before May 15 of each year.

(2) Prior to the hearing or action on the matter, if requested by the certificated employee, the notice of possible amendment, termination, or nonrenewal and the supporting reasons shall be considered a confidential employment matter as provided in sections 79-4,156 to 79-4,158 and 84-1410 and shall not be released to the public or news media.

Sec. 4. The board may on its own behalf, or shall upon the request of the certificated employee, his or her representative, or the educational service unit's administration: (1) Subpoena and compel the attendance of witnesses residing within or without this state for the purpose of appearing and testifying at any hearing provided for in sections 1 to 5 of this act and for the purpose of taking the deposition of such witnesses in the manner prescribed by law for the taking of depositions in civil actions in the district courts; and (2) issue subpoenas for the production of any papers, books, accounts, and documents.

Sec. 5. (1) Upon request by the probationary certificated employee as provided in subsection (1) of section 3 of this act, notice shall be provided which shall contain written reasons for the proposed amendment or nonrenewal of the probationary certificated employee's contract and shall be sufficiently specific so as to provide such employee the opportunity to prepare a response and the reasons set forth in the notice shall be employment related.

(2) The board may elect to amend or not renew the contract of a probationary certificated employee for any reason it deems sufficient if such nonrenewal or amendment is employment related and such nonrenewal or amendment is not for constitutionally impermissible reasons. Such nonrenewal or amendment shall be in accordance with sections 1 to 5 of this act. Amendment

or nonrenewal for reasons of reduction in force shall be in accordance with the procedures provided in sections 79-1254.05 to 79-1254.08 and sections 1 to 5 of this act.

(3) At any time prior to the holding of a hearing or prior to final determination by the board to amend or not renew the contract involved, the probationary certificated employee may submit a letter of resignation for the ensuing school year, which resignation shall be accepted by the board.

(4) The hearing, if requested, involving the question of the nonrenewal or amendment of a probationary certificated employee's contract shall not be a formal due process hearing, but shall be an informal hearing before the board at which the probationary certificated employee involved or his or her representative shall be afforded the opportunity to discuss and explain to the board his or her position with regard to continued employment, to present information, and to ask questions of those appearing on behalf of the administration of educational service unit. Such hearing shall be in closed session at the request of the probationary certificated employee involved or his or her representative and upon affirmative vote of the majority of the board members present and voting, but the formal action of the board for nonrenewal or amendment shall be in open session.

(5) The hearing for a probationary certificated employee may be held before committee of the board consisting of not less than three of the board's total members, and total membership of the committee shall be odd-numbered. Notice of such hearing shall be sent to all board members five days prior to such hearing. If a hearing is held before a committee, the majority opinion of the committee shall constitute a recommendation to the board with the final determination being made by a majority vote of the members of the board without additional hearing.

Sec. 6. (1) The board by a vote of the majority of its members may determine that a permanent certificated employee's contract shall be amended or terminated for any of the following reasons: (a) Just cause as defined in section 1 of this act; (b) reduction in force as set forth in sections 79-1254.05 to 79-1254.08; (c) a change of leave of absence policy; (d)

failure of the permanent certificated employee upon written request of the board or the administrators of the educational service unit to accept employment for the next school year within the time designated in the request, except that the permanent certificated employee shall not be required to signify such acceptance prior to March 15 of each year; or (e) revocation, cancellation, suspension, or termination of the permanent certificated employee's certificate by the State Board of Education.

(2) If a hearing is requested by the permanent certificated employee, the formal due process hearing for the purpose of this section shall mean a hearing procedure adopted by the board which contains at least the following: (a) Notification to the permanent certificated employee in writing at least five days prior to the hearing of the grounds alleged for the termination or amendment of the permanent certificated employee's contract; (b) upon request of the permanent certificated employee, a list of the names of any witnesses who will be called to testify against the certificated employee and an opportunity to examine any documents that will be presented at the hearing shall be provided at least five days prior to the hearing; (c) the right to be represented; and (d) an opportunity to cross-examine all witnesses, examine all documents, and present evidence material to the issues.

(3) Notice of the hearing shall be given in accordance with sections 84-1408 to 84-1414. Upon an affirmative vote of a majority of the board's members present and voting and upon specific request of the permanent certificated employee or the permanent certificated employee's representative, the hearing shall be conducted in a closed session, but the formal action of the board shall be taken in open session.

(4) A majority of the members of the board shall render its decision to amend or terminate a permanent certificated employee's contract based solely upon the evidence produced at the hearing, shall reduce its findings and determination to writing, and shall deliver a written copy of the findings and determination to the permanent certificated employee.".

2. Renumber remaining sections accordingly.

(Signed) Tom Vickers, Chairperson

## GENERAL FILE

**LEGISLATIVE BILL 632.** Title read. Considered.

Standing Committee amendment, AM0788, found in the Journal on page 1227 for the Forty-Eighth Day was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Mr. V. Johnson offered the following amendment:
AM0903

(Amendments to Standing Committee amendments)

1. On page 1, strike beginning with "2" in line 1 through "line" in line 3; in line 3 strike "least four" and insert "four hundred"; in line 4 strike "three" and insert "three hundred twenty-five"; and strike beginning with the semicolon in line 4 through the quotation marks in line 7.

Messrs. Chronister, Rupp, R. Johnson, and Barrett asked unanimous consent to be excused until they return. No objections. So ordered.

**MR. BEUTLER PRESIDING**

Mrs. Marsh moved the previous question. The question is, "Shall the debate now close?"

Mrs. Marsh moved for a call of the house. The motion prevailed with 12 ayes, 0 nays, and 37 not voting.

The motion to cease debate prevailed with 27 ayes, 2 nays, and 20 not voting.

The Chair declared the call raised.

Mr. V. Johnson moved for a call of the house. The motion prevailed with 20 ayes, 0 nays, and 29 not voting.

Mr. V. Johnson requested a roll call vote on his amendment.

Voting in the affirmative, 17:

| | | | | |
|---|---|---|---|---|
| Beutler | Goodrich | Hartnett | Johnson, V. | Lynch |
| Chambers | Hall | Higgins | Labedz | Marsh |
| Eret | Harris | Hoagland | Landis | Pappas |

Remmers Warner

Voting in the negative, 25:

| | | | | |
|---|---|---|---|---|
| Abboud | Goll | Lamb | Nichol | Sieck |
| Baack | Haberman | Lundy | Peterson | Smith |
| Beyer | Hannibal | Miller | Pirsch | Vickers |
| Carsten | Hefner | Morehead | Rogers | Wesely |
| Conway | Johnson, L. | Nelson | Scofield | Withem |

Excused and not voting, 7:

| | | | | |
|---|---|---|---|---|
| Barrett | Chronister | Johnson, R. | Rupp | Schmit |
| Chizek | DeCamp | | | |

The V. Johnson amendment lost with 17 ayes, 25 nays, and 7 excused and not voting.

Advanced to E & R for Review with 29 ayes, 4 nays, 9 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

## RESOLUTION

**LEGISLATIVE RESOLUTION 82.**

Introduced by Morehead, 30th District; Landis, 46th District; V. Johnson, 8th District; Lynch, 13th District; DeCamp, 40th District; Marsh, 29th District; Wesely, 26th District; Hoagland, 6th District; Beutler, 28th District; Eret, 32nd District; Vickers, 38th District.

WHEREAS, a future owner of the Chicago Rock Island, and Pacific Railroad right-of-way lying between the city limits of Lincoln and Omaha intends to graciously donate such property to the State of Nebraska; and

WHEREAS, such an abandoned right-of-way converted to a recreation trail would have tremendous recreational potential for hikers, bikers, cross-country skiers and others who enjoy the out-of-doors and the development of such a trail would provide recreational opportunities for residents of this state; and

WHEREAS, the Nebraska Game and Parks Commission has the general authority to acquire real estate with the consent of the Governor by gift; and

WHEREAS, in the interest of promoting recreational opportunities and good health for Nebraskans, the Nebraska Legislature wishes to grant approval for the Nebraska Game and Parks Commission to obtain title to all or any part of such land.

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

1. That the Legislature approves the gift to the Nebraska Game and Parks Commission at any future date of all of the real estate which comprises the entire right-of-way lying between the city limits of Lincoln and Omaha presently owned by the Chicago, Rock Island, and Pacific Railroad.

2. That such approval is granted with the understanding that the land described shall be designated and utilized as a public recreation facility.

Laid over.

## UNANIMOUS CONSENT - Print in Journal

Mr. Vickers asked unanimous consent to print the following amendment to LB 204 in the Journal. No objections. So ordered.

AM0926

1. Insert the following new sections:

"Section 1. (1) It is the intent of the Legislature to encourage cooperative and coordinated programs in higher education to the end that there will be adequate access and educational opportunity for residents at a reasonable cost to taxpayers. The Legislature finds that interstate agreements between institutions are a cost effective means to ensure quality programs and student access. The purpose of this act is to require the governing boards of all public postsecondary institutions to investigate opportunities for cooperative programs with contiguous states and other states in close proximity to Nebraska prior to initiating new programs independently.

(2) The requirement to investigate cooperative programs shall apply to all proposed graduate level and professional programs of instruction with special emphasis and application to high cost and small enrollment programs in medical education, including the cooperative program for veterinary medicine described in sections 4, 5, and 6 of this act.

(3) The requirement to investigate cooperative programs shall also be applicable to existing programs which are required to be reviewed in detail pursuant to subsection (2) of section 85-9,106.

Sec. 2. (1) There is hereby created a Special Legislative Oversight Committee for cooperative educational programs to be composed of the chairpersons of the Education and Appropriations Committees, the chairperson of the Executive Board of the Legislature, and the chairperson of the standing committee, as designated by the Chairperson of the Executive Board, with jurisdiction over the subject matter which is most related to the subject matter of any program in higher education to be reviewed by the special committee.

(2) The function of the Special Legislative Oversight Committee for cooperative educational programs shall be to (a) establish an ongoing working relationship with legislative leaders in contiguous states and states in close proximity to Nebraska for the purpose of reviewing and discussing potential and existing cooperative programs in the public postsecondary sector for cooperative education and (b) to approve all cooperative agreements negotiated by the governing boards of public postsecondary institutions which will require an appropriation of general fund dollars by the Legislature. Such approval shall be required prior to the final execution of any contract entered into by the governing boards pursuant to section 1 of this act.

(3) The Legislative Research Office shall be responsible for coordinating staff responsibilities for the support of such committee and may request such assistance as is necessary and appropriate from any agency of state government.

Sec. 3. Prior to the approval of cooperative agreements which will require state general fund appropriations, the Special Legislative Oversight Committee shall consider the needs, projections, and analysis required by section 85-9,109. No cooperative agreement for a new program shall be approved unless the program of instruction has been identified as filling an unmet need pursuant to the five-year projections required by section 85-9,109.".

2. On page 2, line 3, after "may" insert ",subject to the approval of the Special Legislative

Oversight Committee created in section 2 of this act,"; in line 5 strike "other" and insert "contiguous" and after "states" insert "and other states in close proximity to Nebraska"; and in line 13 after the period insert "Any such agreement which will require an appropriation of general fund dollars shall be approved by the Special Legislative Oversight Committee created in section 2 of this act.".

3. On page 3, line 5, strike "subdivision (3) of section 1" and insert "section 4"; in line 6, after the period insert "Construction of such facilities and employment of such staff shall be pursuant to an agreement for a cooperative veterinary medicine program which has been approved by the Special Legislative Oversight Committee."; and in line 14 strike "1" and insert "4".

4. Renumber remaining sections accordingly.

## ATTORNEY GENERAL'S OPINION

Opinion No. 57
April 4, 1985

Dear Senator Wesely:

This letter is in response to your earlier correspondence in which you requested our opinion as to the constitutionality of LB 578. Specifically, you asked whether LB 578 violates any state or federal constitutional provisions including the Commerce Clause of the United States Constitution. We have reviewed the bill in question along with various relevant legal authorities. As is discussed below, we have concluded that LB 578 is of suspect constitutional validity.

LB 578 would require pharmacies operating outside the State of Nebraska which mail dispensed prescription drugs into the state to obtain a pharmacy license issued by the Nebraska Department of Health. Such pharmacies would also be required to dispense prescription drugs in Nebraska in compliance with Nebraska law governing the practice of pharmacy. The test of the bill, in its entirety, is as follows:

> Any pharmacy operating outside the State of Nebraska which ships, mails, or delivers in any manner a dispensed prescription drug into the State of Nebraska shall hold a pharmacy license issued by the Department of Health, and that part of such pharmacy operation which dispenses prescriptions to Nebraska residents shall comply with Nebraska law, rules, and regulations

governing the practice of pharmacy. The Department of Health, upon recommendation of the Board of Examiners in Pharmacy, shall adopt and promulgate rules and regulations, including provisions for enforcement, necessary to carry out this section.

The constitutionality of a state's attempt to license or otherwise regulate out-of-state pharmacies which mail prescription drugs into the state has been considered previously by various authorities with differing results. For example, the Attorneys General of Wisconsin and California have indicated that such regulation is constitutionally permissible under the Commerce Clause of the United States Constitution. In contrast, the Attorney General of Ohio has indicated that such regulation is unconstitutional. Given these conflicting authorities, we must proceed with our own independent analysis of your question.

LB 578, by its express language, applies to pharmacies outside the State of Nebraska which ship or otherwise deliver dispensed prescription drugs into the state. Interstate commerce is commerce between the states as opposed to commerce wholly within a state. Ware & Leland v. Mobile County, 209 U.S. 405 (1908). Consequently, LB 578 involves an attempt by the State of Nebraska to regulate a form of interstate commerce. There is no question but that the state can subject wholly intrastate commerce to regulation under its police power. However, an attempt to regulate interstate commerce must be tested under the Commerce Clause of the United Sates Constitution.

The Commerce Clause gives the United States Congress the authority to regulate commerce with foreign nations, among the states, and with the Indian tribes. This authority includes full plenary power to regulate interstate commerce. In Re Rules and Regulations Nos. 31 and 32, 193 Neb. 59, 225 N.W.2d 401 (1975). Accordingly, federal statutes passed by Congress pursuant to its powers concerning interstate commerce are capable of preempting any state legislation or regulation of the same subject. Id. Therefore, we must first inquire in the present instance as to whether any federal legislation has preempted the state regulation contemplated by LB 578.

In 1970, Congress passed the Drug Abuse Prevention and Control Act, 21 U.S.C. §§801 et seq. The various provisions of that Act comprehensively regulate the distribution and dispensing of controlled substances in interstate commerce throughout the United States. For example, provisions of the Act deal with registration requirements, labeling and packaging of drugs, prescription of controlled substances, and records and reporting requirements. A review of the substantive provisions of that Act would lead to the conclusion that Congress did intend to preempt regulation in this area of interstate commerce. However, §903 of the Act, 21 U.S.C. §903,

states:

> No provision of this subchapter shall be construed as indicating an intent on the part of Congress to occupy the field in which that provision operates, including criminal penalties, to the exclusion of any state law on the subject matter which would otherwise be within the authority of the state, unless there is a positive conflict between that provision of this subchapter and that state law so that the two cannot consistently stand together.

This statutory language indicates that Congress did not intend to preempt state regulation of interstate commerce involving controlled substances so long as any state regulation does not directly conflict with the Act itself. Thus, LB 578 is not preempted so long as it does not directly conflict with the federal Act. See, Ranger Division, Ryder Truck Lines, Inc. v. Bayne, 214 Neb. 251, 333 N.W.2d 891 (1983). LB 578 would subject out-of-state pharmacies which mail prescription drugs into Nebraska to the various Nebraska statutes and regulations dealing with the licensing and operation of pharmacies. Our review of those statutes indicates that they largely parallel the provisions of the federal Drug Abuse Prevention and Control Act. Consequently, we do not believe that the Nebraska statutes and the federal law are in direct conflict, and we do not believe that the federal legislation preempts the regulation contemplated by LB 578. We are aware of State v. Rasmussen, 213 N.W.2d 661 (Iowa 1973) in which the Supreme Court of Iowa indicated that parallel Iowa legislation dealing with the registration of nonresident prescribing physicians would, in practical effect, negate the operation of the federal drug act. However, we do not find the Iowa case conclusive in the context of the question presently before us.

The purpose of the Commerce Clause in the United States Constitution is to create an area of trade among the states free from interference by the various states. A & P Tea Company v. Cottrell, 424 U.S. 366 (1976). Therefore, separate and apart from the preemption question, the Commerce Clause acts as a limitation upon the powers of the states even when Congress has not passed federal legislation in a particular area. Id. However, not every exercise of state power is invalid merely because it affects interstate commerce in some way. Id.; Ranger Division, Ryder Truck Lines v. Bayne, supra. The United States Supreme Court has established the following criteria for determining the validity of state statutes affecting interstate commerce:

> Where the statute regulates evenhandedly to effectuate a legitimate local public interest, and its effects on interstate commerce are only incidental, it will be upheld unless the burden imposed on such commerce is clearly excessive in relation to the

> putative local benefits. If a legitimate local purpose is found, then the question becomes one of degree. The extent of the burden that will be tolerated will of course depend on the nature of the local interest involved, and on whether it could be promoted as well with a lesser impact on interstate activities. Pike v. Bruce Church, 397 U.S. 137, 142 (1970) (citations omitted) (emphasis added).

It therefore becomes necessary to analyze LB 578 under the criteria established in Pike v. Bruce Church.

At the outset, it is apparent that the regulation contemplated by LB 578 serves a legitimate and important local public interest. That regulation directly involves protection of the public health, and is therefore within the most traditional concept of the state's police power. Head v. Board of Examiners, 324 U.S. 424 (1963). The state clearly has a strong and legitimate local interest in regulating the manner in which drugs are dispensed to its citizens.

On its face, LB 578 also appears to regulate evenhandedly and in a fashion which does not discriminate against interstate commerce. LB 578 provides that out of state pharmacies dispensing controlled substances within the state must hold a pharmacy license issued by the Department of Health and must comply with Nebraska law governing the practice of pharmacy. Obviously, Nebraska pharmacies in the state operating wholly within intrastate commerce must comply with exactly the same provisions.

We have more difficulty with that portion of the Bruce Church criteria which states that the effects of the state regulation on interstate commerce must only be incidental. LB 578 would submit a pharmacy located in another state to Nebraska law concerning licensing and the practice of pharmacy. If that out-of-state pharmacy dispenses drugs through the mail to customers in a number of states, it would seem to us that having to meet the licensing requirement of each particular state would impose a substantial burden upon the pharmacy's ability to engage in interstate commerce. In such an instance, the pharmacy involved would be subject to multiple licensing procedures including duplicative registrations, records requirements, and labeling requirements.

Finally, and most importantly in terms of the present question, the Bruce Church criteria include an evaluation of the local interest involved and an evaluation of whether that interest could be promoted as well in some manner with a lesser impact on interstate commerce. Later cases have interpreted this criterion to encompass a consideration of the consequences to the state if its proposed regulatory action were disallowed, or a consideration of whether a substantial regulatory equivalent is available to the state. A & P Tea Company v. Cottrell, supra; Dixie Dairy Company v City of

Chicago, 538 F.2d 1303 (7th Cir. 1976).

Our research in the present instance indicates that the federal Drug Abuse Prevention and Control Act of 1970 extensively regulates pharmacies which dispense controlled substances within the United States along with the various practices involved in dispensing those controlled substances. For example, federal regulations require persons dispensing controlled substances to register with the United States Department of Justice. 21 C.F.R. §1301.21. Federal regulations establish labeling and packaging requirements for controlled substances. 21 C.F.R. §1302.03. Federal regulations establish various requirements for the maintenance of records involving dispensation of drugs and inventories of controlled substances. 21 C.F.R. §1304.24. Federal regulations provide that prescriptions for controlled substances may only be filled by a professional pharmacist. 21 C.F.R. §1306.06. Our review of the various Nebraska statutes dealing with the practice of pharmacy which would apply to pharmacies located out of the State of Nebraska under the provisions of LB 578 indicates that those pharmacy provisions substantially duplicate the provisions of the federal act. Consequently, even though the state admittedly has an important public interest in regulating the dispensing of controlled substances, it seems to us that the existing federal statutes are substantially equivalent to the Nebraska statutes. In addition, the existing federal statutes protect the state's interests so that the consequences to the state are minimal if its attempt to regulate out-of-state pharmacies under the provisions of LB 578 is disallowed. Given the federal statutory framework, the state's regulatory interest under LB 578 is simply not great enough to justify the burden which that bill would place upon interstate commerce. Therefore, LB 578 is of suspect constitutional validity under the criteria established in Pike v. Bruce Church, supra.

We are aware of Pharmaceutical Manufacturers Association v. New Mexico Board of Pharmacy, 86 N.M. 471, 525 P.2d 931 (1974), where the Court of Appeals of New Mexico held that state pharmacy regulations requiring registration by out-of-state sellers and shippers of dangerous drugs were constitutional under the Commerce Clause. We would simply note that the burden on interstate commerce created by registration in that case was substantially less than the burden imposed by licensing under LB 578. We would also note, as discussed earlier, that the various authorities are in conflict on this issue.

One final matter remains. The United States Supreme Court has indicated that state attempts to regulate interstate commerce which may be considered as simple economic protectionism are virtually invalid per se. Philadelphia v. New Jersey, 417 U.S. 617 (1978). In the present instance, no such economic protectionism is apparent

from the plain language of LB 578. However, if LB 578 could be considered as an attempt to protect pharmacies located within the State of Nebraska from competing pharmacies located out-of-state, then LB 578 would be a form of economic protectionism invalid under the United States Constitution.

In summary, we do not believe that LB 578 is preempted by the federal legislation controlling the flow of controlled substances within interstate commerce. However, while we feel that the state has legitimate and strong interest in regulating the process of dispensing drugs, we believe that the regulation envisioned by LB 578 is more than an incidental burden on interstate commerce, and that the state's interest in regulating the flow of controlled substances is adequately protected by the pertinent federal statutes. Consequently, it is our opinion that LB 578 is of suspect constitutional validity under the Commerce Clause of the United States Constitution.

Sincerely yours,
ROBERT M. SPIRE
Attorney General
(Signed) A. Eugene Crump
Deputy Attorney General

AEC:bmh
cc: Patrick J. O'Donnell
Clerk of the Legislature

## UNANIMOUS CONSENT - Withdraw Co-Introducer

Mr. Hall asked unanimous consent to withdraw his name as co-introducer to LB 496. No objections. So ordered.

## VISITORS

Visitors to the Chamber were 21 fourth grade students and sponsors from Williams Elementary School, Columbus; 60 fourth grade students and sponsors from Walnut Hill School, Omaha; and 19 fourth grade students and teacher from Emanuel Lutheran School, York.

## RECESS

At 12:10 p.m., on a motion by Mrs. Marsh, the Legislature recessed until 1:30 p.m.

## AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Nichol presiding.

## ROLL CALL

The roll was called and all members were present except Messrs. Chizek, Haberman, Hoagland, R. Johnson, Landis, Miller, Schmit, Mesdames Higgins, and Labedz who were excused until they arrive.

## UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendment to LB 453 in the Journal. No objections. So ordered.

(Amendments to Standing Committee Amendments)

1. On page 1, line 5, add "on page 2, line 13, add 'provided, however, this definition shall not apply to companies that generated or solicited deposits prior to the effective date of this Act.' "

2. On page 4, line 21, add "provided, however, this definition shall not apply to companies that generated or solicited deposits prior to the effective date of this Act."

## GENERAL FILE

**LEGISLATIVE BILL 190.** Title read. Considered.

Standing Committee amendments, AM0315, found in the Journal on page 695 for the Twenty-Eighth Day were considered.

Mr. Warner renewed his pending amendment, AM0444, found in the Journal on page 832 to the Standing Committee amendments.

The Warner amendment was adopted with 15 ayes, 8 nays, 20 present and not voting, and 6 excused and not voting.

Mr. V. Johnson asked unanimous consent to withdraw his pending amendment, AM0749, found in the Journal on page 1193. No objections. So ordered.

Mr. V. Johnson offered the following amendment to the Standing Committee amendments:

AM0882

1. In the Standing Committee amendments, AM0315, beginning on page 695 of the Journal, on page 2, strike beginning with "and" in line 17 through the period in line 18 and insert "and for any additional

tax, up to four cents, a discount of four per cent shall be allowed. A discount shall be allowed for affixing and canceling such stamp on each package containing more than twenty cigarettes, which shall be equal to the amount resulting from the discount allowed on a package of twenty cigarettes plus one-twentieth of such amount for each cigarette in excess of twenty cigarettes in each package.".

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

Mr. Remmers moved to bracket LB 190 until January, 1986.

Mr. Remmers asked unanimous consent to withdraw his pending motion. No objections. So ordered.

The V. Johnson pending amendment was adopted with 15 ayes, 1 nay, 29 present and not voting, and 4 excused and not voting.

Mr. DeCamp offered the following amendment to the Standing Committee amendments:

To amend the Vard Johnson amendment, AM0882, on line 5 strike "four percent" and insert "one percent"

**MR. BEUTLER PRESIDING**

Mr. DeCamp asked unanimous consent to withdraw his pending amendment. No objections. So ordered.

Mr. V. Johnson moved for a call of the house. The motion prevailed with 17 ayes, 0 nays, and 32 not voting.

Mr. V. Johnson requested a roll call vote on the Standing Committee amendments.

Voting in the affirmative, 23:

| | | | | |
|---|---|---|---|---|
| Beutler | Hannibal | Lamb | Pappas | Schmit |
| Chambers | Hefner | Landis | Peterson | Vickers |
| DeCamp | Hoagland | Marsh | Pirsch | Warner |
| Goll | Johnson, L. | Miller | Rogers | Wesely |
| Haberman | Johnson, V. | Morehead | | |

Voting in the negative, 23:

| | | | | |
|---|---|---|---|---|
| Abboud | Conway | Hartnett | Lynch | Scofield |
| Baack | Eret | Higgins | Nelson | Sieck |
| Barrett | Goodrich | Johnson, R. | Remmers | Smith |
| Carsten | Hall | Labedz | Rupp | Withem |
| Chronister | Harris | Lundy | | |

Present and not voting, 2:

Beyer Nichol

Excused and not voting, 1:

Chizek

The Standing Committee amendments, as amended, lost with 23 ayes, 23 nays, 2 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Messrs. Nichol, Beyer, and Schmit asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Haberman asked unanimous consent to withdraw his pending amendment, AM0218, found in the Journal on page 596. No objections. So ordered.

Mr. Warner moved to indefinitely postpone LB 190.

Mrs. Morehead asked unanimous consent to be excused until she returns. No objections. So ordered.

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

Mr. Chronister requested a roll call vote on the Warner motion to indefinitely postpone.

Voting in the affirmative, 23:

| | | | | |
|---|---|---|---|---|
| Carsten | Conway | DeCamp | Goll | Haberman |

| | | | | |
|---|---|---|---|---|
| Hannibal | Johnson, L. | Landis | Pirsch | Vickers |
| Hefner | Johnson, V. | Miller | Remmers | Warner |
| Higgins | Labedz | Pappas | Rogers | Wesely |
| Hoagland | Lamb | Peterson | | |

Voting in the negative, 19:

| | | | | |
|---|---|---|---|---|
| Abboud | Chronister | Harris | Marsh | Scofield |
| Baack | Eret | Hartnett | Morehead | Sieck |
| Barrett | Goodrich | Johnson, R. | Nelson | Smith |
| Beutler | Hall | Lynch | Rupp | |

Present and not voting, 4:

| | | | |
|---|---|---|---|
| Beyer | Chambers | Lundy | Withem |

Excused and not voting, 3:

| | | |
|---|---|---|
| Chizek | Nichol | Schmit |

The Warner motion to indefinitely postpone prevailed with 23 ayes, 19 nays, 4 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

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

## ATTORNEY GENERAL'S OPINION

Opinion No. 58
April 8, 1985

RE: LB 452

Dear Senator DeCamp:

As amended, LB 452 authorizes a regional out-of-state bank holding company to acquire a "problem" bank in the State of Nebraska. You have requested our opinion as to whether state law can prohibit either the acquired bank or the acquiring out-of-state bank holding company from exercising all rights of a Nebraska bank, such as further branching. It is our opinion that the Legislature may place such restrictions on the acquired bank or the acquiring out-of-state bank holding company.

For purposes of answering your question, we rely upon the amendments to LB 452 as found in the Legislative Journal of April 2, 1985, pgs. 1348-1350. As so amended, LB 452 allows regional out-of-state bank holding companies to acquire banks within the State of Nebraska after July 1, 1987, so long as the home state of the out-of-state bank holding company provides reciprocal treatment to Nebraska banks or bank holding companies. Regional out-of-state bank holding companies are allowed, under certain conditions, to acquire a "problem" bank in Nebraska prior to July 1, 1987. However, a "problem" bank acquired by a regional out-of-state bank holding company would not be allowed to expand its operations by merging or acquiring any other Nebraska bank. In effect, a Nebraska bank acquired by a regional out-of-state bank holding company would be treated differently than a Nebraska bank owned by a Nebraska bank holding company until July 1, 1987.

It is clear that LB 452 would place a restriction upon out-of-state bank holding companies from coming into the State of Nebraska and acquiring banks within the state. The Commerce Clause grants to Congress the power to regulate commerce among the several states. U.S. Constitution, Article I, Section 8, paragraph 3. If Congress authorizes the states to regulate an aspect of interstate commerce, any action taken by a state within the perameters of that authority is invulnerable to challenge. Northeast Bancorp, Inc. v. Board of Governors of the Federal Reserve System, 740 F.2d 203 (2d Cir. 1984). Section 3(d) of the Bank Holding Company Act (also known as the Douglas Amendment) authorizes the states to control acquisition of banks within their borders by out-of-state bank holding companies. It has been held that Congress, through the Douglas Amendment, authorized the states to limit acquisitions of banks within their states to regional bank holding companies. Northeast Bancorp, Inc. v. FRB. Because the languages of the Douglas Amendment is very broad, we do not believe that the limitations upon out-of-state bank holding companies, imposed by LB 452, would exceed the authority granted to the state by Congress, to regulate acquisitions of Nebraska banks by out-of-state bank holding companies.

A more critical question is whether LB 452 violates the Equal Protection Clause, which provides: "No state shall . . .deny to any person within its jurisdiction the equal protection of the laws." U.S. Constitution, Amendment 14, Section 1. It could be contended that such a violation would exist because LB 452 limits a Nebraska bank's ability to expand its operations, based solely upon its ownership by either an out-of-state bank holding company or an in-state bank holding company or bank. There are situations in which the states may classify and treat foreign corporations differently from

both individuals and domestic corporations. However, the classification must be rationally related to the achievement of a legitimate state purpose. Western and Southern Life Insurance Company v. State Board of Equalization, 451 U.S. 648 (1981). The question then becomes, is LB 452 rationally related to the achievement of a legitimate state purpose? We believe it is.

It could be argued that the provisions of LB 452, which allow a regional out-of-state bank holding company to acquire a "problem" bank, serve to increase the number of purchasers of troubled banks in Nebraska at a time of increased distress in the banking community. By prohibiting an acquired bank from expanding its operations until July 1, 1987, the legislation would prevent an out-of-state bank holding company from utilizing its takeover of a "problem" bank, from expanding its advantage over other regional out-of-state bank holding companies, which are prevented from entering the state until July 1, 1987. Therefore, the limitations included in LB 452 can be supported as rationally related to the legitimate state interests in regulating the entry of out-of-state bank holding companies into the State of Nebraska. We would caution that the case of Northeast Bancorp, Inc. v. Board of Governors of the Federal Reserve, cited above, is presently before the United States Supreme Court for review. Therefore, the power of the states to regulate acquisitions by out-of-state bank holding companies is subject to change. However, until the United States Supreme Court determines otherwise, it is our opinion that LB 452 would withstand constitutional attack.

Very truly yours,
ROBERT M. SPIRE
Attorney General
(Signed) Timothy E. Divis
Assistant Attorney General

TED:dr
cc: Patrick J. O'Donnell
Clerk of the Legislature

**UNANIMOUS CONSENT - Print in Journal**

Mr. DeCamp asked unanimous consent to print the following amendment to LB 72 in the Journal. No objections. So ordered.

(Amendment printed separate from the Journal and on file in the Clerk's Office - Room 1102 - AM0904.)

Mr. Withem asked unanimous consent to print the following amendment to LB 393 in the Journal. No objections. So ordered.

AM0931

(Amendments to Standing Committee amendments)

1. On page 1, lines 4, 5 and 6, 11, and 16 and 17; page 3, line 24; page 6, line 24; page 7, line 3; page 10, line 17; and page 11, lines 19 and 26, strike "Political Subdivision" and insert "County".

2. On page 1, line 7, after "for" insert "county"; in lines 9 and 10 and 12 and 13 strike "political subdivisions" and insert "counties"; strike lines 19 through 22; and in line 23 strike "(2)" and insert "(1)".

3. On page 2, line 4, reinstate "county"; in line 5 strike "political subdivision" and insert "county government"; in line 8 strike "(3)" and insert "(2)"; in line 12 strike "(4)" and insert "(3)"; strike beginning with "The" in line 25 through "may" in line 26 and insert "Any"; and in line 27 reinstate "county board", after the reinstated "board" insert "may, and", and reinstate "in counties having".

4. On page 3, reinstate the stricken matter beginning with "a" in line 1 through "shall" in line 2; in line 3 reinstate "a county", strike "an", after "of" insert "the", and reinstate "county"; in line 4 strike "the political subdivision"; in lines 5, 10, 11, and 22 strike the new matter and reinstate the stricken matter; in lines 6 and 16 reinstate "county"; in line 7 strike "governing"; in line 12 reinstate "county", before the reinstated "county" insert "the", and strike "the governing"; in line 17 strike "governing" and strike "of the political subdivision"; in line 18 and 26 strike "governing" and insert "county"; and in line 23 reinstate "county", before the reinstated "county" insert "the", and strike "the political subdivison".

5. On page 4, lines 4 and 14, strike the new matter and reinstate the stricken matter; in line 5 strike "subdivision"; in lines 6, 8, and 25 reinstate "county"; in line 7 strike "governing"; in lines 9 and 26 strike "of the political subdivision"; in line 15 strike "political subdivision"; and in line 16 reinstate "county" and strike "governing".

6. On page 5, line 7, reinstate "county" and strike "governing"; in line 15 reinstate "county" and strike "political"; in line 16 strike "subdivision"; and in line 9 strike "governing" and insert " county" and

strike "of the political subdivision".

7. On page 6, line 11, after the first "the" insert "county"; strike beginning with "representing" in line 11 through "subdivision" in line 12; strike beginning with "appropriate" in line 13 through "subdivision" in line 14 and insert "county clerk of the county"; in line 22 strike "governing" and insert "county"; and in line 26 strike "political".

8. On page 7, line 1, strike "subdivision" and insert "county"; in line 4 strike "political subdivision" and insert "county"; and in lines 6 and 10 strike "governing" and insert "county".

9. On page 8, line 16, strike "political subdivision" and insert "county"; and in line 23 after the second "the" insert "county".

10. On page 9, line 2, strike "governing" and insert "county" and strike "of the"; in line 3 strike "political subdivision"; in line 10 strike "governing" and insert "county"; and in line 25 strike the new matter and reinstate the stricken matter.

11. On page 10, lines 3, 19, and 23, reinstate "county"; in lines 4 and 11 strike the new matter; in line 5 reinstate "county clerk" and strike "appropriate"; in line 6 strike "officer of the political subdivision"; in line 9 reinstate "the county clerk"; in line 10 strike "such officer"; in lines 12, 14, and 22 strike the new matter and reinstate the stricken matter; and in line 24 strike "political subdivision".

12. On page 11, lines 3 and 17, reinstate "county"; in line 8 strike "supplies, materials, equipment," show as stricken, and insert "personal property" and strike "contractual" and show as stricken; in line 10 strike the new matter and reinstate the stricken matter; and in line 25 strike "governing" and insert "county" and strike "of the political subdivision".

13. On page 12, lines 5 and 6, strike the new matter and reinstate the stricken matter.

## UNANIMOUS CONSENT - Add Co-Introducer

Mr. Vickers asked unanimous consent to have his name added as co-introducer to LB 505. No objections. So ordered.

## GENERAL FILE

**LEGISLATIVE BILL 372.** Title read. Considered.

Standing Committee amendments, AM0495, printed separate from the Journal and referred to on page 1048 for the Forty-Second Day were considered.

Mr. Vickers offered the following amendment to the Standing Committee amendment:

To amend the White Copy Version of LB 372 (AM0495) as follows: Page 17, strike beginning with "and" on line 7 through "equivalent" on line 8.

Mr. Hall 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 Vickers amendment was adopted with 19 ayes, 1 nay, 25 present and not voting, and 4 excused and not voting.

Mr. Chambers offered the following amendment to the Standing Committee amendments:

1. P. 21, line 9: strike first "and", insert "or".
2. P. 25, line 24 & P. 26, line 1: strike "less", insert "fewer".

The Chambers amendment was adopted with 24 ayes, 0 nays, 22 present and not voting, and 3 excused and not voting.

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

Mrs. Marsh asked unanimous consent to be excused. No objections. So ordered.

The Standing Committee amendments, as amended, were adopted with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

Advanced to E & R for Review with 34 ayes, 0 nays, 10 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 157.** Considered.

Mrs. Higgins renewed her pending amendment, AM0394, found in

the Journal on page 785.

**SPEAKER NICHOL PRESIDING**

Mr. R. Johnson asked unanimous consent to be excused. No objections. So ordered.

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

The Higgins amendment was adopted with 25 ayes, 6 nays, 12 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Mr. Landis asked unanimous consent to withdraw his pending amendment, AM0475, found in the Journal on page 888. No objections. So ordered.

Messrs. DeCamp, Lundy, Hannibal, and Mrs. Labedz renewed their pending amendment, AM0506, found in the Journal on page 900.

Pending.

**UNANIMOUS CONSENT - Print in Journal**

Mr. Pappas asked unanimous consent to print the following amendment to LB 280 in the Journal. No objections. So ordered.

1. Insert a new section 2. "Sec 2. For the purposes of raising revenue a tax is imposed upon the privilege of selling and use of cigarettes. Every person engaged in distributing or selling cigarettes at wholesale in this state shall pay to the Tax Commissioner of this state a special privilege tax. This shall be in addition to all other taxes. It shall be paid prior to or at the time of the sale, gift, or delivery to the retail dealer in the several amounts as follows: On all cigarettes, twenty two cents per package containing not more than twenty cigarettes, and on packages containing more than twenty cigarettes a tax of twenty two cents for the first twenty cigarettes in each package and a tax of one-twenty-- seconds of the tax on the first twenty cigarettes on each cigarette in excess of twenty cigarettes in each package. Seventeen cents of such tax shall be placed in the General Fund. The remaining proceeds of such tax shall be distributed as defined in 77-2602.

There is hereby levied and imposed a tax upon the use of all

cigarettes, as defined by section 77-2601, used in this state, except such cigarettes upon which the tax imposed by the above section has been paid. The amount of such use tax shall be at the rate provided in section 2 of this act as now existing or as hereafter amended. The tax collected shall be disbursed as provided in section 2."

2. Renumber section 2. accordingly.

## UNANIMOUS CONSENT - Add Co-Introducer

Mr. Withem asked unanimous consent to have his name added as co-introducer to LB 372. No objections. So ordered.

## MOTION - Reconsider Action on LB 190

Messrs. V. Johnson and Wesely moved to reconsider the indefinite postponement of LB 190.

Laid over.

## STANDING COMMITTEE REPORTS
### Judiciary

**LEGISLATIVE BILL 464.** Placed on General File as amended.
Standing Committee amendment to LB 464:
AM0928

1. On page 3, line 5, after "fraudulently" insert "from a licensed cable television franchisee".

**LEGISLATIVE BILL 612.** Placed on General File as amended.
Standing Committee amendments to LB 612:
AM0949

1. On page 2, line 8, strike "(4)", show as stricken, and insert "(5)".

2. On page 3, after line 4 insert the following new subdivision:

"(3) The court may place the custody of a child with both parents on a shared or joint-custody basis when both parents agree to such an arrangement. In that event, the parents shall have equal rights to make decisions in the best interests of the child under their custody. When a child is placed in the joint custody of the child's parents, the court shall determine a primary residency for the child."; in line 5 strike "(3)", show as stricken, and insert "(4)"; in line 15 strike ", but shall be used to support the

child"; and in line 20, strike "(4)", show as stricken, and insert "(5)".

(Signed) Peter Hoagland, Chairperson

## SELECT COMMITTEE REPORTS
### Enrollment and Review

### Correctly Engrossed

The following bills were correctly engrossed: 117, 132, 132A, 359, 578, and 578A.

(Signed) Timothy Hall, Chairperson

### Enrollment and Review Change to LB 359

The following changes, required to be reported for publication in the Journal, have been made:
ER0047

1. In the Hartnett amendment, AM0611, adopted April 3, 1985:

a. On page 1, line 22, the comma has been struck and shown as stricken;

b. On page 2, line 22, "3" has been struck and "4" inserted; and in line 23 the first "or" has been struck; and

c. Amendments 2 and 3 have been struck.

2. In the DeCamp amendment, AM0876, adopted April 3, 1985:

a. On page 1, line 2, "Section 1" has been struck and "Sec. 2" inserted; in line 13 "4" has been struck and "7" inserted;

b. Amendments 2 and 3 have been struck.

3. On page 1, line 1, "section" has been struck and "sections 53-102, 53-160.01, and" inserted; in line 3 "the" has been struck; in line 4 "tax; and" has been struck and "taxes; to change provisions relating to the transportation of alcoholic liquors; to provide a penalty; to provide duties for the Revisor of Statutes;" inserted and "section" has been struck and "sections; and to declare an emergency" inserted.

4. On page 2, line 1, "Section 1" has been struck and "Sec. 3" inserted.

5. On page 6, line 5, "Nebraska" has been inserted after the first "the"; in line 23 "2" has been struck and "6" inserted and "section" has been struck and "sections 53-102, 53-160.01, and" inserted; and in line 24 "is" has been struck and "are" inserted.

6. The following new section has been inserted:

"Sec. 5. The Revisor of Statutes shall assign section 4 of this act

to Chapter 53, article 1, and any reference to Chapter 53, article 1, to the Nebraska Liquor Control Act, or to this act within Chapter 53, article 1, shall be construed to include section 4 of this act.".

(Signed) Mary Sommermeyer
E & R Attorney

## GENERAL FILE

**LEGISLATIVE BILL 157.** The DeCamp-Lundy-Hannibal-Labedz pending amendment found in the Journal on page 900 and referred to in this day's Journal was renewed.

Mrs. Labedz moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

The DeCamp et al. amendment was adopted with 25 ayes, 4 nays, 15 present and not voting, and 5 excused and not voting.

## ADJOURNMENT

At 4:26 p.m., on a motion by Mrs. Smith, the Legislature adjourned until 9:00 a.m., Wednesday, April 10, 1985.

Patrick J. O'Donnell
Clerk of the Legislature

# FIFTY-SIXTH DAY - APRIL 10, 1985

## LEGISLATIVE JOURNAL

## EIGHTY-NINTH LEGISLATURE
## FIRST SESSION

## FIFTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, April 10, 1985

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

## PRAYER

The prayer was offered by Dr. Robert Palmer, Westminster Presbyterian Church, Lincoln, Nebraska.

## ROLL CALL

The roll was called and all members were present except Messrs. Conway and V. Johnson 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: 61, 130, 250, 280, and 280A.

(Signed) Timothy Hall, Chairperson

### Enrollment and Review Change to LB 250

The following changes, required to be reported for publication in

the Journal, have been made:
ER0046

1. In the E & R amendments, AM5091, adopted April 3, 1985, on page 2, line 18, the first "for" has been struck and "authorize" inserted.

2. On page 1, line 6, "and" has been struck and after the last comma "71-6108, and 71-6109," has been inserted.

3. On page 19, line 27, "and" has been struck and "or" inserted.

(Signed) Mary Sommermeyer
E & R Attorney

## UNANIMOUS CONSENT - Add Co-Introducer

Mr. Hartnett asked unanimous consent to have his name added as co-introducer to LB 505. No objections. So ordered.

## BILLS ON FINAL READING

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 387.**

A BILL FOR AN ACT relating to natural resources; to amend sections 2-3228, 2-4202 to 2-4204, 2-4206, 2-4209, 2-4211, 2-4213, 2-4214, 2-4216 to 2-4220, 2-4226, 2-4227, 2-4233, and 2-4242, Reissue Revised Statutes of Nebraska, 1943; to change the powers and duties of the Nebraska Conservation Corporation to include assisting political subdivisions in resource development; to define and redefine terms; to change provisions relating to bonds; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 34:

| | | | | |
|---|---|---|---|---|
| Abboud | Goodrich | Higgins | Miller | Schmit |
| Baack | Haberman | Hoagland | Morehead | Sieck |
| Beutler | Hall | Johnson, R. | Nelson | Smith |
| Beyer | Hannibal | Labedz | Nichol | Vickers |
| Chizek | Harris | Lundy | Pappas | Wesely |
| Chronister | Hartnett | Lynch | Rogers | Withem |
| DeCamp | Hefner | Marsh | Rupp | |

Voting in the negative, 13:

| | | | | |
|---|---|---|---|---|
| Barrett | Eret | Lamb | Pirsch | Scofield |
| Carsten | Goll | Landis | Remmers | Warner |
| Chambers | Johnson, L. | Peterson | | |

Excused and not voting, 2:

Conway Johnson, V.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Messrs. R. Johnson, Schmit, and Vickers asked unanimous consent to be excused until they return. No objections. So ordered.

**LEGISLATIVE BILL 268.** With Emergency.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-506, 77-601 to 77-609, 77-611, 77-612, 77-615, 77-616, 77-619, 77-620, 77-621, 77-623, 77-626, 77-627, 77-632, 77-633, and 77-1209.03, Reissue Revised Statutes of Nebraska, 1943, and sections 77-202, 77-624, 77-625, 77-628, 77-27,137, and 77-27,137.02, Revised Statutes Supplement, 1984; to change provisions relating to assessment and equalization of railroad property; to provide powers and duties for the Tax Commissioner; to eliminate provisions relating to the State Board of Equalization and Assessment; to harmonize provisions; to provide an operative date; to eliminate certain provisions relating to terminal taxation and sleeping car companies; to repeal the original sections, and also sections 77-610, 77-613, 77-614, 77-617, 77-618, 77-622, and 77-634 to 77-675, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 45:

| | | | | |
|---|---|---|---|---|
| Abboud | Carsten | DeCamp | Hall | Higgins |
| Baack | Chambers | Eret | Hannibal | Hoagland |
| Barrett | Chizek | Goll | Harris | Johnson, L. |
| Beutler | Chronister | Goodrich | Hartnett | Johnson, V. |
| Beyer | Conway | Haberman | Hefner | Labedz |

| | | | | |
|---|---|---|---|---|
| Lamb | Miller | Pappas | Rogers | Smith |
| Landis | Morehead | Peterson | Rupp | Warner |
| Lundy | Nelson | Pirsch | Scofield | Wesely |
| Marsh | Nichol | Remmers | Sieck | Withem |

Voting in the negative, 0.

Present and not voting, 1:

Lynch

Excused and not voting, 3:

Johnson, R. Schmit Vickers

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

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

## MOTION - Return LB 272 to Select File

Mr. Warner moved to return LB 272 to Select File for his specific amendment, AM0075, found in the Journal on page 786.

The motion to return prevailed with 38 ayes, 0 nays, 7 present and not voting, and 4 excused and not voting.

## SELECT FILE

**LEGISLATIVE BILL 272.** The Warner specific amendment, AM0075, found in the Journal on page 786 was adopted with 39 ayes, 0 nays, 6 present and not voting, and 4 excused and not voting.

Advanced to E & R for Re-Engrossment.

## ANNOUNCEMENT

The Chair announced today is Senator Goll's birthday.

## BILL ON FINAL READING

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 344.**

A BILL FOR AN ACT relating to revenue and taxation; to amend section 66-461, Reissue Revised Statutes of Nebraska, 1943, and sections 13-203, 13-207, 77-2711, 77-2769, 77-2769.01, 77-2770, and 77-27,119, Revised Statutes Supplement, 1984; to change references to a repealed statute which provided for a corporate franchise tax; to repeal the Multistate Tax Compact; to harmonize provisions; and to repeal the original sections, and also sections 77-2901, 77-2902, and 77-2903, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

| | | | | |
|---|---|---|---|---|
| Abboud | DeCamp | Hefner | Lynch | Remmers |
| Baack | Eret | Higgins | Marsh | Rogers |
| Barrett | Goll | Hoagland | Miller | Rupp |
| Beutler | Goodrich | Johnson, L. | Morehead | Scofield |
| Beyer | Haberman | Johnson, V. | Nelson | Sieck |
| Carsten | Hall | Labedz | Nichol | Smith |
| Chizek | Hannibal | Lamb | Pappas | Warner |
| Chronister | Harris | Landis | Peterson | Wesely |
| Conway | Hartnett | Lundy | Pirsch | Withem |

Voting in the negative, 0.

Excused and not voting, 4:

| | | | |
|---|---|---|---|
| Chambers | Johnson, R. | Schmit | Vickers |

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**MOTION - Return LB 508 to Select File**

Mr. Beutler asked unanimous consent to withdraw his pending motion to return LB 508 to Select File for his specific amendment found in the Journal on page 1097.

Mr. Beutler moved to return LB 508 to Select File for the following specific amendment:

(Amendments to Final Reading Copy)

AM0975

1. On page 9, line 15, after "society" insert "or of any firm, corporation, or organization which he or she served in any capacity at the request of the society".

2. On page 22, line 17, before "No" insert "(1)" and strike "money or other" and insert "noninsurance"; and after line 24 insert the following new subsection:

"(2) All proceeds, cash values, and benefits accruing under any annuity contract, under any policy or certificate of life insurance payable upon the death of the insured to a beneficiary other than the estate of the insured, and under any accident or health insurance policy issued before, on, or after October 1, 1985, shall be exempt from attachment, garnishment, or other legal or equitable process and from all claims of creditors of the insured and of the beneficiary if related to the insured by blood or marriage, unless a written assignment to the contrary has been obtained by the claimant. This section shall not apply to any loan value in excess of five thousand dollars of an unmatured life insurance contract.".

The Beutler motion to return prevailed with 37 ayes, 0 nays, 8 present and not voting, and 4 excused and not voting.

## SELECT FILE

**LEGISLATIVE BILL 508.** The Beutler specific amendment, AM0975, found in this day's Journal was adopted with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

Advanced to E & R for Re-Engrossment.

## SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 387, 268, and 344.

## RESOLUTION

**LEGISLATIVE RESOLUTION 83.**

Introduced by Hannibal, 4th District; Chizek, 31st District; Beyer, 3rd District; Abboud, 12th District.

WHEREAS, the community of Millard and the Millard Public School District were formed in 1885; and

WHEREAS, the Millard Public School District has been serving the people of the Millard community for one hundred years; and

WHEREAS, the Millard Public Schools will celebrate its centennial at a banquet on April 14, 1985; and

WHEREAS, at that time Dr. Donald Stroh, Superintendent of the Millard Public Schools, will be honored for serving 30 years in that position by induction into the District's Hall of Fame; and

WHEREAS, at the same time Wilma Upchurch, who taught in the Millard Public Schools from 1947 to 1977, will also be honored by induction into the District's Hall of Fame;

NOW, THEREFORE, BE IT RESOLVED:

1. That the 89th Legislature, 1st Session, congratulates the Millard Public School district on its centennial;

2. That the 89th Legislature, 1st Session, congratulates Dr. Donald Stroh on his induction into the Millard Public Schools Hall of Fame;

3. That the 89th Legislature, 1st Session, congratulates Wilma Upchurch on her induction into the Millard Public Schools Hall of Fame; and

4. That copies of this resolution be sent to the Millard Public School district, Dr. Donald Stroh, and Wilma Upchurch.

Laid over.

## UNANIMOUS CONSENT - Withdraw Amendment to LB 662

Mr. V. Johnson asked unanimous consent to withdraw the pending Schmit amendment, AM0775, found in the Journal on page 1212. No objections. So ordered.

## MOTION - Return LB 662 to Select File

Mr. V. Johnson moved to return LB 662 to Select File for the Schmit specific amendment, AM0857, found in the Journal on page 1283.

The motion to return prevailed with 26 ayes, 4 nays, 15 present and not voting, and 4 excused and not voting.

## SELECT FILE

**LEGISLATIVE BILL 662.** The Schmit specific amendment,

AM0857, found in the Journal on page 1283 was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Advanced to E & R for Re-Engrossment.

## SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolution: LR 80.

## MOTION - Return LB 662 to Select File

Mr. DeCamp moved to return LB 662 to Select File for his specific amendment, AM0938, found in the Journal on page 1401.

Mr. DeCamp asked unanimous consent to withdraw his pending motion to return. No objections. So ordered.

Mr. DeCamp asked unanimous consent to withdraw his pending amendment, AM0938, found in the Journal on page 1401. No objections. So ordered.

Mr. V. Johnson moved to return LB 662 to Select File for the following V. Johnson-Landis specific amendment:
AM0953

1. Strike section 16 and insert the following new sections:

"Sec. 15. If sections 12 to 14 of this act or any part of such sections shall be declared invalid or unconstitutional, such declaration shall not affect the validity or constitutionality of the remaining portions thereof.

Sec. 38. That section 79-498, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-498. To be entitled under section 79-494 to nonresident public school education in the tenth, eleventh, or twelfth grade of any public school district maintaining such grade, a pupil must have a certificate signed by the county superintendent of the proper county that he or she has completed the course of study for the preceding grade ; and ~~that he~~ is unable to secure instruction in the next advanced grade in the public school district of his or her residence, except ;

~~PROVIDED,~~ that when a school district is annexed to or merged with another district, the board of education of the annexing district may pay the tuition in the amount provided for by section 79-4,102 of students who at the time of such annexation are attending high school in a district other than such annexing district~~,~~ for such time as may be necessary to complete the prescribed high school course for graduation in such other district. When a school district is merged with another district pursuant to section 1 or 6 of this act or section 79-701, the school district with which such school district merges shall pay the tuition in the amount provided in section 79-4,102 of students who at the time of such merger are enrolled in grades eleven and twelve and are attending high school in another district for such time as may be necessary to complete the prescribed high school course for graduation in such other school district.".

2. On page 1, line 4, after "79-471," insert "79-498,".

3. On page 2, line 13, after the first semicolon insert "to provide severability as prescribed;" and after the second semicolon insert "to provide for the payment of tuition in certain cases;".

4. On page 8, lines 5, 9, and 18; page 9, line 5; and page 10, line 4, strike "V, or VI" and insert "or V".

5. On page 8, line 11, after the period insert: "Prior to the affiliation of a Class I school district with an adjoining Class II, III, IV, or V school district, the plan of affiliation shall first be approved by the school board of the Class II, III, IV, or V school district to which an affiliation plan has proposed. Following the approval by such school board, the plan of affiliation shall be submitted at a special election to all the electors of the school districts involved. Notice of the election shall be given by the county clerk or election commissioner and shall be published in a legal newspaper of general circulation in the county or counties involved at least ten days prior to the election. The notice shall state that the election has been called for the purpose of affording the electors an opportunity to approve or reject the plan of affiliation.

All ballots shall be prepared and the special

election shall be held and conducted by the county clerk or election commissioner, and the expense of such election shall be paid by the Class I school district. The county clerk or election commissioner shall use the duly appointed election board or appoint two judges and two clerks who shall be qualified electors of the territory of the proposed school district. The election shall be held at a place or places within the proposed district which shall have been determined by the county clerk or election commissioner to be convenient for the voters.

When the proposed plan of affiliation involves school districts under the jurisdiction of more than one county, the county clerk or election commissioner of the county which has the largest number of residents shall give the notice and prepare the ballots. The election shall be held and conducted by the county clerk or election commissioner of each county involved in the plan of affiliation. Approval of the plan of affiliation shall require a majority of all electors voting."; and in line 14 strike "not".

6. On page 9, line 12, strike "less" and insert "including"; strike beginning with "including" in line 13 through "costs" in line 14; and after line 18 insert the following new paragraph:

" Following any affiliation created pursuant to sections 8 to 11 of this act, bonds may be issued pursuant to sections 10-701 to 10-716, for purposes of capital additions or improvements to facilities used for the instructional program for grades nine through twelve or grades seven through twelve, upon the approval of a majority of all the qualified electors voting on the issue in the Class II, III, IV, or V school district and all affiliated Class I school districts.".

7. On page 54, line 21, strike "15 to" and insert "16,"; in line 22, strike "40 to 42, 45, 54, and 60" and insert "38, 41 to 43, 46, 55, and 61"; in line 23 strike "May 1" and insert "July 31"; and strike beginning with "39" in line 23 through "61" in line 24 and insert "37, 39, 40, 44, 45, 47 to 54, 56 to 59, and 62".

8. On page 55, line 1, after "79-426.11," insert "79-498,".

9. Renumber the remaining sections and correct internal references accordingly.

Mr. Beutler moved the previous question. The question is, "Shall the debate now close?" The motion lost with 15 ayes, 16 nays, and 18 not voting.

Mr. Withem moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 10 nays, and 14 not voting.

Mr. Haberman requested a roll call vote on the V. Johnson-Landis motion to return.

Voting in the affirmative, 25:

| | | | | |
|---|---|---|---|---|
| Beutler | Hannibal | Labedz | Miller | Remmers |
| Chizek | Harris | Landis | Morehead | Rupp |
| Conway | Hartnett | Lundy | Nelson | Vickers |
| Goodrich | Hoagland | Lynch | Nichol | Wesely |
| Hall | Johnson, V. | Marsh | Pappas | Withem |

Voting in the negative, 19:

| | | | | |
|---|---|---|---|---|
| Abboud | Carsten | Goll | Lamb | Sieck |
| Baack | Chronister | Haberman | Peterson | Smith |
| Barrett | DeCamp | Hefner | Rogers | Warner |
| Beyer | Eret | Johnson, L. | Scofield | |

Present and not voting, 2:

Higgins Pirsch

Excused and not voting, 3:

Chambers Johnson, R. Schmit

The motion to return prevailed with 25 ayes, 19 nays, 2 present and not voting, and 3 excused and not voting.

## SELECT FILE

**LEGISLATIVE BILL 662.** The V. Johnson-Landis specific amendment, AM0953, found in this day's Journal was considered.

Mr. Vickers moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and

22 not voting.

The V. Johnson-Landis specific amendment was adopted with 25 ayes, 10 nays, 11 present and not voting, and 3 excused and not voting.

Mr. Lamb requested a machine vote on the advancement of the bill.

Mr. Hall requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 26:

| | | | | |
|---|---|---|---|---|
| Beutler | Hall | Hoagland | Lynch | Nichol |
| Chizek | Hannibal | Johnson, V. | Marsh | Pappas |
| Conway | Harris | Labedz | Miller | Vickers |
| DeCamp | Hartnett | Landis | Morehead | Wesely |
| Goodrich | Higgins | Lundy | Nelson | Withem |
| Haberman | | | | |

Voting in the negative, 18:

| | | | | |
|---|---|---|---|---|
| Abboud | Chronister | Lamb | Rogers | Sieck |
| Barrett | Eret | Peterson | Rupp | Smith |
| Beyer | Goll | Pirsch | Scofield | Warner |
| Carsten | Johnson, L. | Remmers | | |

Present and not voting, 1:

Baack

Absent and not voting, 1:

Hefner

Excused and not voting, 3:

Chambers Johnson, R. Schmit

Advanced to E & R for Re-Engrossment with 26 ayes, 18 nays, 1 present and not voting, 1 absent and not voting, and 3 excused and not voting.

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

## MOTION - Return LB 662 to Committee

Ms. Scofield moved to return LB 662 to the Education Committee.

Pending.

## SPEAKER'S ANNOUNCEMENT

Pursuant to Rule 4, Sec. 8, LR 81 and LR 82 were referred to the Reference Committee.

## UNANIMOUS CONSENT - Print in Journal

Messrs. Hoagland and Peterson asked unanimous consent to print the following amendment to LB 356 in the Journal. No objections. So ordered.

AM0957

(Amendments to Final Reading Copy)

1. On page 2, line 10, after "court" insert "or by an administrative order of the Director of Motor Vehicles".

## SELECT COMMITTEE REPORTS
### Enrollment and Review

### Correctly Engrossed

The following bills were correctly engrossed: 108, 259, 269A, 287, 336, 496, 533, 552A, and 700.

(Signed) Timothy Hall, Chairperson

### Enrollment and Review Change to LB 496

The following changes, required to be reported for publication in the Journal, have been made:
ER0050

1. In lieu of the Beutler amendment adopted April 3, 1985, in the Morehead-Goll amendments, AM0798, on page 1, after line 19, the following has been inserted:

"As used in sections 1 and 3 to 6 of this act, motor vehicle shall mean a vehicle required by section 39-6,171 to be equipped with safety belts.".

2. In lieu of the Vickers amendment adopted April 3, 1985, in the

Morehead-Goll amendments, AM0798, on page 2, line 3, "and" has been inserted after the second comma and "and taxicabs," has been struck and shown as stricken.

3. In the E & R amendments, AM5109, on page 1, the matter beginning with "strike" in line 16 through "and" in line 17 has been struck and "after the second semicolon" inserted; in line 17 "to" has been inserted before "change"; and in line 18 a semicolon has been inserted after "enforcement".

4. On page 1, the matter beginning with "the" in line 4 through "actions" in line 6 has been struck and "for the use of certain evidence" inserted.

(Signed) Mary Sommermeyer
E & R Attorney

## UNANIMOUS CONSENT - Print in Journal

Mrs. Smith asked unanimous consent to print the following amendment to LB 199 in the Journal. No objections. So ordered.

AM0936

1. On page 25, line 14, strike "23,447,199" and insert "23,630,427"; and in line 17 strike "36,538,773" and insert "36,722,001".

2. On page 26, line 14, strike "62,923,134" and insert "63,106,362"; and in line 17 strike "101,534,132" and insert "101,717,360".

Mrs. Smith asked unanimous consent to print the following amendment to LB 82 in the Journal. No objections. So ordered.

AM0935

1. On page 4, after line 15 insert the following new subsection:

"(5) The Department of Public Institutions shall maintain a medical detoxification program at the Hastings Regional Center for persons addicted to the excessive use of alcoholic liquors.".

## PRESENTED TO THE GOVERNOR

Presented to the Governor on April 10, 1985, at 10:30 a.m., were the following bills: 387, 268, and 344.

(Signed) Pam Moravec, Enrolling Clerk

## VISITORS

Visitors to the Chamber were 75 students and teachers from Calvert School, Lincoln; 58 fourth grade students and sponsors from Schuyler; 27 eighth grade students and sponsors from St. Josephs School, Lincoln; and Alain Davezac from Paris, France.

## RECESS

At 11:57 a.m., on a motion by Mr. Baack, the Legislature recessed until 1:30 p.m.

## AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Nichol presiding.

## ROLL CALL

The roll was called and all members were present except Mr. Rupp who was excused; and Messrs. Beutler, Chambers, R. Johnson, Peterson, Schmit, and Mrs. Labedz who were excused until they arrive.

## MOTION - Return LB 662 to Committee

Ms. Scofield renewed her pending motion found in this day's Journal to return LB 662 to the Education Committee.

Mr. V. Johnson moved the previous question. The question is, "Shall the debate now close?"

Mr. V. Johnson moved for a call of the house. The motion prevailed with 17 ayes, 0 nays, and 32 not voting.

The motion to cease debate prevailed with 26 ayes, 11 nays, and 12 not voting.

Ms. Scofield requested a roll call vote on her motion to return LB 662 to the Education Committee.

Voting in the affirmative, 21:

| | | | | |
|---|---|---|---|---|
| Abboud | Beyer | Chronister | Eret | Hefner |
| Barrett | Carsten | DeCamp | Goll | Johnson, L. |

| | | | | |
|---|---|---|---|---|
| Johnson, R. | Peterson | Remmers | Scofield | Smith |
| Labedz | Pirsch | Rogers | Sieck | Warner |
| Lamb | | | | |

Voting in the negative, 25:

| | | | | |
|---|---|---|---|---|
| Baack | Haberman | Higgins | Lynch | Nichol |
| Beutler | Hall | Hoagland | Marsh | Pappas |
| Chizek | Hannibal | Johnson, V. | Miller | Vickers |
| Conway | Harris | Landis | Morehead | Wesely |
| Goodrich | Hartnett | Lundy | Nelson | Withem |

Excused and not voting, 3:

| | | |
|---|---|---|
| Chambers | Rupp | Schmit |

The Scofield motion lost with 21 ayes, 25 nays, and 3 excused and not voting.

The Chair declared the call raised.

## MOTION - Return LB 662 to Select File

Mr. V. Johnson moved to return LB 662 to Select File for the following V. Johnson-Landis specific amendment:
AM0970

(Amendments to Final Reading Copy)

1. Strike sections 17, 27 to 29, 34, 35, 37 to 43, 45 to 52, and 55 to 58 and insert the following new section:

"Sec. 17. <u>After fiscal year 1988-89, no more than forty-five per cent of the total operational costs of the public school system shall be derived from taxes levied on real property.</u>".

2. On page 1, line 2, strike "79-422, 79-424, 79-425,"; in line 4 strike "79-432, 79-436,"; strike beginning with "79-471" in line 4 through "79-1103.03," in line 7; in line 7 after "79-1107," insert "and" and strike "79-2313 and"; in line 8 strike "79-2315,"; in line 9 strike "sections" and insert "section"; strike beginning with "79-1052" in line 9 through the first comma in line 10; and strike beginning with the last comma in line 10 through "1985" in line 14.

3. On page 2, line 14, strike "and bonded indebtedness".

4. On page 54, line 22, strike "to 30, 40 to 42, 45, 54, and 60" and insert ", 26, 27, 34, and 36"; and strike beginning with "31" in line 23 through "61" in line 24 and insert "28 to 33, and 37".

5. On page 55, line 1, strike "79-422, 79-424, and 79-425,"; strike beginning with "79-506.01" in line 1 through "79-810" in line 2; in line 8 strike "79-432, 79-436,"; strike beginning with "79-471" in line 8 through "79-1103.03," in line 10; in line 10 after "79-1107," insert "and" and strike "79-2313, and 79-2315,"; in line 11 strike "sections" and insert "section"; in line 12 strike "79-1052, 79-1303, and 79-1435.03,"; and strike beginning with "and" in line 13 through "1985," in line 15.

6. Strike the Schmit amendment, AM0857.

7. Renumber the remaining sections and correct internal references accordingly.

Mr. Beutler moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

The motion to return prevailed with 25 ayes, 14 nays, 8 present and not voting, and 2 excused and not voting.

## SELECT FILE

**LEGISLATIVE BILL 662.** The V. Johnson-Landis specific amendment, AM0970, found in this day's Journal was considered.

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

Mr. Hoagland 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 V. Johnson-Landis specific amendment was adopted with 27 ayes, 15 nays, 4 present and not voting, and 3 excused and not voting.

Advanced to E & R for Re-Engrossment.

## MOTION - Return LB 662 to Select File

Mr. Lamb moved to return LB 662 to Select File for the following

specific amendment:
AM0966

(Amendments to Final Reading Copy)

1. Strike sections 8 to 11 and insert new sections as follows:

"Sec. 8. Any Class I school district which is not part of a Class VI school district on the operative date of this section may, prior to March 1, 1989, become affiliated with one or more Class II, III, IV, or V school districts in the manner prescribed in this section. The school board of the Class I school district may propose an affiliation plan. Such plan shall be submitted for the approval of the school board or board of education of the school district or school districts with which the affiliation is proposed. If such boards approve the plan it shall be submitted to the voters of the Class I school district and, if approved by a majority of those voting, the plan shall be implemented as proposed. If the plan is not approved by the school district or school districts with which affiliation is proposed, the issue of affiliation shall be submitted to the county committee for the reorganization of school districts or to a special committee created pursuant to section 79-426.09, whichever is appropriate. The appropriate committee shall propose an affiliation plan providing for affiliation of the Class I school district with one or more Class II, III, IV, or V school districts. The plan proposed by the committee shall be submitted to the voters of the Class I school district and, if approved by a majority of those voting, shall be implemented as proposed.

A Class I school district which is affiliated with one or more school districts shall support the high school in such districts by a tax levy as prescribed in sections 9 to 11 of this act. Transportation shall not be provided for high school students attending school from an affiliated Class I school district. A high school student from a Class I school district may attend high school in any school district with which the Class I school district is affiliated and such students shall be considered as resident students of the receiving district. The school board of the Class I school district shall, on or before July 15 of each year, notify the county superintendent or county

superintendents of the number of students from the Class I school district who plan to attend each affiliating school district during the next school year.

Sec. 9. The county assessor of the county in which all or part of an affiliated Class I school district is located shall determine the assessed valuation of all property in the county subject to property tax for support of the Class I school district. The county assessor shall notify the county board of equalization of the amount determined. The county board of equalization shall levy a tax for high school purposes in the amount determined pursuant to section 10 of this act. The county board of equalization shall determine the portion of such tax to be paid to each school district affiliating with the Class I school district and shall notify the county treasurer of the amount to be received by each affiliating school district.

Sec. 10. (1) The percentage of the high school tax levy which shall be assigned to each school district affiliating with a Class I district shall be determined as follows:

(a) The school board of the Class I school district shall, within thirty days after the voters approve the affiliation, notify the county board of equalization of the average number of students from the Class I school district attending high school in each of the affiliating school districts during the five years immediately preceding affiliation. The school board of the Class I school district shall provide revised averages for the first five years of affiliation during the sixth year of affiliation; and

(b) The county board of equalization shall (i) assign each affiliating school district a percentage of the total assessed valuation of property subject to property tax for support of the Class I school district based on each affiliating school district's percentage of the total high school students from the Class I school district attending all affiliating school districts, and (ii) notify each affiliating school district of the amount of assessed valuation assigned to it pursuant to this subsection.

(2) Each school district affiliating with a Class I school district shall annually separate the budget of the school district into two portions. One

portion shall be the high school portion and shall include the costs attributable to providing an education for children in grades nine through twelve, less student transportation costs, and the other portion shall include the balance of the budget including all student transportation costs. The separation of the high school portion of the budget shall be done in the manner and pursuant to the guidelines which the State Department of Education shall, by rules and regulations, establish. Such rules and regulations shall provide for division of the budget based on the per pupil rates specified in section 79-1334;

(3) The county board of equalization of the county in which all or part of the school district affiliating with the Class I school district is located shall include the amount of assessed valuation assigned to such school district pursuant to subdivision (1)(b) of this section in setting the levy for the high school portion of the affiliating school district's budget. Upon determining such levy the county board shall notify the county board of the county where the Class I school district is located of the amount of revenue which must be raised pursuant to such levy in the Class I school district.

(4) Upon receipt of the information specified in subsection (3) of this section from all affiliating school districts, the county board of equalization for the county in which the Class I school district is located shall levy a tax on the property subject to property tax for support of the Class I school district in an amount sufficient to provide the amount of revenue specified under subsection (3) of this section for each school district affiliating with the Class I school district.

Sec. 11. Upon receipt of the revenue derived from the property tax levied under subsection (4) of section 10 of this act the county treasurer shall forward such money to the appropriate affiliating school district.".

Mr. Withem moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

Mr. Lamb requested a roll call vote on his motion to return.

Voting in the affirmative, 22:

| | | | | |
|---|---|---|---|---|
| Abboud | Chronister | Johnson, L. | Pirsch | Scofield |
| Baack | DeCamp | Labedz | Remmers | Sieck |
| Barrett | Eret | Lamb | Rogers | Smith |
| Beyer | Goll | Peterson | Schmit | Warner |
| Carsten | Hefner | | | |

Voting in the negative, 24:

| | | | | |
|---|---|---|---|---|
| Beutler | Hall | Hoagland | Marsh | Pappas |
| Chizek | Hannibal | Johnson, V. | Miller | Vickers |
| Conway | Harris | Landis | Morehead | Wesely |
| Goodrich | Hartnett | Lundy | Nelson | Withem |
| Haberman | Higgins | Lynch | Nichol | |

Excused and not voting, 3:

| | | |
|---|---|---|
| Chambers | Johnson, R. | Rupp |

The Lamb motion to return lost with 22 ayes, 24 nays, and 3 excused and not voting.

Mrs. Labedz asked unanimous consent to be excused. No objections. So ordered.

Mr. Warner asked unanimous consent to withdraw his pending amendment, AM0890, found in the Journal on page 1368. No objections. So ordered.

Mr. Warner moved to return LB 662 to Select File for the following specific amendment:

(Amendments to Final Reading Copy)

1. Insert a new section as follows:

"Sec. 59. For purposes of providing the increased state revenue required due to section 17 of this act, there shall be imposed, effective January 1, 1989, a sales and use tax of two per cent in addition to the tax imposed under Chapter 77, article 27. Such tax shall be interpreted, collected, remitted, and enforced by the Tax Commissioner under the provisions of Chapter 77, article 27. Except for the proceeds derived from motor vehicles, trailers, and semitrailers, which shall be credited to the Highway Allocation Fund, all

proceeds from the additional tax established by this section shall be used to provide aid to schools to insure compliance with section 17 of this act.".

2. On page 54, line 22, strike "and 60" and insert "59 and 61"; and in line 24 strike "61" and insert "62".

3. Renumber sections accordingly.

Mr. Beutler moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Mr. Warner requested a roll call vote on his motion to return.

Voting in the affirmative, 22:

| | | | | |
|---|---|---|---|---|
| Abboud | Chronister | Johnson, L. | Pirsch | Sieck |
| Baack | DeCamp | Lamb | Remmers | Smith |
| Barrett | Eret | Morehead | Rogers | Warner |
| Beyer | Goll | Peterson | Scofield | Wesely |
| Carsten | Hefner | | | |

Voting in the negative, 22:

| | | | | |
|---|---|---|---|---|
| Beutler | Hall | Hoagland | Marsh | Pappas |
| Chizek | Hannibal | Johnson, V. | Miller | Schmit |
| Conway | Harris | Landis | Nelson | Vickers |
| Goodrich | Hartnett | Lynch | Nichol | Withem |
| Haberman | Higgins | | | |

Present and not voting, 1:

Lundy

Excused and not voting, 4:

| | | | |
|---|---|---|---|
| Chambers | Johnson, R. | Labedz | Rupp |

The Warner motion to return lost with 22 ayes, 22 nays, 1 present and not voting, and 4 excused and not voting.

Messrs. Landis and V. Johnson moved to return LB 662 to Select File for the following specific amendment:

1. In amendment #0953, page 1, strike new section 15 on lines 3 to 7.

2. In amendment #0953, page 2, line 10, strike "grades eleven and twelve" and insert "high school grades as defined in Section 79-101."

The Landis-V. Johnson motion to return prevailed with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

## SELECT FILE

**LEGISLATIVE BILL 662.** The Landis-V. Johnson specific amendment found in this day's Journal was adopted with 31 ayes, 1 nay, 13 present and not voting, and 4 excused and not voting.

Mr. Lamb requested a machine vote on the advancement of the bill.

Mr. DeCamp requested a record vote on the advancement of the bill.

Voting in the affirmative, 26:

| | | | | |
|---|---|---|---|---|
| Baack | Hannibal | Johnson, V. | Miller | Smith |
| Beutler | Harris | Landis | Morehead | Vickers |
| Chizek | Hartnett | Lundy | Nelson | Warner |
| Goodrich | Higgins | Lynch | Nichol | Wesely |
| Haberman | Hoagland | Marsh | Pappas | Withem |
| Hall | | | | |

Voting in the negative, 19:

| | | | | |
|---|---|---|---|---|
| Abboud | Chronister | Goll | Peterson | Schmit |
| Barrett | Conway | Hefner | Pirsch | Scofield |
| Beyer | DeCamp | Johnson, L. | Remmers | Sieck |
| Carsten | Eret | Lamb | Rogers | |

Excused and not voting, 4:

| | | | |
|---|---|---|---|
| Chambers | Johnson, R. | Labedz | Rupp |

Advanced to E & R for Re-Engrossment with 26 ayes, 19 nays, and 4 excused and not voting.

## MOTION - Return LB 662 to Select File

Mr. Schmit moved to return LB 662 to Select File for the following specific amendment:

(Final Reading Copy)

On Page 11, Line 15, after "merge" insert "or has merged".

On Page 11, Line 17, strike "or" and insert an underscored comma ,; strike the period (.), and insert an underscored comma ,; and insert "79-402, the Reorganization of School Districts Act, or sections 79-426.23 to 79-426.26."

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

The Schmit motion to return lost with 16 ayes, 20 nays, 8 present and not voting, and 5 excused and not voting.

Mr. DeCamp moved to return LB 662 to Select File for the following specific amendment:

In the V. Johnson amendment, AM0970, on line 4, strike "1988-89", and insert "1986-87", and on line 5 strike "forty-five" and insert "forty"

Mr. Landis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 1 nay, and 19 not voting.

The DeCamp motion to return lost with 22 ayes, 21 nays, 1 present and not voting, and 5 excused and not voting.

Mrs. Morehead asked unanimous consent to be excused until she returns. No objections. So ordered.

Ms. Scofield moved to return LB 662 to Select File for the following specific amendment:

On page 3, line 3, strike "September 1, 1985" and insert "September 1, 1987" and on page 3, line 11, strike "September 1, 1985" and insert "September 1, 1987."

Pending.

## VISITORS

Visitors to the Chamber were 11 grade school students and teacher from District 32, Bancroft; and 10 students and teacher from District 44, North Platte.

## ADJOURNMENT

Mrs. Higgins moved to adjourn. The motion prevailed with 25 ayes, 14 nays, and 10 not voting, and at 4:12 p.m., on a motion by Mrs. Higgins, the Legislature adjourned until 9:00 a.m., Thursday, April 11, 1985.

Patrick J. O'Donnell
Clerk of the Legislature

# FIFTY-SEVENTH DAY - APRIL 11, 1985

# LEGISLATIVE JOURNAL

# LEGISLATIVE JOURNAL

## EIGHTY-NINTH LEGISLATURE
## FIRST SESSION

## FIFTY-SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, April 11, 1985

Pursuant to adjournment, the Legislature met at 9:00 a.m., President McGinley presiding.

## PRAYER

The prayer was offered by Pastor Robert Hansen, First Lutheran Church, Fremont, Nebraska.

## ROLL CALL

The roll was called and all members were present except Messrs. Beutler, R. Johnson, Lynch, Rupp, and Wesely who were excused until they arrive.

## CORRECTIONS FOR THE JOURNAL

The Journal for the Fifty-Sixth Day was approved.

## SELECT COMMITTEE REPORTS
### Enrollment and Review

**LEGISLATIVE BILL 404.** Placed on Select File as amended.
E & R amendments to LB 404:
AM5124

1. In the Standing Committee amendments, AM0682, adopted April 4, 1985:

a. On page 1, line 17, after "and" insert "shall"; and in line 18 after "reference" insert an underscored comma; and

b. On page 2, line 9, after "responsibility" insert "as"; and in line 14 after "another" insert

"motor".

2. On page 1, line 3, strike "provide for" and insert "require"; in line 4 after "for" insert "motor"; and in line 7 after the semicolon insert "to prohibit certain surcharges by insurance carriers;".

3. On page 2, lines 15, 18, and 21, insert paragraphing before "All", "Any", and "Each", respectively.

4. On page 3, line 3, strike "60-342", show as stricken, and insert "60-339"; and in line 15 insert paragraphing before "The".

**LEGISLATIVE BILL 112.** Placed on Select File as amended.
E & R amendment to LB 112:
AM5125

1. On page 3, line 3, strike the comma and show as stricken.

**LEGISLATIVE BILL 667.** Placed on Select File as amended.
E & R amendments to LB 667:
AM5126

1. In the Standing Committee amendments, AM0723, adopted April 4, 1985:

a. On page 1, line 3, strike "12" and insert "11";

b. On page 2, line 3, strike the comma; and in line 22 strike "of 1973";

c. On page 4, line 6, strike "Nebraska licensed" and insert "Nebraska-licensed"; and

d. On page 10, line 16, strike the comma and show as stricken.

2. On page 1, line 4, after the first semicolon insert "to stipulate sanctions;".

**LEGISLATIVE BILL 628.** Placed on Select File as amended.
E & R amendments to LB 628:
AM5127

1. In the Lamb amendment adopted April 4, 1985, found on page 1400 of the Journal, on page 1, line 1, insert a period before "Failure".

2. On page 2, lines 20 and 23, strike the quotation marks.

**LEGISLATIVE BILL 208A.** Placed on Select File.
**LEGISLATIVE BILL 347A.** Placed on Select File.

**LEGISLATIVE BILL 421A.** Placed on Select File.

(Signed) Timothy Hall, Chairperson

## STANDING COMMITTEE REPORTS
### Judiciary

**LEGISLATIVE BILL 247.** Placed on General File as amended.
Standing Committee amendments to LB 247:
AM0972

1. On page 3, line 7, after "money" insert ", negotiable instruments, or securities"; strike beginning with "all" in line 8 through line 13 and show the old matter as stricken; and in line 23 strike "and items of value" and insert ", negotiable instruments, or securities".

2. On page 6, line 1, strike "of", show as stricken, and insert "or any person having an interest in"; and strike beginning with "at" in line 16 through "proceeding" in line 18.

3. On page 7, line 18, strike "or reason to believe"; and strike beginning with "at" in line 22 through "proceeding" in line 24.

4. On page 8, line 8, strike "one year" and insert "two years".

5. On page 10, line 8, strike "his or her respective" and insert "the"; in line 9 strike "funds shall be created by each county" and insert "shall be administered by the Nebraska Commission on Law Enforcement and Criminal Justice. The commission shall make disbursements to the County Drug Law Enforcement Boards upon application based upon the needs of each respective county in relation to the amount of money in such fund. Such commission shall make at least an annual accounting to the Auditor of Public Accounts of the expenditures of such fund and shall adopt and promulgate all rules and regulations for the expenditure and accountability of such fund."; in line 12 strike "administer" and insert "apply for funds" and strike "its respective" and insert "from the"; in line 14 strike "authorize" and insert "apply for" and strike "in"; in line 15 strike "its own or any other county"; and in lines 26 and 27 strike "and shall vote only in case of a tie".

6. On page 11, strike lines 1 through 5.

**LEGISLATIVE BILL 445.** Placed on General File as amended.
Standing Committee amendments to LB 445:
AM0968

1. Strike sections 1 and 3.

2. On page 5, line 11, strike "sections 28-101 and" and insert "section"; and in line 12 strike "are" and insert "is".

3. Renumber remaining sections accordingly.

**LEGISLATIVE BILL 668.** Placed on General File as amended.
Standing Committee amendment to LB 668:
AM0967

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. This act shall be known and may be cited as the Child Pornography Prevention Act.

Sec. 2. As used in the Child Pornography Prevention Act, unless the context otherwise requires:

(1) Child shall mean any person under the age of sixteen years;

(2) Erotic fondling shall mean touching a person's clothed or unclothed genitals or pubic area, breasts if the person is a female, or developing breast area if the person is a female child, for the purpose of real or simulated overt sexual gratification or sexual stimulation of one or more persons involved. Erotic fondling shall not be construed to include physical contact, even if affectionate, which is not for the purpose of real or simulated overt sexual gratification or sexual stimulation of one or more of the persons involved;

(3) Erotic nudity shall mean the display of the human male or female genitals or pubic area, the human female breasts, or the developing breast area of the human female child, for the purpose of real or simulated overt sexual gratification or sexual stimulation of one or more of the persons involved;

(4) Sadomasochistic abuse shall mean flagellation or torture by or upon a nude person or a person clad in undergarments, a mask, or bizarre costume, or the condition of being fettered, bound, or otherwise physically restrained when performed to predominantly appeal to the morbid interest;

(5) Sexually explicit conduct shall mean: (a) Real or simulated intercourse, whether genital-genital, oral-genital, anal-genital, or oral-anal between persons of the same or opposite sex or between a human and an animal or with an artificial genital; (b) real or simulated masturbation; (c) real or simulated sadomasochistic abuse; (d) erotic fondling; (e) erotic nudity; or (f) real or simulated defecation or urination for the purpose of sexual gratification or sexual stimulation of one or more of the person's involved; and

(6) visual depiction shall mean live performance or photographic representation.

Sec. 3. That section 28-1463 Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~28-1463~~ (1) It shall be unlawful for a person to knowingly make, publish, ~~present,~~ direct, create, provide, or in any manner generate any visual depiction of sexually explicit conduct ~~obscene material~~ which has a child as one of its participants or portrayed observers. ~~a child under the age of sixteen or who appears as prepubescent.~~

(2) It shall be unlawful for a person knowingly to rent to another, sell, deliver, distribute, display for sale, advertise, trade, or provide to any person ~~or minor, or knowingly possess with intent to sell, deliver, distribute, display for sale, or provide to any person or minor~~ any visual depiction of sexually explicit conduct ~~obscene material~~ which has a child as one of its participants or portrayed observers. ~~a child under the age of sixteen or who appears as prepubescent.~~

(3) It shall be unlawful for a person to knowingly employ, force, authorize, induce, or otherwise cause a child to engage in any visual depiction of sexually explicit conduct which has a child as one of its participants or portrayed observers.

(4) It shall be unlawful for a parent, stepparent, legal guardian, or any person with custody and control, knowing the content thereof, to consent to such child engaging in any visual depiction of sexually explicit conduct which has a child as one of its participants or portrayed observers.

Sec 4. (1) It shall be unlawful for a person to knowingly possess with intent to rent, sell, deliver, distribute, trade, or provide to any person any visual depiction of sexually explicit conduct which has a child

as one of its participants or portrayed observers.

(2) Any person who violates this section shall be guilty of a Class I misdemeanor for the first offense and shall be guilty of a Class IV felony for each subsequent offense.

Sec. 5. That section 28-1464, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~28-1464.~~ Any person who violates ~~the provisions of section~~ section ~~28-1463~~ 3 of this act shall be guilty of a Class ~~III~~ IV felony for the first offense and shall be guilty of a Class ~~II~~ III felony for each subsequent offense.

Sec. 6. If any section in this act or any part of any section shall be declared invalid or unconstitutional, such declaration shall not affect the validity or constitutionality of the remaining portions thereof.

Sec. 7. That original sections 28-1463 and 28-1464, Reissue Revised Statutes of Nebraska, 1943, are repealed.".

**LEGISLATIVE BILL 231.** Indefinitely postponed.
**LEGISLATIVE BILL 545.** Indefinitely postponed.
**LEGISLATIVE BILL 570.** Indefinitely postponed.
**LEGISLATIVE BILL 576.** Indefinitely postponed.

(Signed) Peter Hoagland, Chairperson

## UNANIMOUS CONSENT - Print in Journal

Mr. Hefner asked unanimous consent to print the following amendment to LB 552 in the Journal. No objections. So ordered.

AM0948

(Amendments to Final Reading Copy)

1. On page 3, strike beginning with "In" in line 17 through line 24.

Mr. Hoagland asked unanimous consent to print the following amendment to LB 612 in the Journal. No objections. So ordered.

AM0973

1. In the Standing Committee Amendment, AM0949, on page 1, line 12, after the period insert "The

court shall not place a child in joint custody without conducting a hearing in open court and specifically finding that joint custody is in the best interest of the child regardless of any parental agreement or consent.".

Mr. Vickers asked unanimous consent to print the following amendment to LB 505 in the Journal. No objections. So ordered.

AM0963
(Amendments to Standing Committee amendments, AM0852)

1. Insert the following new sections:

"Sec. 28. That section 79-1332, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-1332. There is hereby established in the state treasury a special fund to be known as the School Foundation and Equalization Fund. It is the intent of the Legislature that such fund shall consist of, when added to the total of all other sources of state support to public schools, an amount equal to forty-five per cent of the estimated operating costs of the public schools, as determined annually by the State Department of Education. Sources of state support to public schools shall include:

(1) Special education support prescribed in Chapter 43, article 6;

(2) Driver education appropriations prescribed in section 60-409.02;

(3) School lunch appropriations;

(4) Wards of the court payments prescribed in section 79-445;

(5) State apportionment of money from the State School Fund pursuant to sections 79-1301 to 79-1308;

(6) The school portion of the insurance premium tax pursuant to sections 77-907 to 77-914;

(7) The school's pro rata share of motor vehicle fees prescribed in section 60-409.02;

(8) Money paid through any general or special homestead exemption pursuant to Chapter 77, article 35; and

(9) Any other state appropriations including any money made available through the State Energy Grant Program and other categorical programs intended to

assist school districts for special purposes. ~~Such fund shall consist of such sums as the Legislature may appropriate, and shall be administered by the State Board of Education.~~

Any money in the School Foundation and Equalization Fund available for investment shall be invested by the state investment officer pursuant to ~~the provisions of~~ sections 72-1237 to ~~72-1259~~ 79-1269.

Sec. 29. (1) Commencing in fiscal year 1986-87, the maximum levy which any school district may levy for school operations shall be no more than two dollars per hundred dollars of actual valuation.

(2) Commencing in fiscal year 1987-88, the maximum levy specified in subsection (1) of this section shall be increased or decreased by multiplying such levy by the percentage derived by dividing the immediately preceding year's percentage of state support for public schools by the current year's percentage of state support for public schools as computed annually by the State Department of Education pursuant to the definition of state support described in section 79-1332. The maximum allowable levy shall be certified annually to each school district by July 15 of each year. The maximum levy for each subsequent fiscal year shall be computed in the same manner using the immediately preceding year's maximum levy as a basis for the application for the adjustment prescribed in this subdivision.

(3) School districts may annually exceed such maximum levy if a public hearing is held pursuant to the procedural requirements of the Nebraska Budget Act, and following such hearing, two-thirds of the school board or board of education of such school district vote to exceed the maximum levy.".

2. On page 14, line 17, after "section" insert "79-1332, Reissue Revised Statutes of Nebraska, 1943, and"; and in line 18 strike "1943, is" and insert "1984, are".

3. Renumber the remaining sections accordingly.

Mr. Landis asked unanimous consent to print the following amendment to LB 393 in the Journal. No objections. So ordered.

AM0981

(Amendments to Standing Committee amendments, AM0877)
1. On page 6, line 2, strike "five" and insert "ten".

## RESOLUTION

**LEGISLATIVE RESOLUTION 84.**

Introduced by Pirsch, 10th District.

WHEREAS, over six million violent crimes were committed in the United States last year and many millions more go unreported; and

WHEREAS, as a result of these crimes, victims sustained not only injury, financial loss, or death, but also the legal costs, indignities, and frustration of the legal process; and

WHEREAS, the criminal justice system while being sensitive to the rights of the accused, must also assure that the rights of victims and witnesses are protected; and

WHEREAS, victims and witnesses of crime are entitled to protection from harm, the right to be treated with dignity, and the right to be informed about existing programs in Nebraska which may assist them; and

WHEREAS, many Nebraska citizens have volunteered their time and support in worthy efforts to assist victims of crime in this state; and

WHEREAS, the Nebraska Legislature has enacted the Victim's Bill of Rights, and other responsive legislation which show concern about the rights of crime victims;

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE, FIRST SESSION:

1. That the Legislature recognizes that all citizens and institutions, public and private, have the duty to support the establishment and enforcement of the rights of victims in Nebraska in order to insure the fair administration of justice.

2. That the Legislature hereby declares the week of April 14th to 20th, 1985, to be Victim Rights Week in Nebraska.

Laid over.

## UNANIMOUS CONSENT - Print in Journal

Mr. Pappas asked unanimous consent to print the following amendment to LB 284 in the Journal. No objections. So ordered.

1. On page 10, line 27, insert the following language after the word

training. In order to insure that groundwater is preserved from chemicals in any form, including Nitrate/Nitrogen; a chemical which causes "Methemoglobinemia", a possible life threatening condition in infants, the Extension Service of the University of Nebraska in corporation with the Natural Resource District in the area shall present a training session to individuals involved in farming and ranching who are applying Nitrogen to the soil, in areas that the Department of Environmental Control has analyzed trouble spots due to a Nitrate buildup of 15 parts per million in the ground water.

The applicator of Nitrogen shall be required to attend the training session presented by the extension service or the Natural Resource District in order to purchase and apply Nitrogen to the soil. Each applicator shall receive a certificate for attending the training session each year. Each applicator's certificate shall expire every two years after the date of issuance and shall be renewed upon the satisfactory completion of training.

After January 1st, 1986, no retailer of Nitrate chemicals shall allow to be sold a Nitrate product in any form without first requesting to see the certificate of Nitrate training of the Applicator. If any retail person is found in violation of this section he or she shall be guilty of a Class II misdemeanor.

In the areas designated by the Department of Environmental Control which have reached a level of 25 parts per Million of Nitrate, the Natural Resource District in that area shall determine what the level of Nitrogen is, and if the level of Nitrogen has increased over a three year period beginning in January of 1986, the Natural Resource district shall prescribe and promulgate rules and regulations which will stabilize nitrate levels in groundwater.

## MOTION - Place LB 231 on General File

Mr. DeCamp moved to place LB 231 on General File notwithstanding the actions of the committee.

Laid over.

## UNANIMOUS CONSENT - Member Excused

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

## RESOLUTION

**LEGISLATIVE RESOLUTION 83.** Read. Considered.

LR 83 was adopted with 31 ayes, 0 nays, and 18 not voting.

**UNANIMOUS CONSENT - Member Excused**

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

**MOTION - Reconsider Action on LB 60**

Mr. Haberman renewed his pending motion found in the Journal on page 1360 to reconsider the motion to indefinitely postpone LB 60.

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

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

Mr. Pappas requested a roll call vote on the Haberman motion to reconsider action.

Voting in the affirmative, 25:

| | | | | |
|---|---|---|---|---|
| Baack | Goodrich | Johnson, L. | Morehead | Rupp |
| Chizek | Haberman | Labedz | Nichol | Schmit |
| Conway | Harris | Landis | Pappas | Scofield |
| DeCamp | Hartnett | Lynch | Peterson | Sieck |
| Eret | Higgins | Marsh | Rogers | Withem |

Voting in the negative, 18:

| | | | | |
|---|---|---|---|---|
| Abboud | Chambers | Johnson, R. | Nelson | Smith |
| Barrett | Chronister | Johnson, V. | Pirsch | Vickers |
| Beyer | Goll | Lundy | Remmers | Warner |
| Carsten | Hefner | Miller | | |

Present and not voting, 2:

Hannibal Hoagland

Absent and not voting, 1:

Beutler

Excused and not voting, 3:

Hall Lamb Wesely

The Haberman motion to reconsider action prevailed with 25 ayes, 18 nays, 2 present and not voting, 1 absent and not voting, and 3 excused and not voting.

The Chair declared the call raised.

**SPEAKER NICHOL PRESIDING**

## STANDING COMMITTEE REPORT
### Agriculture and Environment

**LEGISLATIVE BILL 284.** Placed on General File as amended.
Standing Committee amendments to LB 284:
AM0933

1. Insert new sections as follows:

"Sec. 4. Applicator shall mean any person engaged in the application of chemicals by means of chemigation. Such term shall include any person operating equipment used for chemigation whether for himself or herself or on behalf of the permitholder for the land on which the chemigation takes place.

Sec. 7. Council shall mean the Environmental Control Council.

Sec. 13. Permitholder shall mean the owner or operator of land who applies or authorizes the application of chemicals by means of chemigation. The permitholder is the primary responsible party for any liability arising from chemigation on the property.".

2. On page 2, line 21, strike "11" and insert "14".

3. On page 4, strike beginning with "with" in line 3 through "used" in line 4; in line 10 strike "13" and insert "16"; in lines 13 and 25 strike "twenty" and insert "forty-five"; in line 16 strike "21" and insert "24"; and in line 18 strike "22 and 23" and insert "25 and 26".

4. On page 5, lines 1, 8, and 14 and 15, strike "22 and 23" and insert "25 and 26"; in lines 7 and 13 strike "21" and insert "24"; in line 20 after "department" insert "or district"; and strike beginning with "The" in line 22 through "permit" in line 27 and insert "The initial fee for application for a permit

shall be thirty dollars payable to the district. Twenty-five dollars of the fee shall be retained by the district and five dollars paid by the district to the department.

After January 1, 1987, the annual fee for renewal of a permit shall be ten dollars paid to the district for inspections and issuance of permits. Two dollars of the annual fee shall be paid to the department. All fees shall be used by the district and the department to administer the Nebraska Chemigation Act. The department's fee shall be deposited in the Department of Environmental Control Chemigation Costs Fund which is hereby created. All fees collected by the department pursuant to this section shall be paid into the state treasury and credited by the State Treasurer to the fund. Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1269.".

5. On page 6, strike line 1; strike beginning with "A" inline 8 through "revoked" in line 10 and insert "Once a permit has expired"; in line 10 after "without" insert "an inspection and"; in line 16 strike "person" and insert "permitholder" and strike "changes" and insert "alters or authorizes the replacement or alteration of"; in line 19 strike "change" and insert "alteration"; in lines 20 and 21 strike "replaced or changed" and insert "replacement or altered"; and in line 23 strike "21" and insert "24".

6. On page 7, line 4, strike "residing" and insert "utilizing chemigation"; in line 10 strike "department" and insert "council"; strike beginning with "The" in line 12 through "chemigation" in line 14 and insert "A permitholder with an irrigation distribution system"; strike beginning with the period in line 19 through "damages" in line 21 and insert ", nor shall damage to crops caused by the issuance of any order authorized by the act be recoverable on that account alone"; and in line 24 strike "12 or 13" and insert "15 or 16".

7. On page 8, lines 8 and 17, strike "determination" and insert "proposed action"; in line 10 strike "thirty" and insert "ten calendar"; and in line 11 strike "thirty-day" and insert "ten-day".

8. On page 9, line 12 strike "and"; in line 13 strike "without" and insert "or" and after

"operating" insert "additional or replacement"; and in lines 14, 16, and 25 strike "department" and insert "council".

9. On page 10, after line 7 insert a new subsection as follows:

"(4) The district shall be given forty-five days to review and comment on department proposed rules and regulations prior to the hearing by the council. A district may adopt and promulgate such rules and regulations as shall be necessary to carry out its responsibilities under the Nebraska Chemigation Act. The rules and regulations of a district shall be subject to approval by the Director of Environmental Control."; in line 13 strike beginning with "and" through "Agriculture"; and in line 26 strike "four" and insert "two".

10. On page 11, line 1, strike "department" and insert "council"; in line 4 strike "22" and insert "25"; strike beginning with "owner" in line 17 through "used" in line 18 and insert "permitholder"; in line 19 after "chemigation" insert "in his or her system"; and in line 23 after the period insert "Any damage to the premises caused by the negligent or wrongful act or omission of any employee of the district while acting within the scope of his or her employment may be pursued as a tort claim as provided for in sections 23-2401 to 23-2409. Any damage to the premises caused by the negligent or wrongful act or omission of any employee of the department while acting within the scope of his or her employment may be pursued as a tort claim as provided for in the State Tort Claims Act.".

11. On page 12, strike beginning with "owner" in line 3 through "assistance" in line 4 and insert "permitholder under the supervision"; in line 5 after "district" insert "or the department"; and in line 24 strike "department" and insert "council".

12. On page 13, line 6, strike "an owner or operator of land" and insert "a permitholder"; in line 24 strike "thirty" and insert "ten"; and in line 26 strike "thirty-day" and insert "ten-day".

13. On page 14, line 15, after "who" insert "willfully"; in line 17 strike "21" and insert "24"; and in line 19 strike "person" and insert "permitholder".

14. On page 15, line 18, strike "36" and insert "39"; and in line 24 after "period" insert "and

shall be placed in the Department of Environmental Control Chemigation Costs Fund".

15. On page 16, line 14, after the comma insert "the county".

16. Renumber sections accordingly.

(Signed) Rod Johnson, Chairperson

## BILLS ON FINAL READING

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 215.** With Emergency.

A BILL FOR AN ACT relating to retirement; to amend sections 79-1035 and 79-1046, Reissue Revised Statutes of Nebraska, 1943, and sections 79-1032, 79-1044.01, and 79-1047 to 79-1049, Revised Statutes Supplement, 1984; to redefine terms; to change provisions relating to retirement benefits for employees of Class V school districts; to provide duties for the Revisor of Statutes; 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 | DeCamp | Hoagland | Marsh | Rogers |
| Baack | Eret | Johnson, L. | Miller | Rupp |
| Barrett | Goll | Johnson, R. | Morehead | Schmit |
| Beutler | Goodrich | Johnson, V. | Nelson | Scofield |
| Beyer | Haberman | Labedz | Nichol | Sieck |
| Carsten | Hannibal | Lamb | Pappas | Smith |
| Chambers | Harris | Landis | Peterson | Vickers |
| Chizek | Hartnett | Lundy | Pirsch | Warner |
| Chronister | Hefner | Lynch | Remmers | Withem |
| Conway | Higgins | | | |

Voting in the negative, 0.

Excused and not voting, 2:

Hall Wesely

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 255.**

A BILL FOR AN ACT relating to children; to amend sections 43-101, 43-102, 43-103, 43-104, 43-104.06, 43-109, 43-111, 43-111.01, 43-113, 43-130 to 43-132, 43-138, 43-143, 43-246, 43-247, 43-263, 43-279, 43-701, 43-906, 43-1203 to 43-1205, 43-1301, 43-1308, 43-1311, and 43-1314, Reissue Revised Statutes of Nebraska, 1943; to adopt the Nebraska Indian Child Welfare Act; to change a residency requirement for certain adoptions; 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, 46:

| | | | | |
|---|---|---|---|---|
| Abboud | DeCamp | Higgins | Lynch | Remmers |
| Baack | Eret | Hoagland | Marsh | Rogers |
| Barrett | Goll | Johnson, L. | Miller | Rupp |
| Beutler | Goodrich | Johnson, R. | Morehead | Scofield |
| Beyer | Haberman | Johnson, V. | Nelson | Sieck |
| Carsten | Hannibal | Labedz | Nichol | Smith |
| Chambers | Harris | Lamb | Pappas | Vickers |
| Chizek | Hartnett | Landis | Peterson | Warner |
| Chronister | Hefner | Lundy | Pirsch | Withem |
| Conway | | | | |

Voting in the negative, 0.

Present and not voting, 1:

Schmit

Excused and not voting, 2:

Hall Wesely

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 labor; to amend section 48-628, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the disqualification for employment benefits; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 45:

| | | | | |
|---|---|---|---|---|
| Abboud | Conway | Hefner | Lynch | Remmers |
| Baack | DeCamp | Hoagland | Marsh | Rogers |
| Barrett | Eret | Johnson, L. | Miller | Rupp |
| Beutler | Goll | Johnson, R. | Morehead | Scofield |
| Beyer | Goodrich | Johnson, V. | Nelson | Sieck |
| Carsten | Haberman | Labedz | Nichol | Smith |
| Chambers | Hannibal | Lamb | Pappas | Vickers |
| Chizek | Harris | Landis | Peterson | Warner |
| Chronister | Hartnett | Lundy | Pirsch | Withem |

Voting in the negative, 0.

Present and not voting, 2:

Higgins Schmit

Excused and not voting, 2:

Hall Wesely

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 349.**

A BILL FOR AN ACT relating to the County Employees Retirement Act; to amend section 23-2306, Revised Statutes Supplement, 1984; to eliminate an age requirement as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative

to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

| | | | | |
|---|---|---|---|---|
| Abboud | Conway | Hefner | Lynch | Remmers |
| Baack | DeCamp | Hoagland | Marsh | Rogers |
| Barrett | Eret | Johnson, L. | Miller | Rupp |
| Beutler | Goll | Johnson, R. | Morehead | Scofield |
| Beyer | Goodrich | Johnson, V. | Nelson | Sieck |
| Carsten | Haberman | Labedz | Nichol | Smith |
| Chambers | Hannibal | Lamb | Pappas | Vickers |
| Chizek | Harris | Landis | Peterson | Warner |
| Chronister | Hartnett | Lundy | Pirsch | Withem |

Voting in the negative, 0.

Present and not voting, 2:

Higgins Schmit

Excused and not voting, 2:

Hall Wesely

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**MOTION - Return LB 356 to Select File**

Messrs. Peterson and Hoagland moved to return LB 356 to Select File for the specific amendment, AM0957, found in the Journal on page 1459.

Pending.

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

**MOTION - Return LB 368 to Select File**

Mr. Beutler moved to return LB 368 to Select File for the following specific amendment:
AM0891

(Amendments to Final Reading Copy)

1. On page 2, strike beginning with "In" in line 8 through "the" in line 9, show as stricken, and insert "The"; reinstate the stricken matter beginning with "party" in line 9 through "director" in line 10; and in line 10 strike "claimant".

The Beutler motion to return prevailed with 29 ayes, 0 nays, 17 present and not voting, and 3 excused and not voting.

## SELECT FILE

**LEGISLATIVE BILL 368.** The Beutler specific amendment, AM0891, found in this day's Journal was adopted with 32 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.

Advanced to E & R for Re-Engrossment.

## BILLS ON FINAL READING

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 384.**

A BILL FOR AN ACT relating to the Public Service Commission; to amend section 75-128, Revised Statutes Supplement, 1984; to provide for interest as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

| | | | | |
|---|---|---|---|---|
| Abboud | Eret | Hoagland | Marsh | Remmers |
| Baack | Goll | Johnson, L. | Miller | Rogers |
| Barrett | Goodrich | Johnson, V. | Morehead | Rupp |
| Beyer | Haberman | Labedz | Nelson | Schmit |
| Carsten | Hannibal | Lamb | Nichol | Scofield |
| Chizek | Harris | Landis | Pappas | Smith |
| Chronister | Hartnett | Lundy | Peterson | Warner |
| Conway | Higgins | Lynch | Pirsch | Withem |

Voting in the negative, 0.

Present and not voting, 6:

| | | | | |
|---|---|---|---|---|
| Beutler | DeCamp | Hefner | Sieck | Vickers |
| Chambers | | | | |

Excused and not voting, 3:

| | | |
|---|---|---|
| Hall | Johnson, R. | Wesely |

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 441.**

A BILL FOR AN ACT relating to explosive liquids; to amend sections 66-103 to 66-106, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the use of certain containers; to provide duties for the State Fire Marshal; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

| | | | | |
|---|---|---|---|---|
| Abboud | Conway | Hefner | Lynch | Remmers |
| Baack | DeCamp | Higgins | Marsh | Rogers |
| Barrett | Eret | Hoagland | Miller | Rupp |
| Beutler | Goll | Johnson, L. | Morehead | Schmit |
| Beyer | Goodrich | Johnson, V. | Nelson | Scofield |
| Carsten | Haberman | Labedz | Nichol | Sieck |
| Chambers | Hannibal | Lamb | Pappas | Smith |
| Chizek | Harris | Landis | Peterson | Warner |
| Chronister | Hartnett | Lundy | Pirsch | Withem |

Voting in the negative, 0.

Present and not voting, 1:

Vickers

Excused and not voting, 3:

| | | |
|---|---|---|
| Hall | Johnson, R. | Wesely |

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 559.**

A BILL FOR AN ACT relating to elections; to amend section 32-705, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to certain petitions; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

| | | | | |
|---|---|---|---|---|
| Abboud | Conway | Hefner | Lynch | Rogers |
| Baack | DeCamp | Higgins | Marsh | Rupp |
| Barrett | Eret | Hoagland | Morehead | Schmit |
| Beutler | Goll | Johnson, L. | Nelson | Scofield |
| Beyer | Goodrich | Johnson, V. | Nichol | Sieck |
| Carsten | Haberman | Labedz | Pappas | Smith |
| Chambers | Hannibal | Lamb | Peterson | Vickers |
| Chizek | Harris | Landis | Pirsch | Warner |
| Chronister | Hartnett | Lundy | Remmers | Withem |

Voting in the negative, 0.

Present and not voting, 1:

Miller

Excused and not voting, 3:

Hall Johnson, R. Wesely

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**MOTION - Return LB 705 to Select File**

Mr. Beutler moved to return LB 705 to Select File for the following specific amendment:
AM0880
1 1. On page 4, line 12, after the period

insert "It is the intent of the Legislature that the funds authorized by this section shall be appropriated to the Governor, who shall be responsible for the implementation of this act.".

The Beutler motion to return prevailed with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

## SELECT FILE

**LEGISLATIVE BILL 705.** The Beutler specific amendment, AM0880, found in this day's Journal was adopted with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

Advanced to E & R for Re-Engrossment.

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

## MOTION - Return LB 662 to Select File

Ms. Scofield renewed her pending motion found in the Journal on page 1470 to return LB 662 to Select File for a specific amendment.

The Scofield motion to return lost with 21 ayes, 9 nays, 17 present and not voting, and 2 excused and not voting.

## MR. LANDIS PRESIDING

Mr. Nichol moved to return LB 662 to Select File for the following Nichol-DeCamp specific amendment:

Amend section 17 by striking original section and inserting the following:

The Legislature hereby recognizes and establishes that providing an adequate financing system for primary and secondary public schools of the State is ultimately a State responsibility. The Legislature further finds that any financing system must not unduly rely upon excessive or unfair property taxes as the financing base for said education system.

Therefore, recognizing the above facts, the Legislature hereby establishes that after Fiscal Year 1986-87, no more than forty percent of the total operational costs of the public school system shall be derived from taxes on real property and that the Legislature shall from time of passage of this law begin the process necessary to accomplish the above stated goals.

Messrs. Chizek, Schmit, and Barrett asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Conway moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 2 nays, and 22 not voting.

Mr. Haberman requested a roll call vote on the Nichol motion to return.

Voting in the affirmative, 22:

| | | | | |
|---|---|---|---|---|
| Abboud | DeCamp | Labedz | Pappas | Schmit |
| Baack | Haberman | Lynch | Remmers | Sieck |
| Beutler | Hall | Nelson | Rogers | Smith |
| Beyer | Hefner | Nichol | Rupp | Vickers |
| Conway | Johnson, V. | | | |

Voting in the negative, 23:

| | | | | |
|---|---|---|---|---|
| Barrett | Goll | Johnson, L. | Marsh | Pirsch |
| Carsten | Goodrich | Johnson, R. | Miller | Scofield |
| Chizek | Hannibal | Lamb | Morehead | Warner |
| Chronister | Hartnett | Landis | Peterson | Withem |
| Eret | Hoagland | Lundy | | |

Present and not voting, 3:

| | | |
|---|---|---|
| Chambers | Harris | Higgins |

Excused and not voting, 1:

Wesely

The Nichol motion to return lost with 22 ayes, 23 nays, 3 present and not voting, and 1 excused and not voting.

## UNANIMOUS CONSENT - Print in Journal

Mr. Withem asked unanimous consent to print the following amendment to LB 407 in the Journal. No objections. So ordered.

AM0994

(Amendments to Final Reading Copy)

1. On page 5, line 24, after the comma insert "except dentistry,".

Mr. Vickers asked unanimous consent to print the following amendment to LB 488 in the Journal. No objections. So ordered.

AM0971

1. On page 8, line 12, before "Any" insert "(1)"; and in line 24 after the period insert "Nothing in this subsection shall be construed to prohibit an applicant from applying and receiving authorization for a fee in an amount or for a number of years less than that authorized under this subsection.

(2) In lieu of the annual fee determined pursuant to subsection (1) of this section, any person who has obtained recognition of incidental underground water storage associated with an existing project, and authorization for use of such water, pursuant to sections 46-226.01 and 46-226.02 may, subject to section 46-2,101, levy a one-time fee of fifty cents per acre irrigated by mechanical withdrawal against any person who withdraws such stored water.".

2. Insert a new section as follows:

"Sec. 11. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

## SELECT COMMITTEE REPORTS
### Enrollment and Review

### Correctly Re-Engrossed

The following bills were correctly re-engrossed: 272 and 508.

(Signed) Timothy Hall, Chairperson

### Enrollment and Review Change to LB 272
### (Final Reading Copy)

The following changes, required to be reported for publication in the Journal, have been made:

ER0049

1. On page 1, line 4, "delete" has been struck and "change" inserted, "fund" has been struck and "distribution" inserted, and after the semicolon "to define terms;" has been inserted.

**Enrollment and Review Change to LB 508**
**(Final Reading Copy)**

The following changes, required to be reported for publication in the Journal, have been made:
ER0051
1. On page 2, line 1, "to provide exemptions as prescribed;" has been inserted after the semicolon.

(Signed) Mary Sommermeyer
E & R Attorney

## VISITORS

Visitors to the Chamber were 80 adults from 55 and Better Club, Omaha National Bank Travel and Transport Association; 80 Kiwanis Club members; Lloy Chamberlin from Chadron, and Christy and Bill Wright from Omaha; 75 students and teacher from Laura-Dodge Elementary School, Omaha; Senator Beutler's family, Mr. and Mrs. Jack Beutler, and Grandmother, Marie Beutler from Omaha; 7 ladies and hostess from Easy Does it Friendship Club, Grand Island; 30 exchange students from the Netherlands, Germany, Sweden, Norway, and France; 20 Future Farmers of America (F.F.A.) members and advisor; 39 eighth grade students and teacher from Osceola Public School; and Tom Genung, Dean Glassmyer, and Al Harvey of Queen City Kiwanis from Hastings.

## RECESS

At 11:58 a.m., on a motion by Mr. Lynch, the Legislature recessed until 1:30 p.m.

## AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Nichol presiding.

## ROLL CALL

The roll was called and all members were present except Mr. Hartnett who was excused; and Messrs. Barrett, V. Johnson, Schmit, Wesely, Mesdames Higgins, Labedz, and Nelson who were excused until they arrive.

## UNANIMOUS CONSENT - Print in Journal

Mr. Chambers asked unanimous consent to print the following amendment to LB 346 in the Journal. No objections. So ordered.

AM0897

(Amendments to Final Reading Copy)

1. Insert the following new section:

"Sec. 6. Commencing January 1, 1986, motor fuel dispensers shall be labeled on both faces with the product identity using the most descriptive terms commercially practicable. In addition, all alcohol-blended fuel dispensers shall have a label stating: With or containing ethanol, methanol, or ethanol and methanol or with similar wording if the motor fuel being dispensed contains one per cent or more, by volume of alcohol. Any person who owns or controls such a motor fuel dispenser and does not attach the notice required by this section shall be guilty of an infraction.".

2. On page 1, line 8, after the first semicolon insert "to require labeling of motor fuel dispensers as prescribed; to provide a penalty;".

3. On page 6, line 26, strike "9" and insert "10".

4. On page 7, line 2, strike "8" and insert "9".

5. Renumber the remaining sections accordingly.

**UNANIMOUS CONSENT - Members Excused**

Messrs. Haberman and Chambers asked unanimous consent to be excused until they return. No objections. So ordered.

**MOTION - Return LB 662 to Select File**

Mr. Lamb moved to return LB 662 to Select File for the following specific amendment:

AM0993

(Amendments to Final Reading Copy)

1. On page 8, line 16, after "district" insert "for athletic or other special events and activities, but shall not be provided between such students' residences and the high school".

2. On page 9, line 12, after "costs" insert "for athletic and other special events and activities".

3. In the V. Johnson amendment, Am0953, on

page 4, line 10, after the underscored period insert a new paragraph as follows:

"If the plan is not approved by the school district or school districts with which affiliation is proposed, the issue shall be submitted to the county committee for the reorganization of school districts or to a special committee created pursuant to section 79-426.09, whichever is appropriate. The appropriate committee shall propose an affiliation plan providing for affiliation of the Class I school district with one or more Class II, III, IV, or V school districts or a merger plan pursuant to the Reorganization of School Districts Act. If the committee proposes an affiliation plan, it shall be subject in the same manner as a reorganization plan under section 79-426.15.".

Mr. Lamb requested a roll call vote on his motion to return.

Voting in the affirmative, 22:

| | | | | |
|---|---|---|---|---|
| Abboud | Chronister | Johnson, R. | Remmers | Scofield |
| Baack | Eret | Lamb | Rogers | Sieck |
| Barrett | Goll | Peterson | Rupp | Smith |
| Beyer | Hefner | Pirsch | Schmit | Warner |
| Carsten | Johnson, L. | | | |

Voting in the negative, 12:

| | | | | |
|---|---|---|---|---|
| Beutler | Hall | Lundy | Nichol | Vickers |
| Chizek | Hannibal | Marsh | Pappas | Withem |
| Goodrich | Hoagland | | | |

Present and not voting, 9:

| | | | | |
|---|---|---|---|---|
| Conway | Haberman | Landis | Miller | Nelson |
| DeCamp | Harris | Lynch | Morehead | |

Excused and not voting, 6:

| | | | | |
|---|---|---|---|---|
| Chambers | Higgins | Johnson, V. | Labedz | Wesely |
| Hartnett | | | | |

The Lamb motion to return lost with 22 ayes, 12 nays, 9 present and not voting, and 6 excused and not voting.

Ms. Scofield moved to return LB 662 to Select File for the following

specific amendment:
AM1005

(Amendments to Final Reading Copy)

1. Insert the following new section:

"Sec.___. A family whose children attend a Class I school district which has merged, affiliated, or approved a plan for merging or affiliating with an existing Class II, III, IV, or V school district may submit a request in writing to the county committee for the reorganization of school districts for hardship status. The county committee shall consider such request and may recommend the approval or disapproval of such request and submit the request and its recommendation to the State Committee for the Reorganization of School Districts for final approval. The county committee shall include in its recommendation the school district to which it believes such children should be assigned. When considering whether to recommend the approval or grant final approval of hardship status, the county and state committees shall consider the following factors:

(1) The age of the students of the family seeking hardship status;

(2) The distance from the family's residence to the school attendance site which the students will attend after the merger or affiliation and the estimated travel time to and from such attendance site;

(3) The road conditions over which the students will be required to travel to and from school;

(4) The availability and proximity of an alternate school district to which such students may be assigned; and

(5) Any other factors the county committee deems necessary.

Requests for hardship status shall be submitted at least six months prior to the beginning of the school year and shall include the information listed in subdivisions (1) to (5) of this section.

The State Committee for the Reorganization of School Districts shall establish procedures, rules, and recommendations necessary to carry out this section.".

2. On page 3, lines 3 and 11 strike "1985" and insert "1986".

3. Renumber the remaining sections accordingly and correct internal references to ensure

that the operative date of the section added by this amendment is July 31, 1986.

Mrs. Morehead and Mr. Schmit asked unanimous consent to be excused until they return. No objections. So ordered.

The Scofield motion to return prevailed with 26 ayes, 7 nays, 8 present and not voting, and 8 excused and not voting.

## SELECT FILE

**LEGISLATIVE BILL 662.** The Scofield specific amendment, AM1005, found in this day's Journal was adopted with 27 ayes, 5 nays, 9 present and not voting, and 8 excused and not voting.

Advanced to E & R for Re-Engrossment.

## UNANIMOUS CONSENT - Member Excused

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

## MOTION - Return LB 662 to Select File

Mr. DeCamp moved to return LB 662 to Select File for the following specific amendment:

Amend section 17 by striking original section and inserting the following:

The Legislature hereby recognizes and establishes that providing an adequate financing system for primary and secondary public schools of the State is ultimately a State responsibility. The Legislature further finds that any financing system must not unduly rely upon excessive or unfair property taxes as the financing base for said education system.

Therefore, recognizing the above facts, the Legislature hereby establishes that after Fiscal Year 1986-87, no more than forty-five percent of the total operational costs of the public school system shall be derived from taxes on real property and that the Legislature shall from time of passage of this law begin the process necessary to accomplish the above stated goals.

"Sec. __. For purposes of providing the increased state revenue required due to section 17 of this act, there shall be imposed, effective January 1, 1987, a sales and use tax of one per cent in addition to the tax imposed under Chapter 77, article 27. Such tax shall be interpreted, collected, remitted, and enforced by the Tax

Commissioner under the provisions of Chapter 77, article 27. Except for the proceeds derived from motor vehicles, trailers, and semitrailers, which shall be credited to the Highway Allocation Fund, all proceeds from the additional tax established by this section shall be used to provide aid to schools to insure compliance with section 17 of this act.".

Mr. Haberman 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 DeCamp motion to return prevailed with 25 ayes, 7 nays, 11 present and not voting, and 6 excused and not voting.

## SELECT FILE

**LEGISLATIVE BILL 662.** The DeCamp specific amendment found in this day's Journal was adopted with 29 ayes, 6 nays, 8 present and not voting, and 6 excused and not voting.

Advanced to E & R for Re-Engrossment.

## ATTORNEY GENERAL'S OPINION

Opinion No. 60
April 10, 1985

Dear Senator Vickers:

You requested an Attorney General's opinion as to whether LB 457, the Hazardous Materials Disclosure Act, has been federally preempted. You also ask whether the preemption would apply only to the labor portions of the bill and whether the fire department's notice provision would stand.

It is our opinion that portions of the bill, at least those which address the communication of chemical hazards to employees in the manufacturing sector, are preempted. Because the definition of "employer" in section 2 of LB 457 is drafted broadly, it would probably be read to include manufacturers of hazardous chemicals as well as those who use such substances in a manufacturing process. Therefore, the entire bill could be said to be federally preempted.

The question of federal preemption of state law in the regulation of hazardous chemicals in the work place has been addressed in two jurisdictions. In both cases the analysis centered on existing federal standards and whether state regulation addressed the same concerns.

29 U.S.C. §667(a). Where state regulation deals with the same subjects as federal law, but is not inconsistent with the federal law, a state may submit its plan to the Secretary of Labor for approval if it desires to assume regulatory responsibility in the area. 29 U.S.C. §667(b).

In West Virginia Manufacturers' Association v. State of West Virginia, 714 F.2d 308 (4th Cir. 1983), a West Virginia state statute that required employers to disclose hazards of exposure to hazardous or toxic materials was challenged on state constitutionality and federal preemption grounds. The Court of Appeals found that the statute was constitutional and was not preempted by the federal Occupational Safety and Health Act of 1970 (OSHA Act). On the specific preemption question, the court determined that while standards relating to toxic and hazardous materials and their safe exposure levels had been drafted on the federal level, the federal law did not operate to preempt the West Virginia standards because the two laws were different in object and purpose. The court rejected contentions that the term "standard" and the intent of Congress to regulate the entire field, disclosure to employees as well as safe levels of exposure, must be interpreted broadly.

> We do not find this point persuasive. So sweeping a definition of the term "standard" would defeat most forms of State participation in achieving the national objective of safe work places. Moreover, we are reluctant to attribute proscriptive meaning to the Federal agency's decision not to require posting. Federal determinations not to regulate may stem from enumerable considerations unrelated to the health and safety issue. Such a negative implication should not be preclusive. We now hold that West Virginia properly may assert her interest in this fashion.

Id. at 314.

The second and most recent case dealing with the federal preemption of state hazardous substance disclosure laws is New Jersey State Chamber of Commerce v. Hughey, 600 F.Supp. 606 (D.N.J. 1985). In this case, plaintiff sought declaratory and injunctive relief, asserting primarily that the New Jersey Worker and Community Right to Know Act was federally preempted by the OSHA Act, 29 U.S.C. §§651 et seq. The district court held that absent a request for federal approval the Occupational Safety and Health Administration's hazard communication standard preempted the state law as to manufacturing employers and as to those employers, the state act was preempted in its entirety even as regards non-workplace regulatory objectives.

> Comparing the Right to Know Act and the {federal} standard, it is apparent that the Right to Know Act deals, to a very great extent with hazard communication in the workplace, the

extent with hazard communication in the workplace, the identification of hazardous substances, labelling, and workplace training and educational programs, the precise issues covered by the standard. Unless one of the reasons defendants advance for not applying the preemption controls, it would appear that the Right to Know act is subject to the express preemptive effect of the federal statue and administrative standard.

Id. at 618.

The court conceded that the Right to Know act may not have been inconsistent with the federal standards and may well have been the type of legislation that furthered the OSHA's objectives and would therefore be permitted under the Act. "Congress, however" said the court, "has required that a determination in this regard must be made in the first instance by the Secretary of Labor and that until such a determination is made and OSHA's standard preempts the area of regulation."

Id. at 619.

While it is true that the two cases cited above are not products of the Eighth Circuit, there is a strong possibility that the federal courts in this jurisdiction would rule in a similar manner on the federal preemption question as applied to the Nebraska Hazardous Materials Disclosure Act as contained in LB 457. That same preemption would similarly apply to the notice provisions to local fire departments. It does not appear, however, that the regulatory scheme set out in LB 457 is necessarily inconsistent with federal regulation in the area. It would therefore seem that federal approval by the Secretary of Labor for state assumption of regulation in this area would be a recommended and viable option.

Very truly yours,
ROBERT M. SPIRE
Attorney General
(Signed) Ruth Anne E. Galter
Assistant Attorney General

REG:pjs
cc: Patrick J. O'Donnell
Clerk of the Legislature

## SELECT COMMITTEE REPORTS
### Enrollment and Review

**LEGISLATIVE BILL 333.** Placed on Select File as amended.
(E & R amendments printed separate from the Journal and on file in the Clerk's Office - Room 1102 - AM5128.)

**LEGISLATIVE BILL 333A.** Placed on Select File as amended.
E & R amendment to LB 333A:
AM5129

1. On page 2, line 24, strike "Children's Trust" and insert "Nebraska Child Abuse Preventive"; and in line 25 strike "Children's Trust" and insert "Child Abuse Prevention".

**LEGISLATIVE BILL 632.** Placed on Select File as amended.
E & R amendments to LB 632:
AM5130

1. On page 1, line 4, after the first semicolon insert "to provide a requirement relating to standard of need;".
2. On page 2, line 4, reinstate the stricken "such" and strike "the" and insert "a".

(Signed) Timothy Hall, Chairperson

## MOTION - Return LB 662 to Select File

Mr. Remmers moved to return LB 662 to Select File for the following specific amendment:

On page 11, line 3, after the ".", insert "If an elementary school attendance site is closed, a Class II, III, IV, V, or VI school district shall provide transportation for all elementary students attending such district's schools."

Messrs. R. Johnson and DeCamp asked unanimous consent to be excused until they return. No objections. So ordered.

The Remmers motion to return lost with 7 ayes, 21 nays, 14 present and not voting, and 7 excused and not voting.

## UNANIMOUS CONSENT - Add Co-Introducers

Mr. Goodrich asked unanimous consent to have his name added as co-introducer to LB 662. No objections. So ordered.

Mrs. Higgins asked unanimous consent to have her name added as co-introducer to LB 404. No objections. So ordered.

## UNANIMOUS CONSENT - Members Excused

Messrs. Lynch and Pappas asked unanimous consent to be excused

until they return. No objections. So ordered.

## UNANIMOUS CONSENT - Withdraw Amendment to LB 569

Mr. Wesely asked unanimous consent to withdraw his pending amendment, AM0872, to LB 569 found in the Journal on page 1367. No objections. So ordered.

## BILL ON FINAL READING

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 569.**

A BILL FOR AN ACT relating to vacancies; to amend sections 2-3215 and 70-615, Reissue Revised Statutes of Nebraska, 1943; to provide that a vacancy shall exist on certain boards for specified absences; to provide for notice and hearing; 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 | Conway | Hefner | Marsh | Rogers |
| Baack | Eret | Higgins | Miller | Rupp |
| Barrett | Goll | Hoagland | Morehead | Scofield |
| Beutler | Goodrich | Johnson, L. | Nelson | Sieck |
| Beyer | Haberman | Johnson, V. | Nichol | Smith |
| Carsten | Hall | Lamb | Peterson | Vickers |
| Chizek | Hannibal | Landis | Pirsch | Warner |
| Chronister | Harris | Lundy | Remmers | Withem |

Voting in the negative, 0.

Present and not voting, 1:

Labedz

Excused and not voting, 8:

| | | | | |
|---|---|---|---|---|
| Chambers | Hartnett | Lynch | Schmit | Wesely |
| DeCamp | Johnson, R. | Pappas | | |

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 and resolution: 215, 255, 341, 349, 384, 441, 559, 569, and LR 83.

## GENERAL FILE

**LEGISLATIVE BILL 408.** Title read. Considered.

Standing Committee amendments, AM0212, printed separate from the Journal and referred to on page 731 were considered.

Mr. Hefner renewed his pending amendment, AM0902, found in the Journal on page 1405 to the Standing Committee amendments.

Mr. Haberman asked unanimous consent to be excused. No objections. So ordered.

The Hefner amendment was adopted with 22 ayes, 0 nays, 19 present and not voting, and 8 excused and not voting.

Mr. Conway offered the following amendment to the Standing Committee amendments:

(Amendments to the Standing Committee Amendments)

1. Insert the following new section:

"Sec. 33. That section 9-185, Revised Statutes Supplement, 1984, be amended to read as follows:

9-185. (1) The gross proceeds of any lottery or raffle conducted pursuant to section 9-199 or lottery by sale of pickle cards shall be used solely for lawful purposes, awarding of prizes, remission of proper taxes, and allowable expenses.

(2) Not less than sixty-five per cent of the gross proceeds of any lottery by the sale of pickle cards shall be used for the awarding of prizes and not more than ten per cent of the gross proceeds shall be used to pay the expenses of operating such lottery.

(3) When the gross proceeds of any lottery conducted pursuant to section 9-199 are greater than one

thousand dollars, not less than sixty-five per cent of such proceeds shall be used for the awarding of prizes and not more than ten per cent of the gross proceeds shall be used to pay the expenses of operating such scheme.

(4) When the gross proceeds of any raffle conducted pursuant to section 9-199 are greater than five thousand dollars, not less than sixty-five per cent of such proceeds shall be used for the awarding of prizes and not more than ten per cent of the gross proceeds shall be used to pay the expenses of operating such scheme, except that if prizes are donated to the licensee to be awarded in connection with such raffle, the prizes awarded shall have a fair market value equal to at least sixty-five per cent of the gross proceeds and the licensee shall use the proceeds for taxes, allowable expenses, optional additional prizes, and a lawful purpose pursuant to the Nebraska Bingo and Lottery Control Act.

(5) For the purpose of this section, allowable expenses shall include: (a) All costs associated with the purchasing, printing, or manufacturing of any items to be used or distributed to participants such as tickets or other paraphernalia; (b) all office expenses; (c) all promotional expenses; (d) all salaries of persons employed to operate the lottery by the sale of pickle cards; (e) any rental or lease expense; and (f) any fee paid to any person associated with the operation of any lottery or raffle conducted pursuant to section 9-199 or lottery by the sale of pickle cards. Allowable expenses shall not include the tax on gross proceeds prescribed in section 9-184.".

2. On page 30, line 6, strike "9-186" and insert "9-185".

3. Renumber the remaining sections accordingly.

The Conway amendment was adopted with 15 ayes, 0 nays, 26 present and not voting, and 8 excused and not voting.

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

The Standing Committee amendments, as amended, were adopted with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and

not voting.

Advanced to E & R Review with 25 ayes, 1 nay, 14 present and not voting, and 9 excused and not voting.

**LEGISLATIVE BILL 207.** Title read. Considered.

Standing Committee amendments, AM0401, found in the Journal on page 821 for the Thirty-Third Day were adopted with 28 ayes, 0 nays, 13 present and not voting, and 8 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

**UNANIMOUS CONSENT - Print in Journal**

Mr. Hoagland asked unanimous consent to print the following amendment to LB 612 in the Journal. No objections. So ordered.

AM0989

1. In the Standing Committee amendments on page 1, strike beginning with "When" in line 10 through the underscored period in line 12.

Mr. Landis asked unanimous consent to print the following amendment to LB 413 in the Journal. No objections. So ordered.

AM1001

(Amendments to Final Reading Copy)

1. On page 4, strike beginning with "when" in line 7 through "purposes" in line 9 and insert "in excess of the expenses incurred by any state officer, employee, or member of any commission, council, committee, or board of the state".

Mr. Landis asked unanimous consent to print the following amendment to LB 157 in the Journal. No objections. So ordered.

AM1000

1. In AM0506, on page 900 of the Journal:

a. On page 1, line 2, strike "and (3)" and insert ", (3), (4), and (5)"; and in line 19 strike "2." and insert "4.";

b. On page 2, line 1, strike "3." and insert "5.".

2. On page 2, line 5, after "section" insert "and section 2 of this act".

3. On page 3, after line 4 insert the following:

"(4) Interest prior to judgment shall only accrue on lost wages and special damages if no compensation was previously received for such lost wages or special damages.

(5) No prejudgment interest or defense expenses as provided in sections 2 and 3 of this act shall be allowed on any action which is completed within the time specified by the Nebraska Supreme Court standards or guidelines for the progression of civil cases in existence on the effective date of this act.

Sec. 2. (1) In a tort action in which a judgment has been entered for the payment of money, any party, by appropriate motion within thirty days of entry of judgment, may allege to the court that any other party caused unreasonable delay in the progress and final disposition of the action.

(2) If the court, upon notice and hearing, finds that there was such delay by a party against whom a judgment was entered, the court shall assess interest on the total judgment at a rate specified in section 45-104.01, as such rate may from time to time be adjusted by the Legislature, against the dilatory party for the period of the delay. Such period of interest shall not commence prior to the date on which service of process was accomplished on the dilatory party in the action nor subsequent to the date of entry of judgment. The prejudgment interest, if awarded pursuant to this section, shall be in lieu of any prejudgment interest provided for in section 45-103 and shall be in addition to the post-judgment interest provided for in section 45-103.

(3) If the court, upon notice and hearing, finds that there was such delay by the party in whose favor the judgment was entered, the court shall award the moving party that portion of his or her total defense expenses as are reasonably attributable to the delay.

Sec. 3. In a tort action seeking payment of money which results in a judgment that no money is owed or which is dismissed or otherwise disposed of without settlement or trial, any defendant may allege by

appropriate motion filed within thirty days of such judgment or other disposition that any other party caused unreasonable delay in the progress and final disposition of the action. If the court, upon notice and hearing, finds that there was such delay, it may order the dilatory party to pay such portion of defense expenses as are reasonably attributable to the delay. Such amounts shall be in addition to any taxable court costs otherwise allowed by law.".

4. Renumber the remaining section accordingly.

## ANNOUNCEMENT

Mr. Warner announced that the Committee on Appropriations will meet in executive session today, April 11, 1985, upon adjournment.

## UNANIMOUS CONSENT - Print in Journal

Mr. Pappas asked unanimous consent to print the following amendment to LB 284 in the Journal. No objections. So ordered.

AM1009

1. On page 10, line 8, before "In" insert "(1)"; and in line 27, after the period insert "(2) In order to insure that ground water is protected from chemical pollution in any form, including nitrate-nitrogen, a chemical which causes methemoglobinemia, a possibly life-thretening condition in infants, the Cooperative Extension Service of the University of Nebraska in cooperation with the district in the area shall present a training session to individuals involved in farming and ranching who are applying nitrogen to the soil in areas that the Department of Environmental Control has identified as having a nitrate buildup of fifteen parts per million in the ground water.

(3) An applicator of nitrogen shall be required to attend a training session presented by the extension service or a district in order to purchase and apply nitrogen to the soil. Each applicator shall receive a nitrate training certificate for attending the yearly training session. The applicator's nitrate training certificate shall expire two years after the date of issuance and shall be renewed upon attending

another training session.

(4) After January 1, 1986, no retailer of nitrate chemicals shall allow a nitrate product to be sold until the purchaser shows the dealer a current nitrate training certificate. Any retailer violating this section shall be guilty of a Class II misdemeanor.

(5) In the areas designated by the Department of Environmental Control which have reached a level of twenty-five parts per million of nitrate, the district in such area shall verify the level of nitrogen if the level of nitrogen has increased over a three-year period. On and after January 1, 1986, the district in such area shall adopt and promulgate rules and regulations which will stabilize nitrate levels in ground water".

## VISITORS

Visitors to the Chamber were 34 students and teacher from West Point School; and 22 seniors and teacher from Christian Schools, Central City.

## ADJOURNMENT

At 3:51 p.m., on a motion by Mr. Lundy, the Legislature adjourned until 9:00 a.m., Friday, April 12, 1985.

Patrick J. O'Donnell
Clerk of the Legislature

# FIFTY-EIGHTH DAY - APRIL 12, 1985

# LEGISLATIVE JOURNAL

# FIFTY-EIGHTH DAY - APRIL 12, 1985

## LEGISLATIVE JOURNAL

## EIGHTY-NINTH LEGISLATURE
## FIRST SESSION

## FIFTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, April 12, 1985

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

## PRAYER

The prayer was offered by Reverend Jerry Classen, Indian Hills Community Church, Lincoln, Nebraska.

## ROLL CALL

The roll was called and all members were present except Mr. Hartnett who was excused; and Messrs. Chambers, Chronister, Harris, V. Johnson, and Schmit 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

**LEGISLATIVE BILL 372.** Placed on Select File as amended.
E & R amendments to LB 372:
AM5131

1. In lieu of the Chambers amendment adopted April 9, 1985, in the Standing Committee amendments, AM0495:

a. On page 21, line 9, strike the first "and" and insert "or";

b. On page 25, line 24, strike "less", show as

stricken, and insert "fewer"; and

c. On page 26, line 1, strike "less" and insert "fewer".

2. In the Standing Committee amendments, AM0495, adopted April 9, 1985:

a. Insert the following new sections:

"Section 1. That section 19-601, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

19-601. Wherever the term this act appears in sections 19-601 to ~~19-661~~ 19-648, it shall be construed as referring exclusively to those sections. The term city as used in this act includes any city having a population of one thousand or more and less than two hundred thousand.

Sec. 2. That section 19-618, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

19-618. The council shall choose a city manager, a city clerk, and, where required, a civil service ~~board~~ commission, but no member of the council shall be chosen as manager, or as a member of the civil service ~~board~~ commission. Neither the council nor any of its committees or members shall dictate the appointment of any person to office or employment by the city manager, or in any manner seek to prevent him or her from exercising his or her own judgment in the appointment of officers and employees in the administrative service. Except for the purpose of inquiry, the council and its members shall deal with the administrative service solely through the city manager, and neither the council nor any member thereof shall give orders to any of the subordinates of the city manager, either publicly or privately. The council, or a committee thereof, may investigate the affairs of any department or the official acts and conduct of any city officer. It shall have power to administer oaths, and compel the attendance of witnesses and the production of books and papers, and may punish for contempt any person failing to obey its subpoena or refusing to testify. No person shall be excused from testifying, but his or her testimony shall not be used against him or her in any criminal proceeding other than for perjury.

Sec. 3. That section 19-646, Reissue Revised Statutes of Nebraska, 1943, be amended to read as

follows:

19-646. The powers and duties of the city manager shall be (1) to see that the laws and ordinances are enforced, ; (2) to appoint and remove all heads of departments and all subordinate officers and employees in the departments in both the classified and unclassified service, which appointments shall be upon merit and fitness alone, and in the classified service all appointments and removals shall be subject to the civil service provisions of the Civil Service Act, ~~this act;~~ (3) to exercise control over all departments and divisions thereof that may be created by the council, ; (4) to attend all meetings of the council with the right to take part in the discussion but not to vote, ; (5) to recommend to the council for adoption such measures as he or she may deem necessary or expedient, ; (6) to prepare the annual budget and keep the council fully advised as to the financial condition and needs of the city, ; and (7) to perform such other duties as may be required of him or her by this act, or by ordinance or resolution of the council.".

b. On page 1, line 3, strike "This" and insert "Sections 4 to 26 of this";

c. On page 2, line 10, strike "3" and insert "6";

d. On page 3, line 5, after "the" insert "Nebraska";

e. On page 5, lines 15 and 21, after "members" insert an underscored comma;

f. On page 6, line 12, strike the underscored semicolon and insert an underscored comma; and in line 23 after "cause" insert an underscored comma;

g. On page 8, line 2, strike "within" and insert "specified in" and strike "3" and insert "6"; in line 15 strike the underscored comma; and in line 22 strike the last comma;

h. On page 9, line 18, strike the underscored comma and reinstate the stricken "or";

i. On page 13, line 14 strike the last comma and show as stricken; and in line 25 strike the comma and show as stricken;

j. On page 14, line 3, strike "9" and insert "12"; and in line 6 strike the last comma and show as stricken;

k. On page 15, line 9, after "body" insert

"shall"; in line 10 strike the first "in" and insert "with"; in line 11 strike the underscored comma and after "shall" insert an underscored comma; and in line 15 strike the last comma;

l. On page 17, line 5, after the underscored comma insert "and"; in line 6 strike the underscored comma and insert an underscored period; and in line 8 strike the underscored period;

m. On page 18, line 10, after "herself" insert an underscored comma.

n. On page 19, line 1, underscore "or"; and in lines 10 and 12 strike the comma and show as stricken;

o. On page 20, line 20, strike the underscored comma;

p. On page 21, line 12, strike the underscored comma and after "after" insert "giving"; and in lines 19 and 21 strike the underscored comma;

q. On page 22, lines 3 and 10, reinstate the stricken comma;

r. On page 23, line 17, strike the second and third commas and show as stricken;

s. On page 24, line 13, strike the comma, show as stricken, and insert "and"; in line 14 strike the comma and show as stricken; and in line 18 strike "to", show as stricken, and insert "shall";

t. On page 25, line 12, strike "5" and insert "8";

u. On page 26, line 3, after the underscored comma insert "may"; and in line 4 strike "the appointing authority";

v. On page 28, line 10, strike the comma and show as stricken;

w. On page 29, lines 6 and 7, strike the comma and show as stricken;

x. On page 31, line 4, strike "also" and show as stricken; in line 9 strike the comma and show as stricken; in line 10 after the stricken comma insert "(1)"; in line 13 after the comma insert "(2)"; in line 15 strike the last comma and show as stricken; in line 17 after the comma insert "(3)"; in line 19 after the comma insert "(4)"; and in line 22 after the last "or" comma insert "(5)";

y. On page 32, line 4, strike "is", show as stricken, and insert "shall be";

z. On page 33, line 5, strike the comma and

show as stricken;

aa. On page 34, lines 1 and 2, strike the comma and show as stricken; in line 4 strike "3" and insert "6" and strike the second comma and show as stricken; and in lines 6, 12, and 13 strike the comma and show as stricken;

bb. On page 35, line 7, strike "attorney" and insert "attorney's"; and in line 23 after "sections" insert "19-601, 19-618, 19-646,"; and

cc. Renumber the remaining sections accordingly.

3. On page 1, line 1, after "sections" insert "19-601, 19-618, 19-646,"; strike beginning with "name" in line 5 through "terms" in line 6 and insert "adopt the Civil Service Act; to provide a penalty"; and in line 8 after "in" insert "cities with".

**Correctly Re-Engrossed**

The following bills were correctly re-engrossed: 368 and 705.

(Signed) Timothy Hall, Chairperson

**Enrollment and Review Change to LB 705**

The following changes, required to be reported for publication in the Journal, have been made:
ER0052

1. In the Beutler amendment, AM0880, adopted April 11, 1985, on page 1, line 1, "12" has been struck and "18" inserted.

(Signed) Mary Sommermeyer
E & R Attorney

**PRESENTED TO THE GOVERNOR**

Presented to the Governor on April 11, 1985, at 3:55 p.m., were the following bills: 215, 255, 341, 349, 384, 441, 559, and 569.

(Signed) Pam Moravec, Enrolling Clerk

**REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the attached report on the referral of legislative resolutions LR 81 and LR 82.

| LR | Committee |
|---|---|
| 81 | Constitutional Revision and Recreation |
| 82 | Constitutional Revision and Recreation |

(Signed) Chris Beutler, Chairperson
Legislative Council
Executive Board

## UNANIMOUS CONSENT - Print in Journal

Mr. Hoagland asked unanimous consent to print the following amendment to LB 529 in the Journal. No objections. So ordered.

(Amendments printed separate from the Journal and on file in the Clerk's Office - Room 1102 - AM0958.)

Mr. Vickers asked unanimous consent to print the following amendment to LB 217 in the Journal. No objections. So ordered.

AM0983

(Amendments to Standing Committee amendments)

1. On page 1, line 22, after "registered" insert "and shall be used only for official purposes of the State Fire Marshal or the Department of Environmental Control and shall not be made available to the public at large. Tanks registered under this subsection shall not be subject to the monitoring requirements of subdivision (4) of section 5 of this act".

2. On page 1, lines 16 and 18; and page 3, lines 12 and 15, strike "Marshall" and insert "Marshal".

## RESOLUTION

**LEGISLATIVE RESOLUTION 84.** Read. Considered.

LR 84 was adopted with 33 ayes, 0 nays, and 16 not voting.

## BILLS ON FINAL READING

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 117.**

A BILL FOR AN ACT relating to public meetings; to amend sections 84-1410 and 84-1412, Revised Statutes Supplement, 1984; to change provisions relating to certain meetings; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

| | | | | |
|---|---|---|---|---|
| Abboud | Eret | Hoagland | Miller | Rupp |
| Baack | Goll | Johnson, L. | Morehead | Scofield |
| Barrett | Goodrich | Johnson, R. | Nelson | Sieck |
| Beutler | Haberman | Labedz | Nichol | Smith |
| Beyer | Hall | Lamb | Pappas | Vickers |
| Carsten | Hannibal | Landis | Peterson | Warner |
| Chizek | Harris | Lundy | Pirsch | Wesely |
| Conway | Hefner | Lynch | Remmers | Withem |
| DeCamp | Higgins | Marsh | Rogers | |

Voting in the negative, 0.

Excused and not voting, 5:

| | | | | |
|---|---|---|---|---|
| Chambers | Chronister | Hartnett | Johnson, V. | Schmit |

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 132.** With Emergency.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 71-1,107.15 to 71-1,107.21 and 71-1,107.23 to 71-1,107.29, Reissue Revised Statutes of Nebraska, 1943; to define and redefine terms; to change provisions relating to physician assistants; to create a committee; to provide duties; 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, 46:

| | | | | |
|---|---|---|---|---|
| Abboud | Eret | Hoagland | Miller | Rupp |
| Baack | Goll | Johnson, L. | Morehead | Schmit |
| Barrett | Goodrich | Johnson, R. | Nelson | Scofield |
| Beutler | Haberman | Labedz | Nichol | Sieck |
| Beyer | Hall | Lamb | Pappas | Smith |
| Carsten | Hannibal | Landis | Peterson | Vickers |
| Chambers | Harris | Lundy | Pirsch | Warner |
| Chizek | Hefner | Lynch | Remmers | Wesely |
| Conway | Higgins | Marsh | Rogers | Withem |
| DeCamp | | | | |

Voting in the negative, 0.

Excused and not voting, 3:

| | | |
|---|---|---|
| Chronister | Hartnett | Johnson, V. |

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 132A.**

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 132, Eighty-ninth Legislature, First Session, 1985.

Whereupon the 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 | Eret | Hoagland | Miller | Rupp |
| Baack | Goll | Johnson, L. | Morehead | Schmit |
| Barrett | Goodrich | Johnson, R. | Nelson | Scofield |
| Beutler | Haberman | Labedz | Nichol | Sieck |
| Beyer | Hall | Lamb | Pappas | Vickers |
| Chambers | Hannibal | Landis | Peterson | Warner |
| Chizek | Harris | Lundy | Pirsch | Wesely |
| Conway | Hefner | Lynch | Remmers | Withem |
| DeCamp | Higgins | Marsh | Rogers | |

Voting in the negative, 0.

Present and not voting, 2:

Carsten Smith

Excused and not voting, 3:

Chronister Hartnett Johnson, V.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

## UNANIMOUS CONSENT - Member Excused

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

## MOTION - Return LB 346 to Select File

Mr. Chambers moved to return LB 346 to Select File for his specific amendment, AM0897, found in the Journal on page 1497.

The Chambers motion to return prevailed with 37 ayes, 0 nays, 9 present and not voting, and 3 excused and not voting.

## SELECT FILE

**LEGISLATIVE BILL 346.** The Chambers specific amendment, AM0897, found in the Journal on page 1497 was adopted with 37 ayes, 0 nays, 9 present and not voting, and 3 excused and not voting.

Advanced to E & R for Re-Engrossment.

## BILL ON FINAL READING

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 359.** With Emergency.

A BILL FOR AN ACT relating to liquors; to amend sections 53-102, 53-160.01, and 53-164.01, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to alcoholic liquors taxes; to change provisions relating to the transportation of alcoholic liquors; to provide a penalty; to provide duties for the Revisor of Statutes; 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 | DeCamp | Higgins | Miller | Rupp |
| Baack | Eret | Hoagland | Morehead | Schmit |
| Barrett | Goll | Johnson, L. | Nelson | Scofield |
| Beutler | Goodrich | Johnson, R. | Nichol | Sieck |
| Beyer | Haberman | Labedz | Pappas | Smith |
| Carsten | Hall | Lamb | Peterson | Vickers |
| Chambers | Hannibal | Landis | Pirsch | Warner |
| Chizek | Harris | Lundy | Remmers | Wesely |
| Chronister | Hefner | Marsh | Rogers | Withem |
| Conway | | | | |

Voting in the negative, 0.

Present and not voting, 1:

Lynch

Excused and not voting, 2:

Hartnett Johnson, V.

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

## MOTION - Return LB 413 to Select File

Mr. Landis moved to return LB 413 to Select File for his specific amendment, AM1001, found in the Journal on page 1508.

The Landis motion to return prevailed with 32 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.

## SELECT FILE

**LEGISLATIVE BILL 413.** The Landis specific amendment, AM1001, found in the Journal on page 1508 was adopted with 34 ayes, 0 nays, 12 present and not voting, and 3 excused and not voting.

Advanced to E & R for Re-Engrossment.

## MOTION - Return LB 451 to Select File

Mr. Beutler moved to return LB 451 to Select File for his specific amendment, AM0918, found in the Journal on page 1368.

The Beutler motion to return prevailed with 29 ayes, 0 nays, 17 present and not voting, and 3 excused and not voting.

## UNANIMOUS CONSENT - Member Excused

Mrs. Morehead asked unanimous consent to be excused until she returns. No objections. So ordered.

## SELECT FILE

**LEGISLATIVE BILL 451.** The Beutler specific amendment, AM0918, found in the Journal on page 1368 was adopted with 36 ayes, 0 nays, 10 present and not voting, and 3 excused and not voting.

Advanced to E & R for Re-Engrossment.

## UNANIMOUS CONSENT - Member Excused

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

## MOTION - Return LB 451 to Select File

Mr. Beutler moved to return LB 451 to Select File for his specific amendment, AM0912, found in the Journal on page 1369.

Mr. Beutler asked unanimous consent to withdraw his pending motion to return LB 451. No objections. So ordered.

Mr. Beutler asked unanimous consent to withdraw his specific amendment, AM0912, to LB 451, found in the Journal on page 1369. No objections. So ordered.

## MOTION - Return LB 407 to Select File

Mr. Pappas moved to return LB 407 to Select File for the following specific amendment:
to strike the enacting clause on LB 407

Mr. Pappas asked unanimous consent to withdraw his pending motion to return LB 407. No objections. So ordered.

Mrs. Higgins moved to return LB 407 to Select File for the following specific amendment:
strike enacting clause.

The Higgins motion to return lost with 9 ayes, 24 nays, 13 present and not voting, and 3 excused and not voting.

## UNANIMOUS CONSENT - Withdraw Amendment to LB 407

Mr. Withem asked unanimous consent to withdraw his pending amendment, AM0994, found in the Journal on page 1494. No objections. So ordered.

## BILLS ON FINAL READING

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 407.** With Emergency.

A BILL FOR AN ACT relating to health; to adopt the Nebraska Regulation of Health Professions Act; to provide a termination date for the act; to provide severability; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 34:

| | | | | |
|---|---|---|---|---|
| Abboud | DeCamp | Hoagland | Miller | Remmers |
| Baack | Goodrich | Johnson, L. | Morehead | Rogers |
| Beutler | Haberman | Lamb | Nelson | Schmit |
| Beyer | Hall | Landis | Nichol | Scofield |
| Chizek | Harris | Lundy | Pappas | Sieck |
| Conway | Hefner | Lynch | Peterson | Smith |

| | | | | |
|---|---|---|---|---|
| Vickers | Warner | Wesely | Withem | |

Voting in the negative, 11:

| | | | | |
|---|---|---|---|---|
| Barrett | Chronister | Hannibal | Johnson, R. | Pirsch |
| Carsten | Goll | Higgins | Labedz | Rupp |
| Chambers | | | | |

Present and not voting, 2:

| | |
|---|---|
| Eret | Marsh |

Excused and not voting, 2:

| | |
|---|---|
| Hartnett | Johnson, V. |

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 407A.** With Emergency.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 407, Eighty-ninth Legislature, First Session, 1985; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 35:

| | | | | |
|---|---|---|---|---|
| Abboud | Goodrich | Lamb | Nichol | Scofield |
| Baack | Haberman | Landis | Pappas | Sieck |
| Beutler | Hall | Lundy | Peterson | Smith |
| Beyer | Harris | Lynch | Remmers | Vickers |
| Chizek | Hefner | Miller | Rogers | Warner |
| DeCamp | Hoagland | Morehead | Rupp | Wesely |
| Eret | Johnson, L. | Nelson | Schmit | Withem |

Voting in the negative, 9:

| | | | | |
|---|---|---|---|---|
| Barrett | Chambers | Hannibal | Johnson, R. | Pirsch |
| Carsten | Goll | Higgins | Labedz | |

Present and not voting, 3:

Chronister Conway Marsh

Excused and not voting, 2:

Hartnett Johnson, V.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

## UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendment to LB 216 in the Journal. No objections. So ordered.

AM0950

1. Strike the Barrett amendment on page 1301 of the Journal.

2. In the Hall amendment on page 1201 of the Journal:

a. On page 1, line 13, strike "through 3,250.00" and insert "and over"; and strike lines 14 through 23 and insert " ';"; and

b. On page 2, strike line 1.

Mr. Warner asked unanimous consent to print the following amendment to LB 662 in the Journal. No objections. So ordered.

To change sales tax percentage to take effect Jan. 1, 1987 from "one per cent" to "one and one-half per cent"

## SELECT FILE

**LEGISLATIVE BILL 183.** E & R amendments, AM5112, found in the Journal on page 1330 for the Fifty-Second Day were adopted.

Mr. Hefner renewed his pending amendment, AM0907, found in the Journal on page 1407.

The Hefner amendment was adopted with 25 ayes, 0 nays, 22 present and not voting, and 2 excused and not voting.

Mr. Lundy offered the following amendment:

In the DeCamp amendment to LB 183 on Page 838 of the Journal, strike lines 1 through 10

Mr. Chizek asked unanimous consent to be excused. No objections. So ordered.

Mr. Lundy moved for a call of the house. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

Mr. Lundy requested a roll call vote on his amendment.

Voting in the affirmative, 23:

| | | | | |
|---|---|---|---|---|
| Abboud | Eret | Johnson, R. | Nelson | Remmers |
| Barrett | Goll | Lamb | Nichol | Sieck |
| Beyer | Hefner | Landis | Peterson | Warner |
| Carsten | Hoagland | Lundy | Pirsch | Wesely |
| Chambers | Johnson, L. | Morehead | | |

Voting in the negative, 15:

| | | | | |
|---|---|---|---|---|
| Baack | Haberman | Harris | Pappas | Schmit |
| Conway | Hall | Higgins | Rogers | Scofield |
| DeCamp | Hannibal | Miller | Rupp | Vickers |

Present and not voting, 7:

| | | | | |
|---|---|---|---|---|
| Beutler | Labedz | Marsh | Smith | Withem |
| Chronister | Lynch | | | |

Absent and not voting, 1:

Goodrich

Excused and not voting, 3:

| | | |
|---|---|---|
| Chizek | Hartnett | Johnson, V. |

The Lundy amendment lost with 23 ayes, 15 nays, 7 present and not voting, 1 absent and not voting, and 3 excused and not voting.

Mr. Hoagland offered the following amendment:

By amending the DeCamp amendment found on pg 839 of the Journal, to provide that lines 1-10 shall apply only to cities of the metropolitan class.

The Chair declared the call raised.

Mr. Hoagland asked unanimous consent to withdraw his pending amendment. No objections. So ordered.

Mr. Lundy requested a machine vote on the advancement of the bill.

Mr. DeCamp moved for a call of the house. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

Mr. DeCamp requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 26:

| | | | | |
|---|---|---|---|---|
| Baack | Goodrich | Hefner | Miller | Schmit |
| Beutler | Haberman | Higgins | Nichol | Scofield |
| Beyer | Hall | Johnson, L. | Pappas | Sieck |
| Chronister | Hannibal | Lynch | Rogers | Vickers |
| Conway | Harris | Marsh | Rupp | Withem |
| DeCamp | | | | |

Voting in the negative, 18:

| | | | | |
|---|---|---|---|---|
| Abboud | Goll | Landis | Peterson | Smith |
| Barrett | Hoagland | Lundy | Pirsch | Warner |
| Carsten | Johnson, R. | Morehead | Remmers | Wesely |
| Chambers | Lamb | Nelson | | |

Present and not voting, 2:

| | |
|---|---|
| Eret | Labedz |

Excused and not voting, 3:

| | | |
|---|---|---|
| Chizek | Hartnett | Johnson, V. |

Advanced to E & R for Engrossment with 26 ayes, 18 nays, 2 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

**SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 117, 132, 132A, 359, 407, and 407A.

## UNANIMOUS CONSENT - Member Excused

Mr. Pappas asked unanimous consent to be excused. No objections. So ordered.

## UNANIMOUS CONSENT - Print in Journal

Mr. Hefner and Mrs. Morehead asked unanimous consent to print the following amendment to LB 496 in the Journal. No objections. So ordered.

AM1017

(Amendments to Final Reading Copy)

1. On page 3, strike lines 18 through 20 and insert "a person making frequent delivery stops without exiting from the vehicle, such as, but not limited to, rural letter carriers of the United States Postal Service.".

## STANDING COMMITTEE REPORTS
### Appropriations

**LEGISLATIVE BILL 258.** Placed on General File.

**LEGISLATIVE BILL 64.** Indefinitely postponed.
**LEGISLATIVE BILL 99.** Indefinitely postponed.
**LEGISLATIVE BILL 175.** Indefinitely postponed.
**LEGISLATIVE BILL 630.** Indefinitely postponed.
**LEGISLATIVE BILL 680.** Indefinitely postponed.

(Signed) Jerome Warner, Chairperson

## SELECT FILE

**LEGISLATIVE BILL 585.** E & R amendment, AM5106, found in the Journal on page 1309 for the Fifty-First Day was adopted.

Mr. Schmit renewed his pending amendment, AM0901, found in the Journal on page 1374.

The Schmit amendment was adopted with 28 ayes, 0 nays, 17 present

and not voting, and 4 excused and not voting.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 395.** E & R amendments, AM5114, found in the Journal on page 1380 for the Fifty-Fourth Day were adopted.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 488.** E & R amendments, AM5115, found in the Journal on page 1381 for the Fifty-Fourth Day were adopted.

Mr. Vickers renewed his pending amendment, AM0971, found in the Journal on page 1495.

Mr. Vickers moved for a call of the house. The motion prevailed with 6 ayes, 0 nays, and 43 not voting.

The Vickers amendment was adopted with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Advanced to E & R for Engrossment.

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

**LEGISLATIVE BILL 383.** E & R amendments, AM5117, found in the Journal on page 1384 for the Fifty-Fourth Day were adopted.

Mrs. Marsh renewed her pending amendment, AM0913, found in the Journal on page 1377.

Messrs. R. Johnson, Carsten, Schmit, and Mrs. Morehead asked unanimous consent to be excused until they return. No objections. So ordered.

Mrs. Marsh asked unanimous consent to withdraw her pending amendment, AM0913, found in the Journal on page 1377. No objections. So ordered.

Mr. Vickers offered the following amendment:
Section 2, Page 3, subsection (3):
(3) Storage tank shall mean any tank having a storage capacity in

excess of one thousand gallons used for the containment of hazardous substances for any period of time~~.~~ , except those tanks which are regulated under Nebraska Revised Statutes, Reissue of 1980, 81-502, under rules and regulations adopted in ANSI K61.1 1972.

The Vickers amendment was adopted with 27 ayes, 0 nays, 13 present and not voting, and 9 excused and not voting.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 383A.** Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 503.** E & R amendments, AM5122, found in the Journal on page 1414 for the Fifty-Fifth Day were adopted.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 493.** E & R amendment, AM5123, found in the Journal on page 1415 for the Fifty-Fifth Day was adopted.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 430.** Advanced to E & R for Engrossment.
**LEGISLATIVE BILL 250A.** Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 171.** E & R amendment, AM5119, found in the Journal on page 1413 for the Fifty-Fifth Day was adopted.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 171A.** Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 628.** E & R amendments, AM5127, found in the Journal on page 1473 for the Fifty-Seventh Day were adopted.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 347A.** Advanced to E & R for Engrossment.
**LEGISLATIVE BILL 421A.** Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 208.** E & R amendment, AM5118, found in the Journal on page 1384 for the Fifty-Fourth Day was adopted.

Mr. DeCamp asked unanimous consent to withdraw his pending

amendment, AM0769, found in the Journal on page 1325. No objections. So ordered.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 208A.** Advanced to E & R for Engrossment.

## UNANIMOUS CONSENT - Members Excused

Messrs. Chronister and Withem asked unanimous consent to be excused. No objections. So ordered.

## SELECT FILE

**LEGISLATIVE BILL 606.** Mr. DeCamp asked unanimous consent to withdraw his pending amendments found in the Journal on page 1029 and 1030 and AM0747, found in the Journal on page 1218. No objections. So ordered.

Passed over.

**LEGISLATIVE BILL 279.** E & R amendments, AM5104, found in the Journal on page 1303 for the Fifty-First Day were adopted.

Mr. Hannibal and Ms. Scofield renewed their pending amendment found in the Journal on page 1374.

The Hannibal-Scofield amendment was adopted with 26 ayes, 0 nays, 12 present and not voting, and 11 excused and not voting.

Advanced to E & R for Engrossment.

## PRESENTED TO THE GOVERNOR

Presented to the Governor on April 12, 1985, at 11:37 a.m., were the following bills: 117, 132, 132A, 359, 407, and 407A.

(Signed) Jan Loder, Enrolling Clerk

## REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of April 11, 1985. Further lists listing additional

lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Erickson & Sederstrom
Thone Charles - Lincoln, Medco Containment Services, Inc.
Knudsen, Berkheimer, Richardson & Endacott
Mueller, William J. - Lincoln, Nebraska Farmer Company
Ruth, Larry L. - Lincoln, Nebraska Farmer Company
Meyer, Daniel W. - Lincoln, Nebraska Travel Industry Council
Radcliffe, Walter/Tews & Radcliffe
Radcliffe, Walter H. - Lincoln, Concerned Citizens Council

## UNANIMOUS CONSENT - Print in Journal

Mr. Withem asked unanimous consent to print the following amendment to LB 662 in the Journal. No objections. So ordered.

AM1018

(Amendments to Final Reading Copy)

1. In the Decamp amendment beginning on page 1500 of the Journal, in the second section added by such amendment in the last line after the underscored period insert "Funds collected pursuant to this section shall be deposited in the School Foundation and Equalization Fund. One half of such amount shall be distributed as foundation aid pursuant to section 79-1334 and the remaining one half shall be distributed as equalization aid pursuant to sections 79-1335 to 79-1339.".

## VISITORS

Visitors to the Chamber were 75 students and teachers from Randolph School, Lincoln; 40 students and teachers from St. Joan of Arc Junior High School, Omaha; 57 students and teacher from Immaculate Conception School, Omaha; 51 fourth grade students and teachers from Underwood-Oakdale School, Omaha; students, teachers, and sponsors from Lake Alice School, District 65; 9 tenth grade students and teacher from Lynch; and 24 students, sponsors, and teacher from Farnam.

## ADJOURNMENT

At 11:58 a.m., on a motion by Mr. Rogers, the Legislature adjourned until 9:00 a.m., Monday, April 15, 1985.

Patrick J. O'Donnell
Clerk of the Legislature

# FIFTY-NINTH DAY - APRIL 15, 1985

# LEGISLATIVE JOURNAL

# FIFTY-NINTH DAY - APRIL 15, 1985

## LEGISLATIVE JOURNAL

## EIGHTY-NINTH LEGISLATURE
## FIRST SESSION

## FIFTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, April 15, 1985

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Nichol presiding.

## PRAYER

The prayer was offered by Dr. Robert Palmer, Westminster Presbyterian Church, Lincoln, Nebraska.

## ROLL CALL

The roll was called and all members were present except Messrs. Hartnett and V. Johnson who were excused; and Messrs. Baack, Rogers, and Schmit who were excused until they arrive.

**PRESIDENT MCGINLEY PRESIDING**

## CORRECTIONS FOR THE JOURNAL

The Journal for the Fifty-Eighth Day was approved.

## REPORTS

Received from the Auditor of Public Accounts the following audits during the three months ended March 31, 1985: Agricultural Activities, State Board of Examiners and Land Surveyors, Department of Personnel, Board of Examiners for Professional Engineers and Architects, Board of Trustees - Nebraska State Colleges, Nebraska Accountability and Disclosure Commission, District Courts, Department of Education, Nebraska Gasohol Committee, Department of Public Institutions, Department of

Aeronautics, Nebraska Educational Television Commission, and Public Employees' Retirement Board.

## BILLS ON FINAL READING

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 108.** With Emergency.

A BILL FOR AN ACT relating to secured transactions; to amend section 9-411, Uniform Commercial Code; to change provisions relating to information inquiries; 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 | DeCamp | Higgins | Marsh | Rupp |
| Barrett | Eret | Hoagland | Morehead | Scofield |
| Beutler | Goll | Johnson, L. | Nelson | Sieck |
| Beyer | Goodrich | Johnson, R. | Nichol | Smith |
| Carsten | Haberman | Labedz | Pappas | Vickers |
| Chambers | Hall | Lamb | Peterson | Warner |
| Chizek | Hannibal | Landis | Pirsch | Wesely |
| Chronister | Harris | Lundy | Remmers | Withem |
| Conway | Hefner | Lynch | | |

Voting in the negative, 0.

Present and not voting, 1:

Miller

Excused and not voting, 5:

| | | | | |
|---|---|---|---|---|
| Baack | Hartnett | Johnson, V. | Rogers | Schmit |

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**LEGISLATIVE BILL 130.** With Emergency.

A BILL FOR AN ACT relating to anatomical gifts; to amend section 71-1341, Reissue Revised Statutes of Nebraska, 1943, and section 71-4813, Revised Statutes Supplement, 1984; to change provisions relating to the removal of certain glands during autopsies; to change provisions relating to the donation of certain glands; 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 | Goll | Hoagland | Marsh | Rupp |
| Barrett | Goodrich | Johnson, L. | Miller | Scofield |
| Beyer | Haberman | Johnson, R. | Morehead | Sieck |
| Chambers | Hall | Labedz | Nelson | Smith |
| Chizek | Hannibal | Lamb | Nichol | Vickers |
| Chronister | Harris | Landis | Peterson | Warner |
| Conway | Hefner | Lundy | Pirsch | Wesely |
| DeCamp | Higgins | Lynch | Remmers | Withem |
| Eret | | | | |

Voting in the negative, 0.

Present and not voting, 3:

| | | |
|---|---|---|
| Beutler | Carsten | Pappas |

Excused and not voting, 5:

| | | | | |
|---|---|---|---|---|
| Baack | Hartnett | Johnson, V. | Rogers | Schmit |

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**LEGISLATIVE BILL 259.** With Emergency.

A BILL FOR AN ACT relating to relating to rules of the road; to amend section 39-6,103.01, Reissue Revised Statutes of Nebraska, 1943; to provide an exception to the use of child passenger restraint systems as prescribed; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 44:

| | | | | |
|---|---|---|---|---|
| Abboud | DeCamp | Higgins | Marsh | Rupp |
| Barrett | Eret | Hoagland | Miller | Scofield |
| Beutler | Goll | Johnson, L. | Morehead | Sieck |
| Beyer | Goodrich | Johnson, R. | Nelson | Smith |
| Carsten | Haberman | Labedz | Nichol | Vickers |
| Chambers | Hall | Lamb | Pappas | Warner |
| Chizek | Hannibal | Landis | Peterson | Wesely |
| Chronister | Harris | Lundy | Pirsch | Withem |
| Conway | Hefner | Lynch | Remmers | |

Voting in the negative, 0.

Excused and not voting, 5:

| | | | | |
|---|---|---|---|---|
| Baack | Hartnett | Johnson, V. | Rogers | Schmit |

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**LEGISLATIVE BILL 287.** With Emergency.

A BILL FOR AN ACT relating to judicial districts; to amend section 5-105, Reissue Revised Statutes of Nebraska, 1943, and section 24-503, Revised Statutes Supplement, 1984; to change the boundaries of certain judicial districts; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 43:

| | | | | |
|---|---|---|---|---|
| Abboud | Carsten | Conway | Goodrich | Harris |
| Barrett | Chambers | DeCamp | Haberman | Hefner |
| Beutler | Chizek | Eret | Hall | Higgins |
| Beyer | Chronister | Goll | Hannibal | Hoagland |

| | | | | |
|---|---|---|---|---|
| Johnson, L. | Lundy | Nichol | Rupp | Vickers |
| Johnson, R. | Lynch | Pappas | Scofield | Warner |
| Labedz | Marsh | Peterson | Sieck | Wesely |
| Lamb | Miller | Pirsch | Smith | Withem |
| Landis | Nelson | Remmers | | |

Voting in the negative, 0.

Present and not voting, 1:

Morehead

Excused and not voting, 5:

| | | | | |
|---|---|---|---|---|
| Baack | Hartnett | Johnson, V. | Rogers | Schmit |

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**LEGISLATIVE BILL 336.**

A BILL FOR AN ACT relating to labor; to amend section 48-654, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the assumption of employers' experience accounts; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

| | | | | |
|---|---|---|---|---|
| Abboud | Goll | Hoagland | Miller | Rupp |
| Barrett | Goodrich | Johnson, L. | Morehead | Scofield |
| Beyer | Haberman | Johnson, R. | Nelson | Sieck |
| Carsten | Hall | Labedz | Nichol | Smith |
| Chizek | Hannibal | Lamb | Pappas | Vickers |
| Chronister | Harris | Landis | Peterson | Warner |
| Conway | Hefner | Lundy | Pirsch | Wesely |
| DeCamp | Higgins | Marsh | Remmers | Withem |
| Eret | | | | |

Voting in the negative, 0.

Present and not voting, 3:

| | | |
|---|---|---|
| Beutler | Chambers | Lynch |

Excused and not voting, 5:

| | | | | |
|---|---|---|---|---|
| Baack | Hartnett | Johnson, V. | Rogers | Schmit |

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 533.**

A BILL FOR AN ACT relating to motor vehicle fuels; to amend section 66-461, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to claims resulting from tax credit gasoline purchases; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

| | | | | |
|---|---|---|---|---|
| Abboud | DeCamp | Higgins | Marsh | Rupp |
| Barrett | Eret | Hoagland | Miller | Scofield |
| Beutler | Goll | Johnson, L. | Morehead | Sieck |
| Beyer | Goodrich | Johnson, R. | Nelson | Smith |
| Carsten | Haberman | Labedz | Nichol | Vickers |
| Chambers | Hall | Lamb | Pappas | Warner |
| Chizek | Hannibal | Landis | Peterson | Wesely |
| Chronister | Harris | Lundy | Pirsch | Withem |
| Conway | Hefner | Lynch | Remmers | |

Voting in the negative, 0.

Excused and not voting, 5:

| | | | | |
|---|---|---|---|---|
| Baack | Hartnett | Johnson, V. | Rogers | Schmit |

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 700.**

A BILL FOR AN ACT relating to franchises; to provide for termination; to provide for trial lease and franchise agreements as prescribed; to define successor in interest; and to provide duties.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

| | | | | |
|---|---|---|---|---|
| Abboud | Goll | Johnson, L. | Miller | Rupp |
| Barrett | Goodrich | Johnson, R. | Morehead | Scofield |
| Beyer | Haberman | Labedz | Nelson | Sieck |
| Carsten | Hall | Lamb | Nichol | Smith |
| Chizek | Hannibal | Landis | Pappas | Vickers |
| Chronister | Harris | Lundy | Peterson | Warner |
| Conway | Hefner | Lynch | Pirsch | Wesely |
| DeCamp | Higgins | Marsh | Remmers | Withem |
| Eret | Hoagland | | | |

Voting in the negative, 0.

Present and not voting, 2:

Beutler Chambers

Excused and not voting, 5:

| | | | | |
|---|---|---|---|---|
| Baack | Hartnett | Johnson, V. | Rogers | Schmit |

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**UNANIMOUS CONSENT - Members Excused**

Mrs. Pirsch and Mr. Nichol asked unanimous consent to be excused until they return. No objections. So ordered.

**MOTION - Return LB 496 to Select File**

Mr. Chambers moved to return LB 496 to Select File for his specific amendment (1) found in the Journal on page 1393.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 0 nays,

and 21 not voting.

Messrs. Abboud and R. Johnson asked unanimous consent to be excused until they return. No objections. So ordered.

The Chambers motion to return lost with 9 ayes, 19 nays, 12 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 bills: 108, 130, 259, 287, 336, 533, and 700.

## MOTION - Return LB 496 to Select File

Mr. Chambers moved to return LB 496 to Select File for his specific amendment (2) found in the Journal on page 1393.

Mr. Hefner moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 1 nay, and 22 not voting.

Mr. Chambers requested a roll call vote on his motion to return.

Voting in the affirmative, 12:

| | | | | |
|---|---|---|---|---|
| Barrett | Conway | Harris | Peterson | Sieck |
| Carsten | Hall | Labedz | Rupp | Vickers |
| Chambers | Hannibal | | | |

Voting in the negative, 22:

| | | | | |
|---|---|---|---|---|
| Beutler | Goodrich | Landis | Morehead | Smith |
| Beyer | Hefner | Lundy | Nelson | Warner |
| Chizek | Hoagland | Marsh | Remmers | Wesely |
| Chronister | Johnson, L. | Miller | Scofield | Withem |
| Goll | Lamb | | | |

Present and not voting, 8:

| | | | | |
|---|---|---|---|---|
| Abboud | Eret | Higgins | Pappas | Pirsch |
| DeCamp | Haberman | Lynch | | |

Excused and not voting, 7:

| | | | | |
|---|---|---|---|---|
| Baack | Johnson, R. | Nichol | Rogers | Schmit |
| Hartnett | Johnson, V. | | | |

The Chambers motion to return lost with 12 ayes, 22 nays, 8 present and not voting, and 7 excused and not voting.

Mr. Chambers moved to return LB 496 to Select File for his specific amendment (3) found in the Journal on page 1394.

Messrs. DeCamp and Miller asked unanimous consent to be excused until they return. No objections. So ordered.

Pending.

## PROPOSED RULES CHANGES

Mr. Hoagland asked unanimous consent to print the following proposed rule change. No objections. So ordered.

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

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

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

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

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

ii Where such motion be to reconsider the vote on a bill which lacked the constitutional majority on a Final Reading with the

emergency clause attached, but which received the constitutional majority with the emergency clause stricken and the purpose of the motion is to again add the emergency clause, then a two-thirds vote of the elected members shall be required for adoption.
(d) For its adoption a motion to reconsider a bill indefinitely postponed on General File or on Select File shall require the vote of three-fifths of the elected members.
(e) 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.
(f) 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 the rule.

Referred to the Rules Committee.

Mr. Hoagland asked unanimous consent to print the following proposed rule change. No objections. So ordered.

To amend Rule 2, Section 3(g) to read as follows:
(g) Members shall remain in their seats during the Final Reading of a bill and until the vote thereon has been announced, except when excused by the President or during discussion of amendments or motions offered pursuant to Rule 6, Section 8.

Referred to the Rules Committee.

## PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolution: LR 84.

## UNANIMOUS CONSENT - Print in Journal

Mrs. Higgins asked unanimous consent to print the following amendments to LB 668 in the Journal. No objections. So ordered.

(1)

AM1028
(Amendments to Standing Committee amendments)

1. In AM0967, beginning on page 1475 of the Journal, on page 4, lines 13 and 14, strike the new matter and reinstate the stricken matter.

(2)

AM1029

(Amendments to Standing Committee amendments)

1. In AM0967, beginning on page 1475 of the Journal, on page 3, line 6, after "to" insert "purchase," and strike "to another".

(3)

AM1030

(Amendments to Standing Committee amendments)

1. In AM0967, beginning on page 1475 of the Journal, on page 1, line 9, strike "sixteen" and insert "eighteen".

Mr. Vickers asked unanimous consent to print the following amendment to LB 459 in the Journal. No objections. So ordered.

AM1024

1. Insert new sections as follows:

"Sec. 2. That section 2-953, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-953. As used in sections 2-952 to 2-965 and section 7 of this act, unless the context otherwise requires:

(1) Person shall mean any individual, partnership, firm, corporation, company, society, association, the state or any department, agency, or subdivision thereof, or any other entity;

(2) Control, controlled, or controlling, shall include being in charge of or being in possession, whether as owner, lessee, renter, tenant, under statutory authority, or otherwise;

(3) Noxious weeds shall mean and include any weed designated and listed in regulations promulgated by the Director of Agriculture as noxious;

(4) Control authority shall mean the county weed district board, which shall represent all rural area and cities, villages, and townships within the county boundaries. The county board of commissioners or supervisors may, following an election in which a

majority of the votes cast are in favor of such action, function as and exercise the authority and carry out the duties of the county weed district board. To initiate such an election, the county board of commissioners or supervisors may, by resolution, require the county clerk of such county to have placed upon the ballot at the election next following such resolution, the question, Shall the weed control authority board be dissolved and its duties and authority be exercised by the county board?

Yes .... No ....

If a majority of the votes cast on this question are opposed to dissolution of the weed control authority board, the county shall remain subject to the direction and authority of the elected weed control authority board. If a majority of the votes cast on this question are in favor of the dissolution of the weed control authority board, the county board shall function as and exercise the authority and carry out the duties of the county weed district board. If, at any time following the dissolution of the county weed control authority board, county residents, representing at least ten per cent of the votes cast in the preceding general election in such county, submit a petition to the county clerk for reestablishment of the county weed control authority board as an independent elected body, the clerk shall place the following question on the next general election ballot: Shall the weed control authority board be reestablished and elected independent of other county officials?

Yes .... No ....

If a majority of the ballots favor reestablishment of the independent board, the county board shall appoint an initial weed control authority board and thereafter the weed control authority board members shall be elected in conformity with this section.

When the county board of commissioners or supervisors does not function as the weed district board, such board shall be composed of five members, three of whom shall be from rural areas and two of whom shall be from cities, villages, or townships. The county board shall appoint members of the authority to fill any vacancy occurring on the board. The two members from cities, villages, or townships shall

thereafter be elected at the general election in 1966 and each four years thereafter, and the three members from rural areas shall be elected at the general election in 1968 and each four years thereafter. Persons seeking election to the authority shall be nominated and elected regardless of political affiliation. They shall file in the same manner as is provided by law for county superintendents and shall not be required to pay a filing fee. The members of the board shall be paid a per diem of not less than twelve dollars for each day actually and necessarily engaged in the performance of their official duties as members of such board and shall be allowed mileage reimbursement on the same basis as provided in section 23-1112 for county officers and employees. In addition to the five-member board, the chairperson of the county board of supervisors or commissioners may appoint one member of the county board to serve as ex officio member of the weed control authority board to provide coordination between such boards. ~~; PROVIDED, that the~~ The county board member or commissioner so appointed shall not be entitled to expense reimbursement allowed weed district board members. The ex officio member shall possess the same authority as other members, including the right to vote;

(5) Applicable fund shall mean the fund current at the time the work is performed or the money is received; and

(6) Director shall mean the Director of Agriculture, or his or her designated representative.

Sec. 7. Whenever a control authority fails to comply with sections 2-952 to 2-965, or the rules and regulations adopted and promulgated pursuant to such sections, the director shall notify, by registered or certified mail, the control authority of the county involved setting forth a description of the noncompliance. If the control authority does not comply within ten calendar days, the director shall fix a date for a hearing, for which five calendar days notice shall be given to the control authority concerned and to the chairperson of the county board of the affected county by registered or certified mail. If it is determined at the hearing that the control authority has not complied with sections 2-952 to 2-965 or such rules and

regulations, the director shall enter an order setting forth the specific description of the noncompliance and what corrective measures should be taken. All concerned state and local officials and their representatives shall be immediately notified by registered or certified mail of the director's decision. If the director finds that the control authority is not in compliance with sections 2-952 to 2-965 and the associated rules and regulations the director shall so notify the Attorney General and shall also inform the State Treasurer who shall withhold distribution of all money to which the county may be entitled under section 39-2402. The State Treasurer shall continue to withhold such money until notified by the director that the control authority is in compliance with sections 2-952 to 2-965 and the associated rules and regulations. Such withholding shall commence with the first payment made more than five business days after receipt of the notice by the State Treasurer. Such money shall be held in trust for the county until it is determined by the director that the control authority has complied with the order of the director.

A control authority may request the director to conduct an inspection to determine if the control authority has complied with the director's order. A control authority shall not request more than one inspection per month. When the director determines that the control authority is in compliance, he or she shall so notify the State Treasurer. The director shall also notify all concerned parties of such compliance by certified or registered mail.

The county may appeal the decision of the director to the district court of the county within twenty days after the receipt of the order of the director in the same manner as appeals are taken from action of the county board of equalization under sections 77-1510 and 77-1511.".

2. On page 15, line 10, after the first comma insert "2-953,".

3. Renumber sections accordingly.

Mr. DeCamp asked unanimous consent to print the following amendment to LB 231 in the Journal. No objections. So ordered.

Strike all of the original sections and make original Section 2 the

new Section 1 of the bill and strike all new language in that section and amend Section 20-146 to read as follows: "Except according to the provisions of the Sixth Amendment of the Constitution of the United States, no person. . . ."

## STANDING COMMITTEE REPORTS
### Business and Labor

**LEGISLATIVE BILL 718.** Placed on General File as amended.
Standing Committee amendments to LB 718:
AM0965

1. On page 2, strike lines 10 through 13.
2. On page 3, line 23, strike "General Fund" and insert "Department of Corrections Geneva Cash Fund".
3. On page 4, line 4, after "Nebraska" insert ", out of the General Fund"; and after line 4 insert:

"Claim No. 052, against the University of Nebraska-Lincoln, pay to Susan Elinor Dingwell Pettit, 5028 Southwood Circle, Lincoln, Nebraska, 68512, out of the General Fund 9.50
Claim No. 059, against the Department of Revenue, pay to Agnes P. Hall, 11672 Burt Street #7, Omaha, Nebraska, 68154, out of the General Fund 209.36
Claim No. 062, against the Department of Revenue, pay to Randall Deaton, 7401 Whitestone Drive, Lincoln, Nebraska, 68506, out of the General Fund 61.05
Claim No. 066, against the Department of Revenue, pay to Donald E. and Donna A. Brooks, 503 Wendy Heights Road, Council Bluffs, Iowa, 51501, out of the General Fund 66.74
Claim No. 067, against the Department of Revenue, pay to Kris (Kuebler) Riley, Box 31, Clearwater, Nebraska, 68726, out of the General Fund 37.00
Claim No. 070, against the Department of Social Services, pay to Barbara A. Merkel, 1112 Angus Drive, Norfolk, Nebraska, 68701, out of the General Fund 232.16
Claim No. 074, against the Department of

Revenue, pay to Claire Halloran, 314 West 5th Street, Hastings, Nebraska, 68901, out of the General Fund 12.00

Claim No. 081, against the Department of Revenue, pay to Sam Kruse, 6000 Queens Drive, Lincoln, Nebraska, 68516, out of the General Fund 30.64

Claim No. 087, against the Department of Revenue, pay to Nancy B. Petersen Koch, 300 Park Vista Drive, Lincoln, Nebraska, 68510, out of the General Fund 29.67

Claim No. 096, against the Department of Revenue, pay to Dennis Wiemann, Route 1, Howells, Nebraska, 68641, out of the General Fund 185.00

Claim No. 099, against the Department of Revenue, pay to David R. Rudolf, 110 Nelson Circle, St. Paul, Nebraska, 68873, out of the General Fund 269.00

Claim No. 106, against the Department of Revenue, pay to Mary E. Goldston, 5505 Fort Street, Omaha, Nebraska, 68104, out of the General Fund 156.00

Claim No. 109, against the Department of Revenue, pay to Melvin M. and Dorothy M. Boggs, P.O. Box 1155, Chadron, Nebraska, 69337, out of the General Fund 56.00

Claim No. 112, against the Department of Revenue, pay to Edward Greenough, HC 75, Box 12, Chadron, Nebraska, 69337, out of the General Fund 40.00

Claim No. 113, against the Department of Revenue, pay to Toni Cech, 1112 J Street, Ord, Nebraska, 68862, out of the General Fund 92.16

Claim No. 128, against the Department of Revenue, pay to Dawson and Merna Wischmeier, Burchard, Nebraska, 68323, out of the General Fund 279.00

Claim No. 131, against the Department of Revenue, pay to Janet Brelin, 2501 N Street, #208, Lincoln, Nebraska, 68510,

out of the General Fund 10.00
Claim No. 132, against the Department of Revenue, pay to Nancy Koperski, 1929 S. 35th Avenue, Omaha, Nebraska, 68105, out of the General Fund 24.23

1985 MISCELLANEOUS CLAIMS

| DESCRIPTION | DOLLARS |
|---|---|
| Claim No. 001, against the Department of Revenue, pay to Herbert M. Place, 800 Main Street, Chadron, Nebraska, 69337, out of the General Fund | 308.96 |
| Claim No. 011, against the Department of Revenue, pay to Shirley A. Van Duyn, 8225 Wildwood Drive, Ralston, Nebraska, 68127, out of the General Fund | 142.00 |
| Claim No. 013, against the University of Nebraska at Omaha, pay to Charles Krepel, 3620 S. Street, Omaha, Nebraska, 68107, out of the General Fund | 196.80 |
| Claim No. 014, against the Department of Revenue, pay to Gilbert Weitzenkamp, Lyons, Nebraska, 68038, out of the General Fund | 56.00 |
| Claim No. 023, against the Department of Revenue, pay to Robert W. Hicks, Sr., 3715 Decatur, Omaha, Nebraska, 68111, out of the General Fund | 472.33 |
| Claim No. 027, against the Department of Revenue, pay to Bernard and Betty Kinsella, 5107 S. 39th Street, Omaha, Nebraska, 68107, out of the General Fund | 173.00 |
| Claim No. 037, against the Department of Revenue, pay to Gilbert and Norma Eckmann, 205 E. Brazile Street, Bloomfield, Nebraska, 68718, out of the General Fund | 414.18 |
| Claim No. 043, against the Department of Revenue, pay to Elizabeth Raiter, Valparaiso, Nebraska, 68065, out of the General Fund | 28.00.". |

(Signed) Bill Barrett, Chairperson

**PRESENTED TO THE GOVERNOR**

Presented to the Governor on April 15, 1985, at 10:25 a.m., were the following bills: 108, 130, 259, 287, 336, 533, and 700.

(Signed) Jan Loder, Enrolling Clerk

**MOTION - Return LB 496 to Select File**

Mr. Chambers renewed his pending motion found in this day's Journal to return LB 496 to Select File for his specific amendment (3) found in the Journal on page 1394.

Mr. Hefner moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Mr. Chambers requested a roll call vote on his motion to return.

Voting in the affirmative, 19:

| | | | | |
|---|---|---|---|---|
| Abboud | Conway | Hannibal | Pappas | Scofield |
| Barrett | Eret | Harris | Peterson | Sieck |
| Carsten | Haberman | Lamb | Pirsch | Vickers |
| Chambers | Hall | Landis | Rupp | |

Voting in the negative, 22:

| | | | | |
|---|---|---|---|---|
| Baack | Goll | Johnson, L. | Marsh | Smith |
| Beutler | Goodrich | Labedz | Morehead | Warner |
| Beyer | Hefner | Lundy | Nelson | Wesely |
| Chizek | Higgins | Lynch | Remmers | Withem |
| Chronister | Hoagland | | | |

Excused and not voting, 8:

| | | | | |
|---|---|---|---|---|
| DeCamp | Johnson, R. | Miller | Rogers | Schmit |
| Hartnett | Johnson, V. | Nichol | | |

The Chambers motion to return lost with 19 ayes, 22 nays, and 8 excused and not voting.

Messrs. Lamb and Hoagland asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers moved to return LB 496 to Select File for his specific

amendment (4) found in the Journal on page 1394.

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

Mr. Beutler moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

Mr. Chambers requested a roll call vote on his motion to return.

Voting in the affirmative, 28:

| | | | | |
|---|---|---|---|---|
| Abboud | Conway | Harris | Nichol | Sieck |
| Barrett | Eret | Johnson, R. | Peterson | Smith |
| Beutler | Goodrich | Labedz | Pirsch | Vickers |
| Carsten | Haberman | Lamb | Rupp | Wesely |
| Chambers | Hall | Landis | Scofield | Withem |
| Chizek | Hannibal | Nelson | | |

Voting in the negative, 14:

| | | | | |
|---|---|---|---|---|
| Baack | Goll | Johnson, L. | Marsh | Remmers |
| Beyer | Hefner | Lundy | Miller | Warner |
| Chronister | Hoagland | Lynch | Morehead | |

Present and not voting, 1:

Higgins

Excused and not voting, 6:

| | | | | |
|---|---|---|---|---|
| DeCamp | Johnson, V. | Pappas | Rogers | Schmit |
| Hartnett | | | | |

The Chambers motion to return prevailed with 28 ayes, 14 nays, 1 present and not voting, and 6 excused and not voting.

## SELECT FILE

**LEGISLATIVE BILL 496.** The Chambers specific amendment (4) found in the Journal on page 1394 was adopted with 26 ayes, 13 nays, 4 present and not voting, and 6 excused and not voting.

Mr. Chambers requested a machine vote on the advancement of the

bill.

Advanced to E & R for Re-Engrossment with 26 ayes, 9 nays, 8 present and not voting, and 6 excused and not voting.

Messrs. Abboud and Nichol asked unanimous consent to be excused until they return. No objections. So ordered.

## UNANIMOUS CONSENT - Withdraw Amendment to LB 496

Mrs. Pirsch asked unanimous consent to withdraw her pending amendment found in the Journal on page 1394. No objections. So ordered.

## MOTION - Return LB 496 to Select File

Mrs. Pirsch moved to return LB 496 to Select File for the following specific amendment:

On page 3, line 23, strike beginning with "or" through "cent" in line 26 and insert the following new language ", proximate cause, or mitigation of damages"

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

Mr. Hefner moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

Pending.

## ATTORNEY GENERAL'S OPINION

April 12, 1985

Re: LB 638

Dear Senator R. Johnson:

You have asked about the constitutionality of LB 638 which would require the Director of Agriculture to establish prices for corn, grain, sorghum, wheat, soybeans, barley, dry beans, and milk.

From our research, we find that the mechanics for establishing prices under the provisions of LB 638 are for all practical purposes the same as those for the establishment of minimum prices provided

in LB 551 of the 1983 Session of the Legislature.

In answer to a question concerning the constitutionality of the provisions of LB 551 (1983), we concluded that "to the extent that the Legislature has granted two federal agencies powers which are reserved to the Legislature itself, the bill would be constitutionally suspect." See, Attorney General's Opinion No. 40, March 9, 1983, Legislative Journal 1983, Page 870.

After examining our previous Opinion, we find no reason to arrive at a different conclusion with regard to the provisions of LB 638.

Very truly yours,
ROBERT M. SPIRE
Attorney General
(Signed) Bernard L. Packett
Assistant Attorney General

BLP:bmh
cc: Patrick J. O'Donnell
Clerk of the Legislature

## NOTICE OF COMMITTEE HEARINGS
**Constitutional Revision and Recreation**

| | | |
|---|---|---|
| LR 81 | Wednesday, April 24, 1985 | 7:00 p.m. |
| LR 82 | Monday, April 29, 1985 | 7:00 p.m. |

(Signed) Lee Rupp, Chairperson

## BILL ON FIRST READING

The following bill was read for the first time by title:

**LEGISLATIVE BILL 395A.** By Schmit, 23rd District.

A BILL FOR AN ACT relating to appropriate funds to aid in carrying out the provisions of Legislative Bill 395, Eighty-ninth Legislature, First Session, 1985; and to declare an emergency.

## MESSAGES FROM THE GOVERNOR

April 15, 1985

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 387, 268 and 344 were received in my office on April 10, 1985.

These bills were signed by me on April 15, 1985 and delivered to the Secretary of State.

Sincerely,
(Signed) ROBERT KERREY
Governor

RK/jm

April 15, 1985

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 215, 255, 341, 349, 384, 441, 559 and 569 were received in my office on April 11, 1985.

These bills were signed by me on April 15, 1985 and delivered to the Secretary of State.

Sincerely,
(Signed) ROBERT KERREY
Governor

RK/jm

April 15, 1985

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 117, 132, 132A, 359, 407 and 407A were received in my office on April 12, 1985.

These bills were signed by me on April 15, 1985 and delivered to the Secretary of State.

Sincerely,
(Signed) ROBERT KERREY
Governor

RK/jm

## VISITORS

Visitors to the Chamber were 15 students and sponsor from Legislative Districts 3, 18, 32, 16, 37, 23, and 24; 45 fourth grade students and sponsors from Arnold Elementary School, Lincoln; 48 fourth grade students and teachers from Blumfield School, Omaha; Senator Abboud's aunt, Betty Haas; 34 seventh grade students and sponsors from St. Bernards School, Omaha; 31 eleventh and twelfth grade students and sponsor from Palmyra; Kenneth Leg; 9 seniors and sponsor from Benedict Senior High; 8 eighth grade students and teacher from Christ Lutheran School, Columbus; and 15 eleventh and twelfth grade students and teachers from Campbell.

## RECESS

Mrs. Pirsch moved to recess. The motion prevailed, and at 12:01 p.m., on a motion by Mrs. Pirsch, the Legislature recessed until 1:30 p.m.

## AFTER RECESS

The Legislature reconvened at 1:34 p.m., President McGinley presiding.

## ROLL CALL

The roll was called and all members were present except Messrs. V. Johnson, Rogers, and Warner who were excused; and Messrs. Abboud, Beutler, Conway, Hall, Hannibal, Hartnett, Schmit, Mesdames Higgins, and Labedz who were excused until they arrive.

## MOTION - Return LB 496 to Select File

Mrs. Pirsch renewed her pending motion found in the Journal on page 1553 to return LB 496 to Select File for her specific amendment.

Mr. Chambers moved for a call of the house. The motion prevailed with 15 ayes, 2 nays, and 32 not voting.

Mrs. Pirsch requested a roll call vote on her motion to return.

Voting in the affirmative, 18:

| | | | | |
|---|---|---|---|---|
| Barrett | DeCamp | Johnson, R. | Peterson | Scofield |
| Carsten | Eret | Labedz | Pirsch | Sieck |
| Chambers | Haberman | Lamb | Rupp | Vickers |
| Chizek | Harris | Pappas | | |

Voting in the negative, 20:

| | | | | |
|---|---|---|---|---|
| Baack | Goll | Johnson, L. | Marsh | Remmers |
| Beyer | Goodrich | Landis | Miller | Smith |
| Chronister | Hefner | Lundy | Morehead | Wesely |
| Conway | Hoagland | Lynch | Nelson | Withem |

Present and not voting, 1:

Nichol

Excused and not voting, 10:

| | | | | |
|---|---|---|---|---|
| Abboud | Hall | Hartnett | Johnson, V. | Schmit |
| Beutler | Hannibal | Higgins | Rogers | Warner |

The Pirsch motion to return lost with 18 ayes, 20 nays, 1 present and not voting, and 10 excused and not voting.

Mr. DeCamp moved to raise the call.

The Chair ruled the motion out of order pursuant to Rule 2, Sec. 3(g), which requires members to remain in their seats during Final Reading except when excused by the President.

Mr. Hefner and Mrs. Morehead moved to return LB 496 to Select File for the specific amendment, AM1017, found in the Journal on page 1528.

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

Mrs. Marsh moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 9 nays, and 15 not voting.

The Hefner-Morehead motion to return prevailed with 26 ayes, 8 nays, 7 present and not voting, and 8 excused and not voting.

## SELECT FILE

**LEGISLATIVE BILL 496.** The Hefner-Morehead specific amendment, AM1017, found in the Journal on page 1528 was considered.

Messrs. Barrett and Schmit asked unanimous consent to be excused until they return. No objections. So ordered.

Speaker Nichol moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 4 nays, and 20 not voting.

Mr. Chambers moved for a call of the house. The motion prevailed with 20 ayes, 0 nays, and 29 not voting.

Mr. Hefner requested a roll call vote on the Hefner-Morehead amendment.

Voting in the affirmative, 18:

| | | | | |
|---|---|---|---|---|
| Abboud | Goodrich | Johnson, R. | Morehead | Peterson |
| Conway | Haberman | Labedz | Nelson | Pirsch |
| DeCamp | Hannibal | Lundy | Pappas | Vickers |
| Eret | Hefner | Lynch | | |

Voting in the negative, 18:

| | | | | |
|---|---|---|---|---|
| Baack | Goll | Johnson, L. | Miller | Rupp |
| Beyer | Hall | Lamb | Nichol | Wesely |
| Carsten | Higgins | Landis | Remmers | Withem |
| Chizek | Hoagland | Marsh | | |

Present and not voting, 5:

| | | | | |
|---|---|---|---|---|
| Chambers | Chronister | Harris | Scofield | Smith |

Excused and not voting, 8:

| | | | | |
|---|---|---|---|---|
| Barrett | Hartnett | Rogers | Sieck | Warner |
| Beutler | Johnson, V. | Schmit | | |

The Hefner-Morehead specific amendment lost with 18 ayes, 18 nays, 5 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 5 nays, and 19 not voting.

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

Mr. Haberman requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 26:

| | | | | |
|---|---|---|---|---|
| Baack | Goodrich | Higgins | Lynch | Nichol |
| Beutler | Hall | Hoagland | Marsh | Remmers |
| Beyer | Hannibal | Johnson, L. | Miller | Smith |
| Chizek | Harris | Landis | Morehead | Wesely |
| Chronister | Hefner | Lundy | Nelson | Withem |
| Goll | | | | |

Voting in the negative, 14:

| | | | | |
|---|---|---|---|---|
| Abboud | Conway | Haberman | Lamb | Rupp |
| Carsten | DeCamp | Johnson, R. | Peterson | Vickers |
| Chambers | Eret | Labedz | Pirsch | |

Present and not voting, 2:

| | |
|---|---|
| Pappas | Scofield |

Excused and not voting, 7:

| | | | | |
|---|---|---|---|---|
| Barrett | Johnson, V. | Schmit | Sieck | Warner |
| Hartnett | Rogers | | | |

Advanced to E & R for Re-Engrossment with 26 ayes, 14 nays, 2 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

## BILL ON FINAL READING

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 61.**

A BILL FOR AN ACT relating to health care; to state intent; to define terms; to authorize public hospitals to enter into cooperative ventures and similar undertakings; to provide powers, duties, and restrictions; and to provide severability.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

| | | | | |
|---|---|---|---|---|
| Abboud | DeCamp | Higgins | Lynch | Pirsch |
| Baack | Goll | Hoagland | Marsh | Remmers |
| Barrett | Goodrich | Johnson, L. | Miller | Rupp |
| Beyer | Haberman | Johnson, R. | Morehead | Scofield |
| Carsten | Hall | Labedz | Nelson | Smith |
| Chizek | Hannibal | Lamb | Nichol | Vickers |
| Chronister | Harris | Landis | Pappas | Wesely |
| Conway | Hefner | Lundy | Peterson | Withem |

Voting in the negative, 0.

Present and not voting, 3:

| | | |
|---|---|---|
| Beutler | Chambers | Eret |

Excused and not voting, 6:

| | | | | |
|---|---|---|---|---|
| Hartnett | Rogers | Schmit | Sieck | Warner |
| Johnson, V. | | | | |

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: 61.

## UNANIMOUS CONSENT - Add Co-Introducer

Mr. Hannibal asked unanimous consent to have his name added as co-introducer to LB 612. No objections. So ordered.

## RESOLUTION

**LEGISLATIVE RESOLUTION 85.**

Introduced by Schmit, 23rd District; Abboud, 12th District; Baack, 47th District; Barrett, 39th District; Beutler, 28th District; Beyer, 3rd District; Chizek, 31st District; Chronister, 18th District; Conway, 17th District; DeCamp, 40th District; Eret, 32nd District; Goodrich, 20th District; Haberman, 44th District; Hall, 7th District; Hannibal, 4th District; Harris, 27th District; Hartnett, 45th District; Hefner, 19th District; Higgins, 9th District; Hoagland, 6th District; L. Johnson, 15th District; Labedz, 5th District; Lamb, 43rd District; Landis, 46th District; Lundy, 36th District; Lynch, 13th District; Marsh, 29th District; Morehead, 30th District; Nelson, 35th District; Nichol, 48th District; Pappas, 42nd District; Peterson, 21st District; Pirsch, 10th District; Remmers, 1st District; Rupp, 22nd District; Scofield, 49th District; Sieck, 24th District; Smith, 33rd District; Vickers, 38th District; Warner, 25th District; Wesely, 26th District; Withem, 14th District.

WHEREAS, libraries in our state provide valued access to information and ideas; and

WHEREAS, such access is indispensable to the development of human potential, the advancement of society, and the continuance of enlightened self government; and

WHEREAS, our libraries are a rich source of entertainment and education; and

WHEREAS, April 17 is Library Appreciation Day; and

WHEREAS, studies have shown that library usage increases during periods of economic stress.

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

1. That the Legislature commend the libraries of the state for the excellent service provided to our citizens.

2. That the Legislature support the libraries in their attempts to maintain and improve library services for all Nebraskans.

3. That the Legislature encourage libraries of all types to ensure maximum use of the state's library resources, to maintain statewide networks for the effective retrieval and transfer of information,

maintain high standards for training and education of library staff, and share knowledge and expertise in adoption of new technology for library operations.

4. That the Clerk of the Legislature send copies of this resolution to the Nebraska Library Commission for distribution to all libraries of our state, to the Nebraska Library Association, to the Nebraska Educational Media Association, and to the Post-Secondary Educational Libraries and Research Centers of Nebraska.

Laid over.

## GENERAL FILE

**LEGISLATIVE BILL 157.** Considered.

Mr. Landis asked unanimous consent to withdraw his pending amendment, AM0728, found in the Journal on page 1115. No objections. So ordered.

Mr. Landis renewed his pending amendment, AM1000, found in the Journal on page 1508.

Mr. Lundy asked unanimous consent to be excused. No objections. So ordered.

Mr. Goll and Mrs. Morehead asked unanimous consent to be excused until they return. No objections. So ordered.

**SPEAKER NICHOL PRESIDING**

Mr. Beutler moved the previous question. The question is, "Shall the debate now close?"

Messrs. Carsten and Chizek asked unanimous consent to be excused. No objections. So ordered.

Mr. Landis moved for a call of the house. The motion prevailed with 10 ayes, 1 nay, and 38 not voting.

The motion to cease debate prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Landis requested a roll call vote on his amendment.

Voting in the affirmative, 19:

| | | | | |
|---|---|---|---|---|
| Abboud | Goodrich | Johnson, R. | Nichol | Rupp |
| Barrett | Haberman | Lamb | Peterson | Scofield |
| Beyer | Hefner | Landis | Pirsch | Sieck |
| Eret | Johnson, L. | Lynch | Remmers | |

Voting in the negative, 19:

| | | | | |
|---|---|---|---|---|
| Baack | DeCamp | Higgins | Morehead | Vickers |
| Beutler | Hall | Hoagland | Nelson | Wesely |
| Chambers | Hannibal | Labedz | Pappas | Withem |
| Conway | Harris | Marsh | Smith | |

Present and not voting, 2:

Chronister Miller

Excused and not voting, 9:

| | | | | |
|---|---|---|---|---|
| Carsten | Goll | Johnson, V. | Rogers | Warner |
| Chizek | Hartnett | Lundy | Schmit | |

The Landis amendment lost with 19 ayes, 19 nays, 2 present and not voting, and 9 excused and not voting.

The Chair declared the call raised.

## PRESENTED TO THE GOVERNOR

Presented to the Governor on April 15, 1985, at 3:30 p.m., was the following bill: 61.

(Signed) Pam Moravec, Enrolling Clerk

## SELECT COMMITTEE REPORTS
### Enrollment and Review

### Correctly Re-Engrossed

The following bill was correctly re-engrossed: 662.

(Signed) Timothy Hall, Chairperson

### Enrollment and Review Change to LB 662
### (Final Reading Copy)

The following changes, required to be reported for publication in the Journal, have been made:

ER0053

1. In the DeCamp amendment found on page 1500 of the Journal adopted April 11, 1985, in line 1 the matter beginning with "Amend" through "inserting" has been struck and "In the V. Johnson amendment, AM0970, on page 1, line 3, strike 'section' and insert 'sections'; and strike beginning with 'After' in line 4 through the underscored period in line 7 and insert" inserted; in line 8 "said" has been struck and "such" inserted; in line 13 "law" has been struck and "legislative bill" inserted; and in line 15 "18" has been inserted after "Sec.".

2. In the Scofield amendments, AM1005, adopted April 11, 1985:

a. On page 1, line 2, "16" has been inserted after "Sec."; and

b. On page 2, line 8, "or state" has been inserted after "county".

3. In the V. Johnson amendment, AM0970, adopted April 10, 1985:

a. Amendment 4 has been struck;

b. On page 1, line 12, a comma has been inserted after "79-2313"; and in line 13 "section" has been struck and "and section" inserted; and

c. On page 2, line 2, "and" has been struck; in line 3 a comma has been inserted after "79-810"; and in line 6 "after" has been struck and "before" inserted.

4. In the V. Johnson amendment, AM0953, adopted April 10, 1985:

a. On page 1, line 8, "38" has been struck and "33" inserted;

b. On page 2, line 15, "79-471" has been struck and "79-451" inserted; the matter beginning with "after" in line 17 through "and" in line 19 has been struck; and in line 25 paragraphing has been inserted before "Prior";

c. On page 3, line 3, "been" has been inserted after "has";

d. On page 4, line 15, "created" has been struck; and

e. Amendment 7 has been struck.

5. On page 2, line 9, "to authorize the issuance of bonds for certain purposes;" has been inserted after the semicolon; in line 11 the matter beginning with "provide" through "to" has been struck; in line 13 "to provide for hardship status; to limit the amount of public school system operational costs derived from taxes on real property; to impose a tax;" has been inserted after the first semicolon, "to create a committee;" has been inserted after the second semicolon, and "to limit" has been struck; in line 14 "certain tax levies" and "as" have been struck; line 15 has been struck; in line 16 "requirements;" has been struck; in line 23 "and" has been inserted after the second

comma and the "and" after the last comma has been struck; and in line 24 "79-506.03," has been struck.

6. On page 8, line 11, paragraphing has been inserted before "A".

7. On page 54, the matter beginning with "17" in line 21 through "61" in line 24 has been struck and "18, 26 to 28, 33, 36, and 38 of this act shall become operative on July 31, 1986. Sections 6, 29 to 32, 34, 35, and 39" inserted.

8. On page 55, line 11, after the second comma "and" has been inserted; and the matter beginning with "and" in line 16 through the second comma in line 17 has been struck.

(Signed) Mary Sommermeyer
E & R Attorney

## UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendment to LB 404 in the Journal. No objections. So ordered.

AM1003

1. Insert the following new section:

"Sec. 2. That section 60-509.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-509.01. No policy insuring against loss resulting from liability imposed by law for bodily injury or death suffered by any person arising out of the ownership, maintenance, or use of a motor vehicle shall be delivered or issued for delivery in this state with respect to any motor vehicle registered or principally garaged in this state unless coverage is provided therein or supplemental thereto, in limits for bodily injury or death set forth in section 60-509, under provisions approved by the Director of Insurance, for the protection of persons insured thereunder who are legally entitled to recover damages from owners or operators of uninsured motor vehicles and hit-and-run motor vehicles because of bodily injury, sickness, or disease, including death, resulting therefrom. Such coverage shall (1) expressly provide that the driver and passengers in a vehicle which is insured pursuant to this section and involved in a collision with an uninsured motorist shall receive every benefit entitled to them as if the driver and passengers had collected

from the uninsured motorist and (2) contain a statement which notifies the purchaser of the policy of the existence of the uninsured motorist coverage and the cost of such coverage. ~~; PROVIDED, that the named insured shall have the right to reject such coverage; AND PROVIDED FURTHER, that unless the named insured requests such coverage in writing, such coverage need not be provided in or supplemental to a renewal policy where the named insured had rejected the coverage in connection with a policy previously issued to him by the same insurer.~~ Provisions affording such insurance protection against uninsured motorists such as have been accepted for filing by the director and issued in this state prior to ~~October 19, 1963~~ the effective date of this act, shall, when afforded by any authorized insurer, be deemed, subject to the limits prescribed in this section, to satisfy the minimum requirements of this section.".

2. On page 4, line 18, after "60-302" insert ", 60-509.01,".

3. In the Standing Committee amendments, AM0682, beginning on page 1076 of the Journal, on page 2, line 12, strike "4" and insert "5".

4. Renumber the remaining sections accordingly.

Mr. Schmit asked unanimous consent to print the following amendment to LB 608 in the Journal. No objections. So ordered.

AM1016

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. That section 48-121, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

48-121. The following schedule of compensation is hereby established for injuries resulting in disability:

(1) For total disability, the compensation during such disability shall be sixty-six and two-thirds per cent of the wages received at the time of injury, but such compensation shall not be more than ~~two hundred dollars per week~~ the maximum weekly income benefit

specified in section 3 of this act, nor less than ~~forty-nine dollars per week~~ the minimum weekly income benefit specified in section 3 of this act; PROVIDED, that if at the time of injury the employee receives wages of less than ~~forty-nine dollars per week~~ the minimum weekly income benefit specified in section 3 of this act, then he or she shall receive the full amount of such wages per week as compensation. Nothing in this subdivision shall require payment of compensation after disability shall cease.

(2) For disability partial in character, except the particular cases mentioned in subdivision (3) of this section, the compensation shall be sixty-six and two-thirds per cent of the difference between the wages received at the time of the injury and the earning power of the employee thereafter, but such compensation shall not be more than ~~two hundred dollars per week~~ the maximum weekly income benefit specified in section 3 of this act. This compensation shall be paid during the period of such partial disability, but not beyond three hundred weeks. Should total disability be followed by partial disability, the period of three hundred weeks mentioned in this subdivision shall be reduced by the number of weeks during which compensation was paid for such total disability.

(3) For disability resulting from permanent injury of the following classes, the compensation shall be in addition to the amount paid for temporary disability; PROVIDED, the compensation for temporary disability shall cease as soon as the extent of the permanent disability is ascertainable, viz: For the loss of a thumb, sixty-six and two-thirds per cent of daily wages during sixty weeks. For the loss of a first finger, commonly called the index finger, sixty-six and two-thirds per cent of daily wages during thirty-five weeks. For the loss of a second finger, sixty-six and two-thirds per cent of daily wages during thirty weeks. For the loss of a third finger, sixty-six and two-thirds per cent of daily wages during twenty weeks. For the loss of a fourth finger, commonly called the little finger, sixty-six and two-thirds per cent of daily wages during fifteen weeks. The loss of the first phalange of the thumb or of any finger shall be considered to be equal to the loss of one half of such thumb or finger and compensation shall be for one half of the periods of

time above specified, and the compensation for the loss of one half of the first phalange shall be for one-fourth of the periods of time above specified. The loss of more than one phalange shall be considered as the loss of the entire finger or thumb; PROVIDED, that in no case shall the amount received for more than one finger exceed the amount provided in this schedule for the loss of a hand. For the loss of a great toe, sixty-six and two-thirds per cent of daily wages during thirty weeks. For the loss of one of the toes other than the great toe, sixty-six and two-thirds per cent of daily wages during ten weeks. The loss of the first phalange of any toe shall be considered equal to the loss of one half of such toe, and compensation shall be for one half of the periods of time above specified. The loss of more than one phalange shall be considered as the loss of the entire toe. For the loss of a hand, sixty-six and two-thirds per cent of daily wages during one hundred seventy-five weeks. For the loss of an arm, sixty-six and two-thirds per cent of daily wages during two hundred twenty-five weeks. For the loss of a foot, sixty-six and two-thirds per cent of daily wages during one hundred fifty weeks. For the loss of a leg, sixty-six and two-thirds per cent of daily wages during two hundred fifteen weeks. For the loss of an eye, sixty-six and two-thirds per cent of daily wages during one hundred twenty-five weeks. For the loss of an ear, sixty-six and two-thirds per cent of daily wages during twenty-five weeks. For the loss of hearing in one ear, sixty-six and two-thirds per cent of daily wages during fifty weeks. For the loss of the nose, sixty-six and two-thirds per cent of daily wages during fifty weeks.

In any case in which there shall be a loss or loss of use of more than one member or parts of more than one member set forth in this subdivision, but not amounting to total and permanent disability, compensation benefits shall be paid for the loss or loss of use of each such member or part thereof, with the periods of benefits to run consecutively. The total loss or permanent total loss of use of both hands, or both arms, or both feet, or both legs, or both eyes, or hearing in both ears, or of any two thereof, in one accident, shall constitute total and permanent disability and be compensated for according to the provisions of subdivision (1) of this section. In all

other cases involving a loss or loss of use of both hands, both arms, both feet, both legs, both eyes, or hearing in both ears, or of any two thereof, total and permanent disability shall be determined in accordance with the facts. Amputation between the elbow and the wrist shall be considered as the equivalent of the loss of a hand, and amputation between the knee and the ankle shall be considered as the equivalent of the loss of a foot. Amputation at or above the elbow shall be considered as the loss of an arm, and amputation at or above the knee shall be considered as the loss of a leg. Permanent total loss of the use of a finger, hand, arm, foot, leg, or eye shall be considered as the equivalent of the loss of such finger, hand, arm, foot, leg, or eye. In all cases involving a permanent partial loss of the use or function of any of the members mentioned in this subdivision, the compensation shall bear such relation to the amounts named in said subdivision as the disabilities bear to those produced by the injuries named therein. Should the employer and the employee be unable to agree upon the amount of compensation to be paid in cases not covered by the schedule, the amount of compensation shall be settled according to the provisions of sections 48-173 to 48-185. Compensation under this subdivision shall not be more than ~~two hundred dollars per week~~ the maximum weekly income benefit specified in section 3 of this act, nor less than ~~forty-nine dollars per week~~ the minimum weekly income benefit specified in section 3 of this act; PROVIDED, that if at the time of the injury the employee received wages of less than ~~forty-nine dollars per week~~ the minimum weekly income benefit specified in section 3 of this act, then he or she shall receive the full amount of such wages per week as compensation.

(4) For disability resulting from permanent disability, if immediately prior to the accident the rate of wages was fixed by the day or hour, or by the output of the employee the weekly wages shall be taken to be computed upon the basis of a work week of a minimum of five days, if the wages are paid by the day, or upon the basis of a work week of a minimum of forty hours, if the wages are paid by the hour, or upon the basis of a work week of a minimum of five days or forty hours, whichever results in the higher weekly wage, if the wages are based on the output of the employee.

(5) The employee shall be entitled to compensation from his or her employer for temporary disability while undergoing rehabilitation.

Sec. 2. That section 48-122, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

48-122. (1) If death results from injuries and the deceased employee leaves one or more dependents dependent upon his or her earnings for support at the time of ~~the accident causing the~~ injury, the compensation, subject to the provisions of section 48-123, shall be not more than ~~two hundred dollars per week~~ the maximum weekly income benefit specified in section 3 of this act nor less than ~~forty-nine dollars per week~~ the minimum weekly income benefit specified in section 3 of this act; PROVIDED, that if at the time of injury the employee receives wages of less than ~~forty-nine dollars per week~~ the minimum weekly income benefit specified in section 3 of this act, then the compensation shall be the full amount of such wages per week, payable in the amount and to the persons enumerated in section 48-122.01 subject to the maximum limits specified in this section and section 48-122.03.

(2) When death results from injuries suffered in employment, if immediately prior to the accident the rate of wages was fixed by the day or hour, or by the output of the employee, the weekly wages shall be taken to be computed upon the basis of a work week of a minimum of five days, if the wages are paid by the day, or upon the basis of a work week of a minimum of forty hours, if the wages are paid by the hour, or upon the basis of a work week of a minimum of five days or forty hours, whichever results in the higher weekly wage, if the wages are based on the output of the employee.

(3) Upon the death of an employee, resulting through personal injuries as herein defined, whether or not there be dependents entitled to compensation, the reasonable expenses of burial, not exceeding two thousand dollars, without deduction of any amount previously paid or to be paid for compensation or for medical expenses, shall be paid to his or her dependents, or if there be no dependents, then to his or her personal representative.

(4) Compensation under this act to alien dependents who are not residents of the United States,

shall be the same in amount as is provided in each case for residents, except that at any time within one year after the death of the injured employee the employer may at his or her option commute all future installments of compensation to be paid to such alien dependents. The amount of the commuted payment shall be determined as provided in section 48-138.

(5) The consul general, consul, vice consul general, or vice consul of the nation of which the employee, whose injury results in death, is a citizen, or the representative of such consul general, consul, vice consul general, or vice consul residing within the State of Nebraska shall be regarded as the sole legal representative of any alien dependents of the employee residing outside of the United States and representing the nationality of the employee. Such consular officer, or his or her representative, residing in the State of Nebraska, shall have in behalf of such nonresident dependents, the exclusive right to adjust and settle all claims for compensation provided by this act, and to receive the distribution to such nonresident alien dependents of all compensation arising thereunder.

Sec. 3. Commencing on the effective date of this act, the maximum weekly income benefit under sections 48-121 and 48-122 shall be two hundred thirty-five dollars, and the minimum weekly income benefit under sections 48-121 and 48-122 shall be forty-nine dollars.

Sec. 4. That original sections 48-121 and 48-122, Reissue Revised Statutes of Nebraska, 1943, are repealed.".

## STANDING COMMITTEE REPORTS
### Revenue

**LEGISLATIVE BILL 154.** Placed on General File as amended.
Standing Committee amendments to LB 154:
AM1021

1. On page 2, strike beginning with "rates" in line 5 through "for" in line 15, show the old matter as stricken, and insert "rate: For"; in line 16 strike "other" and show as stricken, strike "(a)" and show as stricken, and strike "one", show as stricken, and insert "seven"; in line 17 strike "(b)" and show as stricken and strike "one", show as stricken, and insert "seven";

and strike beginning with "The" in line 23 through the period in line 27 and show the old matter as stricken.

2. Insert the following new section:

"Sec. 3. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

**LEGISLATIVE BILL 100.** Indefinitely postponed.
**LEGISLATIVE BILL 627.** Indefinitely postponed.

(Signed) Elroy M. Hefner, Vice Chairperson

## VISITORS

Visitors to the Chamber were 42 eighth grade students and teacher from St. Bernards, Omaha.

## ADJOURNMENT

Mr. Chambers moved to adjourn until April 16, 1985 at 9:00 a.m. The motion prevailed with 20 ayes, 18 nays, and 11 not voting, and at 3:46 p.m., on a motion by Mr. Chambers, the Legislature adjourned until 9:00 a.m., Tuesday, April 16, 1985.

Patrick J. O'Donnell
Clerk of the Legislature

# SIXTIETH DAY - APRIL 16, 1985

## LEGISLATIVE JOURNAL

## EIGHTY-NINTH LEGISLATURE
## FIRST SESSION

## SIXTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, April 16, 1985

Pursuant to adjournment, the Legislature met at 9:05 a.m., President McGinley presiding.

## PRAYER

The prayer was offered by Mrs. T. V. Hubbell, Christian Church/Disciples of Christ, Lincoln, Nebraska.

## ROLL CALL

The roll was called and all members were present except Messrs. Beutler, Chambers, Conway, DeCamp, Hoagland, Landis, Rupp, Schmit, Withem, Mesdames Higgins, and Morehead who were excused until they arrive.

## CORRECTIONS FOR THE JOURNAL

The Journal for the Fifty-Ninth Day was approved.

## SELECT COMMITTEE REPORTS
### Enrollment and Review

### Correctly Re-Engrossed

The following bills were correctly re-engrossed: 346, 413, and 451.

(Signed) Timothy Hall, Chairperson

### Enrollment and Review Change to LB 346
### (Final Reading Copy)

The following changes, required to be reported for publication in the Journal, have been made:
ER0054

1. In the Chambers amendment, AM0897, adopted April 12, 1985, on page 1, line 10, the comma has been struck; in line 14 "8" has been struck and "7" inserted; in line 17 "26" has been struck and "16" inserted; and in line 19 "7" has been struck and "6" inserted and "2" has been struck and "18" inserted.

**Enrollment and Review Change to LB 451**
**(Final Reading Copy)**

The following changes, required to be reported for publication in the Journal, have been made:
ER0057

1. On page 1, the matter beginning with "change" in line 3 through "directors" in line 4 has been struck and "require approval of loans to certain spouses as prescribed" inserted.

(Signed) Mary Sommermeyer
E & R Attorney

**UNANIMOUS CONSENT - Add Co-Introducer**

Mr. Miller asked unanimous consent to have his name added as co-introducer to LB 204. No objections. So ordered.

**UNANIMOUS CONSENT - Print in Journal**

Mr. DeCamp asked unanimous consent to print the following amendment to LB 593 in the Journal. No objections. So ordered.

AM1023

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. That section 44-127.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

44-127.01. (1) Within sixty days after the granting of the order of liquidation, or within such longer time as the court may direct, the liquidator shall cause notice to be published to the company's policyholders, creditors, shareholders, ~~persons having~~

~~claims which are subject to the provisions of sections 44-2401 to 44-2418 and 44-2701 to 44-2720,~~ and all other persons interested in its assets. Such notice shall require claimants to file their claims with the liquidator together with proofs thereof within six months after the date of first publication.

(2) Within sixty days after the revocation of the certificate of authority of an insolvent foreign or alien insurance company pursuant to section 44-134, or within such longer time as the director may order, the Department of Insurance shall cause notice to be published to the company's policyholders, ~~and persons having claims which are subject to the provisions of sections 44-2401 to 44-2418 and 44-2701 to 44-2720.~~ Such notice shall require claimants to file their claims with the Department of Insurance together with proofs thereof within six months after the date of first publication.

Sec. 2. That section 44-127.03, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

44-127.03. Within thirty days after the date of the first publication of notice, the liquidator shall send notice of liquidation and the time for the filing of claims to the company's policyholders, ~~persons having claims which are subject to the provisions of sections 44-2401 to 44-2418 and 44-2701 to 44-2720,~~ creditors, shareholders, and all other persons interested in its assets, by ordinary United States mail to the last-known address of such persons, firms, or corporations as shown by the records of the company. An affidavit of such mailing shall be filed with the clerk of the court, which affidavit shall contain a statement that ~~the provisions of~~ this section ~~have~~ has been complied with. In the case of an insolvent foreign or alien insurer whose certificate of authority has been revoked pursuant to ~~the provisions of~~ section 44-134, the department shall send such notice to the company's policyholders, ~~and to persons having claims which are subject to the provisions of sections 44-2401 to 44-2418 and 44-2701 to 44-2720.~~

Sec. 3. That section 44-127.25, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

44-127.25. In the event of a liquidation of

an insurance company, the priorities of distribution shall be as follows:

(1) Administration expenses of liquidation, administration expenses of conservatorship, expenses of examinations conducted pursuant to sections 44-107 to 44-107.03, expenses incurred by the Nebraska Property and Liability Insurance Guaranty Association and by the Nebraska Life and Health Insurance Guaranty Association prior to the effective date of this act, and such expenses incurred by any similar organization in another state;

(2) Claims paid by the Nebraska Property and Liability Insurance Guaranty Association~~,~~ prior to the effective date of this act and claims paid by the Nebraska Life and Health Insurance Guaranty Association~~,~~ ~~and such claims paid by any similar organization in another state~~ prior to the effective date of this act;

(3)(a) Claims by policyholders, beneficiaries, and insureds arising from and within the coverage of and not in excess of the applicable limits of insurance policies and contracts issued by the company, and (b) liability claims against policyholders which are within the coverage of and not in excess of the applicable limits of insurance policies and insurance contracts issued by the insolvent company; and

(4) All other claims.

Sec. 4. That original sections 44-127.01, 44-127.03, and 44-127.25, Reissue Revised Statutes of Nebraska, 1943, and also sections 44-127.26, 44-2401 to 44-2418, 44-2701 to 44-2720, 44-2910, 44-3108, 44-3318, and 44-3818, Reissue Revised Statutes of Nebraska, 1943, are repealed.".

## RESOLUTION

**LEGISLATIVE RESOLUTION 85.** Read. Considered.

LR 85 was adopted with 36 ayes, 0 nays, and 13 not voting.

## UNANIMOUS CONSENT - Add Co-Introducer

Mr. Goll asked unanimous consent to have his name added as co-introducer to LR 85. No objections. So ordered.

## MOTION - Reconsider Action on LB 190

Messrs. V. Johnson and Wesely renewed their pending motion found in the Journal on page 1444 to reconsider the indefinite postponement of LB 190.

The V. Johnson-Wesely motion to reconsider prevailed with 25 ayes, 15 nays, 3 present and not voting, and 6 excused and not voting.

## SELECT COMMITTEE REPORTS
### Enrollment and Review

**LEGISLATIVE BILL 408.** Placed on Select File as amended.
E & R amendments to LB 408:
AM5133

1. In lieu of the Conway amendment, AM0304, adopted April 11, 1985, in the Hefner amendment, AM0902, on page 2, line 26, after the first period insert "Allowable expenses shall not include the tax on gross proceeds prescribed in section 9-184.".

2. In the Standing Committee amendment, AM0212, adopted April 11, 1985:

a. On page 2, line 10, strike "is" and insert "are";

b. On page 17, in lines 13 and 14, strike the comma;

c. On page 18, line 13, after "series" insert an underscored comma and strike the comma after "and"; and in line 21 after "department" insert an underscored comma;

d. On page 20, line 18, strike the comma;

e. On page 23, line 14, strike "and" and show as stricken;

f. On page 24, line 13, after "thereon" insert an underscored comma; and

g. On page 26, line 4, strike the comma and show as stricken and after "if" insert an underscored comma; and in line 18 strike "28" and insert "29".

3. On page 1, strike beginning with "9-126" in line 1 through line 8 and insert "9-140.07, 9-140.08, and 9-146, Reissue Revised Statutes of Nebraska, 1943, and sections 9-124, 9-125, 9-126, 9-140.01, 9-140.09, 9-145, 9-148, 9-153, 9-170, 9-173, 9-178.01, 9-179, 9-183, 9-185 to 9-189, and 28-1105, Revised Statutes Supplement, 1984; to state intent; to define and redefine terms; to change provisions relating to bingo,

pickle cards, lotteries, and raffles; to provide for certain licenses; to provide powers, duties, and requirements; to eliminate obsolete language; to harmonize provisions; to provide an operative date; and to repeal the original sections, and also section 9-1,100, Revised Statutes Supplement, 1984.".

**LEGISLATIVE BILL 207.** Placed on Select File as amended.
E & R amendments to LB 207:
AM5132

1. On page 1, line 5, strike "additional government" and insert "public purposes"; and in line 6 strike "services" and after the semicolon insert "to change certain powers and duties;".

2. On page 4, line 2; page 5, line 23; and page 11, line 20, after "docks" insert an underscored comma.

3. On page 7, line 24; and page 8, line 6, strike "article", show as stricken, and insert "Article".

4. On page 8, line 22, strike the comma and show as stricken.

5. On page 11, line 15, strike "the" and show as stricken; in line 16 after "widening" insert an underscored comma; and in line 26 strike the comma and show as stricken.

6. On page 17, line 1, strike the comma and show as stricken; and in line 6 after "levied" insert an underscored comma.

7. On page 19, line 3, reinstate the stricken "or".

8. On page 20, line 12, strike the first comma and show as stricken.

(Signed) Timothy Hall, Chairperson

## RESOLUTION

**LEGISLATIVE RESOLUTION 86.**

Introduced by Wesely, 26th District; Vickers, 38th District.

WHEREAS, Myasthenia Gravis, first described in 1672, is a chronic neuromuscular disorder characterized by progressive weakness and abnormally rapid fatigue of the voluntary muscles; and

WHEREAS, the symptoms of Myasthenia Gravis are varied, ranging from loss of facial expression, double vision, and difficulties with chewing, swallowing, and breathing or can result in overall fatigue and weakness of the entire body; and

WHEREAS, forty years ago eighty-five per cent of all Myasthenia Gravis victims died within a few years of the onset of the disease, but today's medical therapy can control, though not cure, the disease and allow the victim a normal life span; and

WHEREAS, the major problem today is the diagnoses of Myasthenia Gravis because few physicians are sufficiently knowledgeable about this disorder. The effects of Myasthenia Gravis are little known and misunderstood and victims are met with doubt and confusion by both professionals and the general public; and

WHEREAS, it is estimated for every diagnosed case of Myasthenia Gravis there are at least three undiagnosed victims; and

WHEREAS, while Myasthenia Gravis is more likely to strike women between twenty and forty or men over forty, it is a potential killer which can strike anyone at any age.

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

1. That October be designated Myasthenia Gravis Awareness Month in Nebraska to lend the support of the public to diagnosed victims and their families.

2. That through such efforts the public will come to understand the hidden handicap of Myasthenia Gravis.

3. That volunteers and donations are needed to help with public awareness and education.

4. That a copy of this resolution be sent to:

(a) Myasthenia Gravis Foundation, 15 East 26th Street, Suite 1603, New York, NY 10010;

(b) Muscular Dystrophy Association, 1912 North 90th Street, Lower Level, Omaha, NE 68114;

(c) Muscular Dystrophy Association National Office, 810 7th Avenue, New York, NY 10019;

(d) Myasthenia Gravis Support Group, c/o Shirley Herms, Box 4351, Lincoln, NE 68504; and

(e) Governor Robert Kerrey, State Capitol, Lincoln, NE 68509.

Laid over.

## GENERAL FILE

**LEGISLATIVE BILL 157.** Considered.

Mr. V. Johnson asked unanimous consent to withdraw his pending amendment, AM0815, found in the Journal on page 1398. No objections. So ordered.

**SPEAKER NICHOL PRESIDING**

Mr. R. Johnson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 5 nays, and 19 not voting.

Advanced to E & R for Review with 25 ayes, 14 nays, 8 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 432.** Considered.

Mr. Haberman moved to indefinitely postpone LB 432.

Mr. Abboud moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Mr. Haberman requested a record vote on his motion to indefinitely postpone.

Voting in the affirmative, 7:

| | | | | |
|---|---|---|---|---|
| Abboud | Haberman | Nichol | Pappas | Rogers |
| DeCamp | Lamb | | | |

Voting in the negative, 25:

| | | | | |
|---|---|---|---|---|
| Baack | Chronister | Hartnett | Marsh | Sieck |
| Barrett | Conway | Johnson, L. | Morehead | Smith |
| Beyer | Goodrich | Labedz | Nelson | Warner |
| Carsten | Hall | Lundy | Remmers | Wesely |
| Chizek | Harris | Lynch | Rupp | Withem |

Present and not voting, 15:

| | | | | |
|---|---|---|---|---|
| Beutler | Hannibal | Johnson, R. | Miller | Schmit |
| Eret | Hefner | Johnson, V. | Peterson | Scofield |
| Goll | Higgins | Landis | Pirsch | Vickers |

Excused and not voting, 2:

Chambers Hoagland

The Haberman motion lost with 7 ayes, 25 nays, 15 present and not voting, and 2 excused and not voting.

Mr. Haberman requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 30:

| | | | | |
|---|---|---|---|---|
| Baack | Conway | Hartnett | Marsh | Rupp |
| Barrett | Eret | Hoagland | Miller | Sieck |
| Beyer | Goodrich | Johnson, L. | Morehead | Smith |
| Carsten | Hall | Labedz | Nelson | Warner |
| Chizek | Hannibal | Lundy | Pappas | Wesely |
| Chronister | Harris | Lynch | Remmers | Withem |

Voting in the negative, 11:

| | | | | |
|---|---|---|---|---|
| Abboud | Haberman | Lamb | Peterson | Rogers |
| DeCamp | Hefner | Nichol | Pirsch | Scofield |
| Goll | | | | |

Present and not voting, 7:

| | | | | |
|---|---|---|---|---|
| Beutler | Johnson, R. | Landis | Schmit | Vickers |
| Higgins | Johnson, V. | | | |

Excused and not voting, 1:

Chambers

Advanced to E & R for Review with 30 ayes, 11 nays, 7 present and not voting, and 1 excused and not voting.

**LEGISLATIVE BILL 432A.** Title read. Considered.

Advanced to E & R for Review with 25 ayes, 7 nays, 16 present and not voting, and 1 excused and not voting.

## UNANIMOUS CONSENT - Print in Journal

Mr. V. Johnson asked unanimous consent to print the following amendment to LB 715 in the Journal. No objections. So ordered.

AM1042

(Amendments to AM0523)

1. On page 37, line 5, strike "facility one", show as stricken, and insert "facilities".

2. On page 42, line 10, reinstate the stricken matter.

3. On page 50, line 24, strike the first "or", show as stricken, and insert an underscored comma; and in line 25 strike the underscored comma and reinstate the stricken "or".

4. On page 54, strike beginning with "for" in line 11 through "after" in line 12 and insert "on".

Mr. DeCamp asked unanimous consent to print the following amendment to LB 606 in the Journal. No objections. So ordered.

AM1002

1. Insert the following new sections:

"Sec. 2. That section 9-401, Uniform Commercial Code, be amended to read as follows:

U9-401. Place of filing; erroneous filing; removal of collateral.

(1) The proper place to file in order to perfect a security interest is as follows:

(a) When the collateral is (i) equipment used in farming operations, (ii) farm products, including crops growing or to be grown, (iii) farm products which become inventory of a person engaged in farming, (iv) accounts or general intangibles arising from or relating to the sale of farm products by a farmer, or (v) consumer goods, then in the office of the county clerk in the county of the debtor's residence or if the debtor is not a resident of this state then in the office of the county clerk in the county where the goods are kept or grown.

(b) When the collateral is timber to be cut or is minerals or the like (including oil and gas) or accounts subject to subsection (5) of section 9-103, or when the financing statement is filed as a fixture filing (section 9-313) and the collateral is goods which are or are to become fixtures, then in the office where a mortgage on the real estate would be filed or recorded.

(c) In all other cases, in the office of the Secretary of State.

(2) A filing which is made in good faith in an improper place or not in all of the places required by this section is nevertheless effective with regard to any collateral as to which the filing complied with the requirements of this article and is also effective with regard to collateral covered by the financing statement against any person who has knowledge of the contents of such financing statement.

(3) A filing which is made in the proper place in this state continues effective even though the debtor's residence or place of business or the location of the collateral or its use, whichever controlled the original filing, is thereafter changed. A debtor's residence is presumed to be the residence shown on the filing. The showing of an improper residence shall not affect the validity of the filing or the perfection of such filing.

(4) The rules stated in section 9-103 determine whether filing is necessary in this state.

(5) Notwithstanding the preceding subsections, and subject to subsection (3) of section 9-302, the proper place to file in order to perfect a security interest in collateral, including fixtures, of a transmitting utility is the office of the Secretary of State. This filing constitutes a fixture filing (section 9-313) as to the collateral described therein which is or is to become fixtures.

(6) For the purposes of this section, the residence of an organization is its place of business if it has one or its chief executive office if it has more than one place of business.

Sec. 6. That section 9-405, Uniform Commercial Code, be amended to read as follows:

U9-405. Assignment of security interest; duties of filing officer; fees.

(1) A financing statement may disclose an assignment of a security interest in the collateral described in the financing statement by indication in the financing statement of the name and address of the assignee or by an assignment itself or a copy thereof on the face or back of the statement. On presentation to the filing officer of such a financing statement the filing officer shall mark the same as provided in section 9-403(4). ~~The uniform fee for filing, indexing and furnishing filing data for a financing statement so~~

~~indicating an assignment shall be three dollars, plus in each case an additional fee of three dollars for each name more than one against which the financing statement is required to be indexed.~~

(2) A secured party may assign of record all or a part of his or her rights under a financing statement by the filing in the place where the original financing statement was filed of a separate written statement of assignment signed by the secured party of record and setting forth the name of the secured party of record and the debtor, the file number and the date of filing of the financing statement and the name and address of the assignee and containing a description of the collateral assigned. A copy of the assignment is sufficient as a separate statement if it complies with the preceding sentence. On presentation to the filing officer of such a separate statement, the filing officer shall mark such separate statement ~~with the date and hour of the filing~~ as provided in section 9-403(4). He or she shall note the assignment on the index of the financing statement, or in the case of a fixture filing, or a filing covering timber to be cut, or covering minerals or the like (including oil and gas) or accounts subject to subsection (5) of section 9-103, he or she shall index the assignment under the name of the assignor as grantor and, to the extent that the law of this state provides for indexing the assignment of a mortgage under the name of the assignee, he or she shall index the assignment of the financing statement under the name of the assignee. ~~The uniform fee for filing, indexing and furnishing filing data about such a separate statement of assignment shall be three dollars, plus in each case an additional fee of three dollars for each name more than one against which the statement of assignment is required to be indexed.~~ Notwithstanding the provisions of this subsection, an assignment of record of a security interest in a fixture contained in a mortgage effective as a fixture filing (subsection (6) of section 9-402) may be made only by an assignment of the mortgage in the manner provided by the law of this state other than this act.

(3) After the disclosure or filing of an assignment under this section the assignee is the secured party of record.

(4) The fee for such filings shall be as

provided in subsection (5) of section 9-403.

Sec. 7. That section 9-406, Uniform Commercial Code, be amended to read as follows:

U9-406. Release of collateral; duties of filing officer; fees.

A secured party of record may by his or her signed statement release all or a part of any collateral described in a filed financing statement. The statement of release is sufficient if it contains a description of the collateral being released, the name and address of the debtor, the name and address of the secured party, and the file number of the financing statement. A statement of release signed by a person other than the secured party of record must be accompanied by a separate written statement of assignment signed by the secured party of record and complying with ~~subsection (2)~~ subsections (2) and (3) of section 9-405, including payment of the required fee. Upon presentation of such a statement of release to the filing officer he or she shall mark the statement with the hour and date of filing and shall note the same upon the margin of the index of the filing or the financing statement. ~~The uniform fee for filing and noting such a statement of release shall be three dollars, plus in each case an additional fee of three dollars for each name more than one against which the statement of release is required to be indexed~~ The fee for such filing shall be as provided in subsection (5) of section 9-403.

Sec. 17. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

2. On page 2, line 23, strike "shall", show as stricken, and insert "may", after "seller" insert ", under the penalties prescribed, declare and", and after "identify" insert "in writing"; in line 24 after "holder" insert "or first lienholder, as the case may be,"; in line 25 after "If" insert "such buyer acts in good faith and without actual knowledge that such disclosure is other than accurate and if" and strike "paid", show as stricken, and insert "tendered"; and in line 27 after the first "and" insert "if one be named" and after "holder" insert "or first lienholder, as the case may be,".

3. On page 3, line 1, after "holder" insert "or first lienholder"; in line 2 strike "cashing", show

as stricken, and insert "negotiation"; in line 3 after "interest" insert "or lien. No buyer shall be allowed to take advantage of and apply the right of offset to defeat a priority established by any lien or security interest. The buyer's good faith reliance upon the seller not naming a security interest holder or lienholder in accordance with this subsection shall allow such buyer to take such farm products free of any security interest or lien"; in line 5 after "interest" insert "or lien"; in line 8 strike "1987", show as stricken, and insert "1988" and strike "1986", show as stricken, and insert "1987"; and in line 15 strike "A" and insert "Commencing January 1, 1986, a".

4. On page 4, after line 1, insert the following new subsection:

"(7) Any seller who violates the disclosure requirement of subsection (4) of this section shall be guilty of a Class I misdemeanor."

5. On page 7, strike beginning with "The" in line 8 through the period in line 14, show as stricken, and insert "The fee for such filings shall be as provided in subsection (5) of section 9-403.".

6. On page 10, line 17, strike "subsection (2)", show as stricken, and insert "subsections (2) and (3)".

7. On page 11, line 1, after "statement" insert "or other document".

8. On page 14, after line 26, insert the following new subsection:

"(3) The fee for such filings shall be as provided in subsection (5) of section 9-403.".

9. On page 16, lines 4 and 22, after "clerk" insert "or register of deeds".

10. On page 17, after line 9, insert the following new subsection:

"(5) Each county clerk and register of deeds shall on or before December 1, 1985, transmit to the Secretary of State information required to be transmitted pursuant to subsections (1) and (2) of this section on any such liens which are in the files of such county clerk or register of deeds and which were filed on or before June 30, 1983. The Uniform Commercial Code Filing Council shall establish, monitor, and control the manner, fashion, and procedure for the transmission of such data.".

11. On page 18, line 13, after the period insert "After June 30, 1987, the Secretary of State shall provide information from the system by telephone during normal business hours.".

12. On page 22, line 23, strike "9-402" and insert "9-401"; and in line 24 strike "9-404" and insert "9-406".

13. Renumber the remaining sections accordingly.

## GENERAL FILE

**LEGISLATIVE BILL 553.** Title read. Considered.

Standing Committee amendments, AM0416, found in the Journal on page 839 for the Thirty-Fourth Day were considered.

Mr. Schmit renewed his pending amendment, AM0868, found in the Journal on page 1325 to the Standing Committee amendments.

The Schmit amendment was adopted with 19 ayes, 0 nays, 29 present and not voting, and 1 excused and not voting.

The Standing Committee amendments, as amended, were adopted with 26 ayes, 0 nays, 22 present and not voting, and 1 excused and not voting.

Mr. Warner moved to indefinitely postpone LB 553.

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

Mr. Warner asked unanimous consent to withdraw his pending motion to indefinitely postpone. No objections. So ordered.

Mr. Warner offered the following amendment:
AM1006

1. Insert the following new section:

"Sec. 7. That section 39-6,184, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-6,184. Any person operating any motor vehicle, freight-carrying vehicle, bus, truck, truck-tractor, or trailer, when the weight of the vehicle and load is in violation of the provisions of

subdivision (1)(c) of section 39-6,179 or section 39-6,180 and the vehicle and load does not qualify for the exceptions permitted by section 39-6,185, shall be guilty of a traffic infraction or traffic infractions and shall, upon conviction thereof, be fined (1) twenty-five dollars for carrying a gross load of five per cent or less over the maximum, (2) one hundred dollars for carrying a gross load of more than five per cent but not more than ten per cent over the maximum, (3) two hundred dollars for carrying a gross load of more than ten per cent but not more than fifteen per cent over the maximum, (4) three hundred fifty dollars for carrying a gross load of more than fifteen per cent but not more than twenty per cent over the maximum, (5) six hundred dollars for carrying a gross load of more than twenty per cent but not more than twenty-five per cent over the maximum, (6) one thousand dollars for carrying a gross load of more than twenty-five per cent over the maximum, (7) twenty-five dollars for carrying a load on a single axle or a group of axles of five per cent or less over the maximum, (8) seventy-five dollars for carrying a load on a single axle or a group of axles of more than five per cent but not more than ten per cent over the maximum, (9) one hundred fifty dollars for carrying a load on a single axle or a group of axles of more than ten per cent but not more than fifteen per cent over the maximum, (10) ~~two~~ three hundred twenty-five dollars for carrying a load on a single axle or a group of axles of more than fifteen per cent but not more than twenty per cent over the maximum, (11) ~~three~~ five hundred dollars for carrying a load on a single axle or a group of axles of more than twenty per cent and not more than twenty-five per cent over the maximum, ~~and~~ (12) ~~five hundred dollars for carrying a load on a single axle or a group of axles of more than twenty-five per cent over the maximum.~~ seven hundred fifty dollars for carrying a load on a single axle or group of axles of more than twenty-five per cent but not more than thirty per cent over the maximum, (13) nine hundred fifty dollars for carrying a load on a single axle or group of axles of more than thirty per cent but not more than thirty-five per cent over the maximum, (14) one thousand one hundred fifty dollars for carrying a load on a single axle or group of axles of more than thirty-five per cent but not more than forty per cent

over the maximum, (15) fifteen hundred fifty dollars for carrying a load on a single axle or group of axles of more than forty per cent but not more than forty-five per cent over the maximum, (16) two thousand dollars for carrying a load on a single axle or group of axles of more than forty-five per cent but not more than fifty per cent over the maximum, and (17) twenty-five hundred dollars for carrying a load on a single axle or group of axles of more than fifty per cent over the maximum. No person shall be guilty of multiple offenses when the violations (a) involve the excess weight of an axle or a group of axles and the excess weight of the gross load of a single vehicle or (b) occur on the National System of Interstate and Defense Highways.".

2. On page 18, line 17, strike "and" and before "Reissue" insert "and 39-6,184".

The Warner amendment was adopted with 28 ayes, 0 nays, 19 present and not voting, and 2 excused and not voting.

Advanced to E & R for Review with 28 ayes, 0 nays, 19 present and not voting, and 2 excused and not voting.

## EXECUTIVE BOARD ANNOUNCEMENT

RE: Study Resolutions

The deadline for introduction of study resolutions will be Tuesday, April 23, 1985.

(Signed) Chris Beutler, Chairperson
Legislative Council
Executive Board

## GENERAL FILE

**LEGISLATIVE BILL 532.** Title read. Considered.

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

Standing Committee amendments, AM0494, found in the Journal on page 879 for the Thirty-Fifth Day were adopted with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 22 present and not voting, and 2 excused and not voting.

**LEGISLATIVE RESOLUTION 32CA.** Title read. Considered.

Standing Committee amendment, AM0487, found in the Journal on page 881 for the Thirty-Fifth Day was adopted with 25 ayes, 0 nays, 22 present and not voting, and 2 excused and not voting.

Messrs. DeCamp and Schmit asked unanimous consent to be excused until they return. No objections. So ordered.

Messrs. Haberman and Hefner moved to indefinitely postpone LR 32CA.

Laid over.

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

**LEGISLATIVE BILL 401.** Title read. Considered.

Messrs. Chizek, R. Johnson, Goll, and Haberman asked unanimous consent to be excused until they return. No objections. So ordered.

Pending.

## VISITORS

Visitors to the Chamber were 8 eighth grade students and sponsor from St. Wenceslaus, Dodge; Al Cooper and Terry Ziegler from Broken Bow; former Senator Ramey Whitney; 18 students, sponsors, and teachers from Hadar Public School; two groups of fourth grade students and teachers from Westmont Elementary School, Papillion; 39 sixth, seventh, and eighth grade students and teacher from District 87, Norfolk; and Phyllis Hamilton from Omaha.

## RECESS

Mrs. Higgins moved to recess. The motion prevailed, and at 12:01 p.m., on a motion by Mrs. Higgins, the Legislature recessed until 1:30 p.m.

## AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Nichol presiding.

## ROLL CALL

The roll was called and all members were present except Mrs. Pirsch who was excused; and Messrs. Chizek, Hannibal, Harris, Hoagland, R. Johnson, Schmit, Warner, Mesdames Labedz, Morehead, Nelson, and Ms. Scofield who were excused until they arrive.

## UNANIMOUS CONSENT - Member Excused

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

## UNANIMOUS CONSENT - Print in Journal

Mr. Beutler asked unanimous consent to print the following amendment to LB 667 in the Journal. No objections. So ordered.

AM1061

(Amendments to AM0723)

1. On page 3, strike beginning with "and" in line 4, through "sale" in line 5.

Mr. Beutler asked unanimous consent to print the following amendment to LB 667 in the Journal. No objections. So ordered.

AM1060

(Amendments to AM0723)

1. On page 4, strike beginning with the period in line 7 through "estate" in line 10.

Mr. Beutler asked unanimous consent to print the following amendment to LB 667 in the Journal. No objections. So ordered.

AM1022

(Amendments to AM0723, Corrected)

1. On page 1, lines 14 and 18, after "agents" insert "and developers".

2. On page 2, line 19, strike "and"; in line 22 strike the period and insert an underscored semicolon; after line 22 insert new subdivisions as follows:

(7) Developer shall mean a person who develops real estate on a speculative basis and who sells such

developed real estate in residential real estate transactions; and

(8) Residential real estate transaction shall mean the sale of a residence to an individual who intends to occupy such residence as his or her principal place of residence."; and in line 26 strike beginning with "Every" through "his".

3. On page 3, strike beginning with "or" in line 1 through the period in line 2.

4. On page 7, line 21, strike "or homeowner"; in line 24 after "public" insert "and developers"; and in line 25 before "Failure" insert "(1)".

5. On page 8, after line 1 insert a new subsection as follows:

"(2) The exclusive remedy available to a consumer for failure to provide the written statement required by section 5 of this act shall be an action for damages. Any such failure shall not affect title to the real estate or the validity of the conveyance.".

6. On page 2, lines 8, 9, and 23; page 3, lines 6 and 10; and page 7, line 14, after "agent" insert "or developer".

## RESOLUTION

**LEGISLATIVE RESOLUTION 87.**

Introduced by Harris, 27th District.

Purpose: The purpose of this resolution is to examine the nature, level, and structure of the sources of income received by Nebraskans who have retired. This study shall include a consideration of the data on wealth held by retirees in various forms including private savings. The study will include an evaluation of how pension benefits, social security income, and asset income work together to provide retirement income for the aged population of Nebraska. In addition, the population trends will be examined to assess the numbers of retirees who will likely be retired in 1990, 2000, and 2010.

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

1. That the Nebraska Retirement Systems Committee of the Legislature shall conduct an interim study and hold any public hearings necessary to carry out the purposes of this resolution.

2. That such retirement committee will look at the data necessary

to answer the following questions:

a. To what degree are retired Nebraskans protected against the economic uncertainties of life;

b. Are there ways of enhancing the dignity and independence of the aged given the burdens left to the Nebraska taxpayer who remains in the work force;

c. Are Nebraska retirees' levels of income sufficient given their current medical care costs, utility bills, and housing payments; and

d. What is the distribution of income sources of recent retirees.

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 prior to the commencement of the 1986 legislative session.

Referred to the Executive Board.

## BILL ON FIRST READING

The following bill was read for the first time by title:

**LEGISLATIVE BILL 408A.** By Hefner, 19th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 408, Eighty-ninth Legislature, First Session, 1985.

## GENERAL FILE

**LEGISLATIVE BILL 401.** Considered.

Mr. Landis moved for a call of the house. The motion prevailed with 10 ayes, 0 nays, and 39 not voting.

Advanced to E & R for Review with 26 ayes, 6 nays, 10 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Mrs. Morehead asked unanimous consent to be excused until she returns. No objections. So ordered.

**LEGISLATIVE BILL 201.** Title read. Considered.

Standing Committee amendments, AM0502, found in the Journal on page 898 for the Thirty-Sixth Day were considered.

Mr. V. Johnson offered the following amendment to the Standing Committee amendments:

9. On page 4, line 26, strike "and" and insert "or".

The V. Johnson amendment was adopted with 29 ayes, 0 nays, 12 present and not voting, and 8 excused and not voting.

The Standing Committee amendments, as amended, were adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

Mr. Chambers asked unanimous consent to have his name added as co-introducer to LB 201. No objections. So ordered.

Advanced to E & R for Review with 25 ayes, 10 nays, 9 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 201A.** Title read. Considered.

Mr. V. Johnson moved for a call of the house. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

Mr. Haberman requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 26:

| | | | | |
|---|---|---|---|---|
| Beutler | Eret | Johnson, V. | Miller | Sieck |
| Chambers | Hall | Labedz | Morehead | Smith |
| Chizek | Hartnett | Landis | Nelson | Vickers |
| Chronister | Higgins | Lynch | Rogers | Wesely |
| Conway | Hoagland | Marsh | Rupp | Withem |
| DeCamp | | | | |

Voting in the negative, 18:

| | | | | |
|---|---|---|---|---|
| Abboud | Goll | Hefner | Lundy | Remmers |
| Barrett | Goodrich | Johnson, L. | Nichol | Scofield |
| Beyer | Haberman | Johnson, R. | Peterson | Warner |
| Carsten | Hannibal | Lamb | | |

Present and not voting, 1:

Baack

Excused and not voting, 4:

Harris Pappas Pirsch Schmit

Advanced to E & R for Review with 26 ayes, 18 nays, 1 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

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

**LEGISLATIVE BILL 439.** Title read. Considered.

Standing Committee amendment, AM0585, found in the Journal on page 986 for the Fortieth Day was considered.

Mrs. Smith offered the following amendment to the Standing Committee amendment:

On page 3, line 5, strike the word "twenty" and replace with the word "thirty"; and page 4, line 13, following the word "with" include "(Note to voter: If you wish to vote in primary elections, you must indicate party affiliation. For example: Democrat, Independent, Republican.)"

The Smith amendment was adopted with 21 ayes, 1 nay, 22 present and not voting, and 5 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Advanced to E & R for Review with 25 ayes, 9 nays, 10 present and not voting, and 5 excused and not voting.

## MOTION - Place LB 556 on General File

Mrs. Labedz moved to place LB 556 on General File pursuant to Rule 3, Section 19.

Laid over.

## SELECT COMMITTEE REPORTS

## Enrollment and Review

### Correctly Engrossed

The following bills were correctly engrossed: 171, 171A, 183, 250A, 383, 383A, 395, 430, 488, 493, 503, and 585.

(Signed) Timothy Hall, Chairperson

### Enrollment and Review Change to LB 383

The following changes, required to be reported for publication in the Journal, have been made:
ER0058

1. In lieu of the Vickers amendment adopted April 12, 1985, on page 3, line 24, ", except those tanks which are regulated under rules and regulations adopted pursuant to section 81-502 in accordance with standard K 61.1(1972) of the American National Standards Institute" has been inserted after "time".

### Enrollment and Review Change to LB 488

The following changes, required to be reported for publication in the Journal, have been made:
ER0056

1. On page 1, line 7, "and" has been struck; and in line 8 "; and to declare an emergency" has been inserted after "sections".

(Signed) Mary Sommermeyer
E & R Attorney

## GENERAL FILE

**LEGISLATIVE BILL 389.** Title read. Considered.

Standing Committee amendments, AM0632, found in the Journal on page 1073 for the Forty-Third Day were considered.

Mr. Lamb offered the following amendment to the Standing Committee amendments:

Inset new Section 7 as follows:

Sec. 7. EACH GRAIN DEALER OR HIS OR HER AGENT UPON TAKING POSSESSION OF GRAIN FROM A SELLER SHALL ISSUE A RECEIPT TO THE SELLER OR HIS OR HER AGENT. SUCH RECEIPT SHALL SHOW: (1) the date and time

of day the grain dealer or his or her agent took possession of the seller's grain; (2) the name and address of the buyer; (3) the name of the seller; (4) the name of the agent; (5) the motor vehicle license plate number of any vehicle used by the grain dealer or his or her agent in taking possession of the seller's grain; (6) the kind of grain delivered to the buyer; (7) the approximate quantity of grain delivered to the buyer; and (8) the provisions of Sec. 6 of this act. SUCH RECEIPT SHALL BE IN SUCH FORM AS THE PUBLIC SERVICE COMMISSION MAY BY RULE REQUIRE.

and renumber existing sections accordingly.

The Lamb amendment was adopted with 17 ayes, 0 nays, 28 present and not voting, and 4 excused and not voting.

The Standing Committee amendments, as amended, were adopted with 26 ayes, 1 nay, 18 present and not voting, and 4 excused and not voting.

Advanced to E & R for Review with 29 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 393.** Title read. Considered.

Standing Committee amendments, AM0877, printed separate from the Journal and referred to on page 1346 were considered.

Mr. Withem renewed his pending amendment, AM0931, found in the Journal on page 1439 to the Standing Committee amendments.

The Withem amendment was adopted with 20 ayes, 1 nay, 25 present and not voting, and 3 excused and not voting.

Mr. Landis renewed his pending amendment, AM0981, found in the Journal on page 1479 to the Standing Committee amendments.

The Landis amendment was adopted with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

Mr. DeCamp offered the following amendment to the Standing Committee amendments:
AM1063

(Amendments to AM0877)

1. On page 8, line 16, strike "for at least five calendar days" and insert "at least once a week for two consecutive weeks"; and in line 18 strike "Sealed"

and insert "In addition to subdivision (1) of this section, sealed".

The DeCamp amendment was adopted with 21 ayes, 1 nay, 24 present and not voting, and 3 excused and not voting.

The Standing Committee amendments, as amended, were adopted with 25 ayes, 0 nays, 21 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.

**LEGISLATIVE BILL 447.** Title read. Considered.

Standing Committee amendment, AM0721, found in the Journal on page 1113 for the Forty-Fourth Day was adopted with 27 ayes, 0 nays, 20 present and not voting, and 2 excused and not voting.

Mr. Hoagland renewed his pending amendment, AM0895, printed separate from the Journal and referred to on page 1376.

The Hoagland amendment was adopted with 25 ayes, 0 nays, 22 present and not voting, and 2 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 22 present and not voting, and 2 excused and not voting.

## SELECT COMMITTEE REPORTS
### Enrollment and Review

### Correctly Engrossed

The following bills were correctly engrossed: 208, 208A, 347A, 421A, and 628.

(Signed) Timothy Hall, Chairperson

### MOTION - Place LB 219 on General File

Mr. Rogers moved to place LB 219 on General File pursuant to Rule 3, Sec. 19.

Laid over.

## UNANIMOUS CONSENT - Print in Journal

Mrs. Marsh asked unanimous consent to print the following amendment to LB 667 in the Journal. No objections. So ordered.

AM1053

1. In AM0723, Corrected:

a. On page 1, line 19, strike "and homeowners";

b. On page 2, line 26, strike "Every homeowner who sells his";

c. On page 3, strike beginning with "or" in line 1 through the period in line 2; and

d. On page 7, strike beginning with the comma in line 6 through "rights" in line 9; and in line 21 strike "or homeowner".

2. Strike AM0870 on page 1309 of the Journal.

Mr. Abboud asked unanimous consent to print the following amendment to LB 217 in the Journal. No objections. So ordered.

1. Insert the following new sections:

"Sec. 13. As used in section 5 of this act, flammable liquids shall include kerosene, heating oils, gasoline and all other combustible liquids subject to the rules and regulations adopted by the State Fire Marshal in accordance with section 81-502.

"Sec. 14. (1) Automotive service stations shall store in underground tanks:

(a) Kerosene and heating oil in quantities greater than one thousand gallons; and

(b) All other flammable liquids in quantities greater than sixty gallons.

(2) If high water table conditions will not warrant under-ground installation as reasonably feasible or practicable, subsection (1) of this section shall not apply.

(3) Subsection (1) of this section shall not apply to above-ground storage tanks installed prior to May 29, 1959.

(4) Any person, firm or corporation who violates this section shall be guilty of a Class III misdemeanor."

Mrs. Labedz asked unanimous consent to print the following amendment to LB 408 in the Journal. No objections. So ordered.

AM1082

(Amendments to AM0212)

1. On page 4, line 14, after "3," insert "5,".

2. On page 8, line 3, after "cards" insert "but shall not include any member of the licensed organization who, in a voluntary capacity without compensation, sells individual pickle cards on behalf of the licensed organization"; and strike beginning with "(1)" in line 7 through "organization" in line 13 and insert "who is recognized and acknowledged by the eligible organization as a member for purposes other than conducting activities under the Nebraska Bingo and Lottery Control Act".

3. On page 20, strike beginning with "(b)" in line 12 through the comma in line 13; and in line 13 strike "(c)" and insert "(b)".

4. On page 21, line 15, after "ticket" insert "pursuant to this section".

5. On page 25, line 16, strike "any" and insert "bingo or lottery by the sale of pickle card".

6. On page 26, line 18, strike "28" and insert "29".

Mr. Conway asked unanimous consent to print the following amendment to LB 404 in the Journal. No objections. So ordered.

AM1074

1. In the Standing Committee amendments, AM0682, beginning on page 1076 of the Journal:

a. On page 1, line 5, strike "may" and insert "shall"; in line 7 after "to" insert "subdivision (2), (3), or (4) of"; in lines 8, 9, and 14 after "certificate" insert "or policy"; in lines 15 and 16 strike "date" and insert "dates"; strike beginning with the first "the" in line 16 through "certificate" in line 17 and insert "evidence that the coverage is in effect on and following the date of registration"; and strike beginning with the comma in line 19 through "vehicle" in line 20; and

b. On page 2, line 3, strike "such" and insert "any" and after "filing" insert "described in subdivision (2), (3), or (4) of this section"; and in line 22 after "sustained" insert "in such accident".

2. On page 4, line 17, after the period insert "Any motor vehicle operator unable to produce such proof upon request of a Nebraska law enforcement

officer shall be allowed ten days from the date of the request to produce proof that financial responsibility was in existence at the time of such request.".

3. Insert the following new sections:

"Sec. 5. The county and the county treasurer and his or her employees or agents are exempt from all civil liability when carrying out the provisions of section 60-302.

Sec. 6. This act shall become operative on January 1, 1986.".

4. Renumber the remaining section accordingly.

Mr. Schmit asked unanimous consent to print the following amendment to LB 284 in the Journal. No objections. So ordered.

AM1048

1. On page 3, line 1, before "water" insert "ground" and after "onfarm" insert "mechanical"; in lines 13 and 18 strike "Irrigation" and insert "Mechanical irrigation"; and in line 16 strike "or surface".

2. On page 7, strike beginning with the comma in line 8 through the first comma in line 10; in line 12 after "Act" insert "and in accordance with general operational guidelines promulgated by rules and regulations of the council"; and in line 14 after "shall" insert ", with reasonable notice,".

3. On page 11, strike beginning with "Signs" in line 11 through the period in line 16.

4. On page 13, line 4, strike "A program" and insert "General operational guidelines".

5. In the Standing Committee Amendments, AM0933, beginning on page 1483 of the Journal, on page 3, strike beginning with "in" in line 9 through the semicolon in line 10.

## VISITORS

Visitors to the Chamber were seventh and eighth grade students and teacher from St. Michael School, Fairbury; 45 fourth grade students and teacher from West Point School; and 38 sixth, seventh, and eighth grade students and sponsors from St. Libory School.

## ADJOURNMENT

At 3:55 p.m., on a motion by Mr. Baack, the Legislature adjourned until 9:00 a.m., Wednesday, April 17, 1985.

Patrick J. O'Donnell
Clerk of the Legislature

# SIXTY-FIRST DAY - APRIL 17, 1985

## LEGISLATIVE JOURNAL

## EIGHTY-NINTH LEGISLATURE
## FIRST SESSION

## SIXTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, April 17, 1985

Pursuant to adjournment, the Legislature met at 9:01 a.m., President McGinley presiding.

## PRAYER

The prayer was offered by Dr. Robert Palmer, Westminster Presbyterian Church, Lincoln, Nebraska.

## ROLL CALL

The roll was called and all members were present except Messrs. DeCamp and Hartnett who were excused until they arrive.

## CORRECTIONS FOR THE JOURNAL

The Journal for the Sixtieth Day was approved.

## SELECT COMMITTEE REPORTS
### Enrollment and Review

### Correctly Re-Engrossed

The following bill was correctly re-engrossed: 496.

### Correctly Engrossed

The following bill was correctly engrossed: 279.

(Signed) Timothy Hall, Chairperson

**Enrollment and Review Change to LB 496**

The following changes, required to be reported for publication in the Journal, have been made:
ER0059

1. The Chambers amendment adopted April 15, 1985, has been incorporated into the Final Reading copy on page 3, line 13.

**Enrollment and Review Change to LB 279**

The following changes, required to be reported for publication in the Journal, have been made:
ER0055

1. In the Scofield-Hannibal amendment adopted April 12, 1985, the matter in quotation marks has been underscored.

2. On page 22, line 12, ", except that" has been struck and ". Manufacturers" inserted; and in line 13 "manufacturers" has been struck and shown as stricken.

(Signed) Mary Sommermeyer
E & R Attorney

## ATTORNEY GENERAL'S OPINIONS

April 15, 1985

Dear Senator DeCamp:

This is in response to your letter of April 9, 1985, in which you request our opinion as to the constitutionality of your proposed amendments to LB 72.

We have reviewed your proposed amendments to LB 72. While they appear to modify the administrative aspects of the sports wagering bill, they do not address the underlying constitutional question of whether or not wagering on sporting events violates Article III, Section 24 of the Nebraska Constitution. This issue was dealt with in detail in our opinion No. 25, dated February 20, 1985. That opinion concluded that the initial version of LB 72 was constitutionally suspect under Article III, Section 24 of the Nebraska Constitution. We continue to stand by that opinion, and the same rationale applies to your proposed amendments to LB 72. Even though those amendments modify the mechanical aspects of the bill, they do not correct the underlying fundamental constitutional problem with wagering on sporting events.

Sincerely,
ROBERT M. SPIRE
Attorney General
(Signed) John Boehm
Assistant Attorney General

JB:bae
cc: Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 61
April 15, 1985

Dear Senator Hefner:

This is in response to your letter of April 9, 1985. In that letter you request our opinion on the constitutionality of the amended version of LB 715 which retains a sales and use tax exemption for newspapers, but deletes the current exemption for magazines or journals which are published at longer intervals. Your question is essentially whether or not this classification creates equal protection problems, or in the alternative is a violation of the First Amendment right of freedom of the press.

As to the question of classification, the Nebraska Supreme Court has held that:

> The Legislature may make a reasonable classification of persons, corporation, and property for purposes of legislation concerning them, but the classification must rest upon real differences of situations and circumstances surrounding the members of the class relative to the subject of the legislation which render appropriate its enactment. . . . While it is competent for the Legislature to classify for purposes of legislation, the classification, to be valid, must rest on some reason of public policy, some substantial difference of situation or circumstance, that would naturally suggest that justice or expediency of diverse legislation with respect to the objects to be classified.

Prendergast v. Nelson, 199 Neb. 97 at 112, 256 N.W.2d 657 (1977).

The reasons for the difference in treatment here are not readily apparent, however, this is not to say that such reasons may not exist. From this standpoint alone, we cannot say that such a classification is unconstitutional as a matter of law, but only that without substantial justification for this difference in treatment, the potential for an improper classification most certainly exists.

The problem in this case, however, is further complicated by the fact that we are dealing with taxation of the press which receives some special considerations by virtue of the First Amendment to the

United States Constitution. As we indicated in our Opinion No. 42, dated March 25, 1985, general sales taxes levied against the press and other types of businesses where the legitimate purpose of the tax is to raise revenue are not unconstitutional, since neither the intent nor the effect of the law is to act as a prior restraint upon publication.

The present form of LB 715, however, singles out a particular element of the press for differential treatment. In the case of Minneapolis Star v. Minnesota Commissioner of Revenue, 460 U.S. 575 (1983), the Court stated that "we think that recognizing a power in the State not only to single out the press but also to tailor the tax so that it singles out a few members of the press presents such a potential for abuse that no interest suggested by Minnesota can justify the scheme." Id. at 592. "A tax that singles out the press, or that targets individual publications within the press, places a heavy burden on the state to justify its action." Id. at 592, 593. The singling out of a certain element of the press for differential treatment, here magazines and journals on one hand as opposed to newspapers on the other, thus creates some very serious potential constitutional problems. This is particularly true where there are no obvious reasons for that difference in treatment. From this standpoint then, we must conclude that this aspect of LB 715 is constitutionally suspect.

Very truly yours,
ROBERT M. SPIRE
Attorney General
(Signed) John Boehm
Assistant Attorney General

JB:ejg
cc: Patrick J. O'Donnell
Clerk of the Legislature

## BILL ON FIRST READING

The following bill was read for the first time by title:

**LEGISLATIVE BILL 632A.** By V. Johnson, 8th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 632, Eighty-ninth Legislature, First Session, 1985.

## GENERAL FILE

**LEGISLATIVE RESOLUTION 32CA.** Messrs. Haberman and Hefner renewed their pending motion found in the Journal on page

1590 to indefinitely postpone.

Mr. Haberman moved for a call of the house. The motion prevailed with 19 ayes, 1 nay, and 29 not voting.

The Chair declared the call raised.

Mr. Hoagland moved the previous question. The question is, "Shall the debate now close?"

Mr. Hoagland moved for a call of the house. The motion prevailed with 26 ayes, 1 nay, and 22 not voting.

The motion to cease debate prevailed with 26 ayes, 17 nays, and 6 not voting.

The Chair declared the call raised.

Mr. V. Johnson moved for a call of the house. The motion prevailed with 27 ayes, 2 nays, and 20 not voting.

Mr. V. Johnson requested a roll call vote on the Haberman-Hefner motion to indefinitely postpone.

Voting in the affirmative, 21:

| | | | | |
|---|---|---|---|---|
| Abboud | Goll | Johnson, L. | Nichol | Remmers |
| Barrett | Haberman | Lamb | Pappas | Rogers |
| Beyer | Hefner | Lundy | Peterson | Smith |
| Carsten | Higgins | Nelson | Pirsch | Warner |
| Chronister | | | | |

Voting in the negative, 25:

| | | | | |
|---|---|---|---|---|
| Baack | Goodrich | Hoagland | Lynch | Schmit |
| Beutler | Hall | Johnson, R. | Marsh | Scofield |
| Chizek | Hannibal | Johnson, V. | Miller | Vickers |
| Conway | Harris | Labedz | Morehead | Wesely |
| Eret | Hartnett | Landis | Rupp | Withem |

Present and not voting, 2:

Chambers Sieck

Excused and not voting, 1:

DeCamp

The Haberman-Hefner motion lost with 21 ayes, 25 nays, 2 present and not voting, and 1 excused and not voting.

Pending.

The Chair declared the call raised.

## PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolution: LR 85.

## RESOLUTIONS

### LEGISLATIVE RESOLUTION 88.

Introduced by Wesely, 26th District; Lynch, 13th District; Marsh, 29th District; V. Johnson, 8th District; DeCamp, 40th District; Conway, 17th District; Sieck, 24th District; Beutler, 28th District; Vickers, 38th District.

WHEREAS, the horror of a nuclear holocaust is universally acknowledged; and

WHEREAS, advancements in atomic and nuclear science have created a world-wide military situation that would ultimately result in the total annihilation of countries or continents; and

WHEREAS, current plans of the United States and the Soviet Union together call for the production of at least 20,000 additional nuclear warheads and a new generation of delivery systems during the next decade; and

WHEREAS, the federal government is planning to spend more than 1.5 trillion dollars on the military in the next five years and at least 200 billion of that will go for nuclear weapons and nuclear weapons research resulting in an unbalanced budget and high interest rates, which adversely affect Nebraska's agricultural economy; and

WHEREAS, the nuclear arms race has diverted this nation's attention and resources away from assisting our farmers in this time of crisis; and

WHEREAS, it is the common goal of all Americans to lessen and eventually eliminate the military nuclear threat between nations through diplomatic negotiations.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS

OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature hereby goes on record in support of the arms control talks presently underway in Geneva and urges, as a first step toward mutual reductions in nuclear weapons, the negotiation of a bilateral freeze between the United States and Soviet Union on the testing, production, and further deployment of all nuclear weapons in a manner that can be monitored and verified by both countries.

2. That the Nebraska Secretary of State transmit certified copies of this resolution to the President of the United States, the Secretary of State of the United States, the Secretary of Defense of the United States, all members of Congress, and the Chairman of the Presidium of the Supreme Soviet.

Laid over.

**LEGISLATIVE RESOLUTION 89.**

Introduced by Hoagland, 6th District; Withem, 14th District.

PURPOSE: The Omaha mayoral and city county primary elections held on Tuesday April 2, 1985, produced the lowest voter turnout in the past thirty years. Because of the extremely low turnout, the purpose of this resolution is to study whether the timing of these elections promotes a low voter turnout and whether tax dollars can be saved by changing the election date. At least two alternatives to the present election schedule shall be investigated. The first alternative is to schedule the mayoral and city council elections with the biennial statewide primary and general election and the second alternative is to eliminate staggered city council terms and schedule all city council races to coincide with the mayor's race. Any other proposed alternatives may also be included in the study.

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

1. That the Government, Military and Veterans' Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the Government, Military and Veterans' Affairs Committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 90.**

Introduced by Carsten, 2nd District; Marsh, 29th District.

WHEREAS, 1985 is the centennial anniversary of the designation of Arbor Day as a legal state holiday; and

WHEREAS, Arbor Day was set aside as a specific day to plant trees, appreciate their contribution to our environment, and recognize the need for continued emphasis on conservation practices; and

WHEREAS, Arbor Day was originated in Nebraska by J. Sterling Morton and the celebration of Arbor Day has expanded to include all of the other states and numerous countries worldwide; and

WHEREAS, the observation of Arbor Day is one of the standards a community must meet to become a Tree City, USA; and

WHEREAS, the State Forester and the National Arbor Day Foundation have recognized thirteen Nebraska communities as Tree City USA's; and

WHEREAS, Arbor Day is on Monday, April 22, and celebrations and events are scheduled for April 19th and 22nd at Nebraska City.

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

1. That the members of the Legislature recognize the contribution of Arbor Day to our environment for the past one hundred years and acknowledge the continuing need for the citizens of this state to implement sound conservation practices.

2. That the Legislature in furtherance of the benefits to our environment urges Nebraska's communities to carry out effective tree management programs to facilitate Nebraska becoming a leading Tree City USA state.

3. That the Legislature further urges the citizens of this State to commemorate Arbor Day on April 22, 1985, by planting trees.

Laid over.

**UNANIMOUS CONSENT - Print in Journal**

Mr. Hefner asked unanimous consent to print the following amendment to LB 408 in the Journal. No objections. So ordered.

AM1056

(Amendments to Standing Committee Amendments)

1. On page 20, line 6, after "Commissioner"
insert an underscored comma and strike the comma after

"state".

2. On page 21, line 12, after "Commissioner" insert an underscored comma; and in line 13 strike the comma.

## GENERAL FILE

**LEGISLATIVE RESOLUTION 32CA.** Mr. Haberman offered the following amendment:

Page 3 line 3 after regents add members of the State Board of Education.

Mr. Beutler requested a ruling of the Chair on whether the Haberman amendment is germane to the bill.

The Chair ruled the Haberman amendment not germane to the bill.

Mr. Withem moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 3 nays, and 19 not voting.

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

Mr. Hoagland requested a roll call vote on the advancement of the resolution.

Voting in the affirmative, 26:

| | | | | |
|---|---|---|---|---|
| Baack | Goodrich | Hoagland | Marsh | Scofield |
| Beutler | Hall | Johnson, V. | Morehead | Sieck |
| Chizek | Hannibal | Labedz | Pappas | Vickers |
| Conway | Harris | Landis | Rupp | Wesely |
| DeCamp | Hartnett | Lynch | Schmit | Withem |
| Eret | | | | |

Voting in the negative, 21:

| | | | | |
|---|---|---|---|---|
| Abboud | Goll | Johnson, L. | Nelson | Remmers |
| Barrett | Haberman | Johnson, R. | Nichol | Rogers |
| Beyer | Hefner | Lamb | Peterson | Smith |
| Carsten | Higgins | Lundy | Pirsch | Warner |
| Chronister | | | | |

Present and not voting, 2:

Chambers Miller

Advanced to E & R for Review with 26 ayes, 21 nays, and 2 present and not voting.

The Chair declared the call raised.

## RESOLUTION

### LEGISLATIVE RESOLUTION 91.

Introduced by Withem, 14th District; Hartnett, 45th District; Beyer, 3rd District.

WHEREAS, the year of 1985 marks the twenty-fifth anniversary of the City of LaVista; and

WHEREAS, the City of LaVista has grown from a housing development twenty-five years ago to one of the fastest growing first-class cities in Nebraska; and

WHEREAS, the City of LaVista has been, is, and will continue to be an outstanding community; and

WHEREAS, the Citizens of the community of LaVista are deserving of special recognition during their anniversary celebration being held May 10, 11 and 12, 1985; and

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

1. That the members of the Legislature recognize and commend the City of LaVista for its twenty-fifth anniversary.

2. That the Legislature congratulates and extends its best wishes to the citizens of LaVista.

Laid over.

## UNANIMOUS CONSENT - Print in Journal

Mr. Landis asked unanimous consent to print the following amendment to LB 413 in the Journal. No objections. So ordered.

AM1086

(Amendments to Second Final Reading Copy)

1. On page 4, strike beginning with "In" in line 6 through the period in line 10.

## UNANIMOUS CONSENT - Member Excused

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

## GENERAL FILE

**LEGISLATIVE BILL 608.** Title read. Considered.

Standing Committee amendments, AM0725, found in the Journal on page 1142 for the Forty-Fifth Day were adopted with 27 ayes, 0 nays, 21 present and not voting, and 1 excused and not voting.

Mr. Schmit renewed his pending amendment, AM1016, found in the Journal on page 1566.

Mr. Goll offered the following amendment to the Schmit amendment:
1. On page 9, line 15, strike "thirty-five" and insert " ten".

**MR. LAMB PRESIDING**

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

Mr. Vickers moved for a call of the house. The motion prevailed with 11 ayes, 0 nays, and 38 not voting.

Mr. Vickers requested a roll call vote on the Goll amendment.

Voting in the affirmative, 25:

| | | | | |
|---|---|---|---|---|
| Abboud | Chronister | Johnson, L. | Nelson | Remmers |
| Baack | Goll | Johnson, R. | Nichol | Rogers |
| Barrett | Goodrich | Lamb | Pappas | Scofield |
| Beyer | Hannibal | Lundy | Peterson | Smith |
| Carsten | Hefner | Morehead | Pirsch | Withem |

Voting in the negative, 23:

| | | | | |
|---|---|---|---|---|
| Beutler | Eret | Higgins | Lynch | Schmit |
| Chambers | Haberman | Hoagland | Marsh | Sieck |
| Chizek | Hall | Johnson, V. | Miller | Vickers |
| Conway | Harris | Labedz | Rupp | Wesely |
| DeCamp | Hartnett | Landis | | |

Excused and not voting, 1:

Warner

The Goll amendment was adopted with 25 ayes, 23 nays, and 1 excused and not voting.

**PRESIDENT MCGINLEY PRESIDING**

The Chair declared the call raised.

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

Mr. Schmit offered the following amendment to his pending amendment:
On p 9, Line 15, strike "10" and insert "25".

Mrs. Nelson, Ms. Scofield, and Mr. Baack asked unanimous consent to be excused until they return. No objections. So ordered.

The Schmit amendment was adopted with 20 ayes, 8 nays, 16 present and not voting, and 5 excused and not voting.

Pending.

**UNANIMOUS CONSENT - Print in Journal**

Mr. DeCamp asked unanimous consent to print the following amendments to LB 208 in the Journal. No objections. So ordered.

(1)

AM1043
1. On page 2, line 4, strike "three", show as stricken, and insert "one"; and in lines 4 to 6 strike the new matter and all amendments thereto.

(2)

AM1044
1. On page 2, line 4, strike "three", show as stricken, and insert "one and one half"; and in lines 4 to 6 strike the new matter and all amendments thereto.

(3)

AM1045
1. On page 2, line 4, strike "three", show as

stricken, and insert "two"; and in lines 4 to 6 strike the new matter and all amendments thereto.

## SELECT COMMITTEE REPORTS
### Enrollment and Review

**LEGISLATIVE BILL 157.** Placed on Select File as amended.
E & R amendments to LB 157:
AM5134

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. That section 45-103, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

45-103. (1) Interest on all decrees and judgments for the payment of money, except as provided in subsections (2) and (3) of this section and except when the state or any of its political subdivisions are party thereto, shall be from one hundred twenty days following the date the summons is served ~~the date of the rendition thereof~~ at the rate ~~specified in section 45-104.01, as such rate may from time to time be adjusted by the Legislature~~ of ten per cent until the same shall be paid, except that no prejudgment interest shall accrue on any payment made prior to judgment by or on behalf of the defendant. Interest on all decrees and judgments for the payment of money shall be from the date of the rendition thereof at the rate specified in section 45-104.01, as such rate may from time to time be adjusted by the Legislature, until the same shall be paid. Interest on all decrees and judgments for the payment of money when the state or any political subdivision is a party thereto shall be from the date of rendition thereof at the rate specified in section 45-104.01, as such rate may from time to time be adjusted by the Legislature, until the same shall be paid. If ~~; Provided, if~~ such judgment or decree shall be founded upon any contract, either verbal or written, by the terms of which a greater rate of interest, not exceeding the amount allowed by law, than the rate specified in section 45-104.01, as such rate may from time to time be adjusted by the Legislature, shall have been agreed upon, the rate of interest upon such judgment or decree shall be the same as provided for by

the terms of the contract upon which the same was founded. Interest on a judgment appealed to the district court shall be determined in accordance with subsection (3) of section 24-541.06.

Prejudgment interest shall be paid directly to the plaintiff. Payment shall be made by issuing a check directly for such interest in the plaintiff's name only. Such interest shall not be included in computing fees for attorneys.

(2) This section shall not apply to any action arising under Chapter 42 or to any action arising under Nebraska law in which judgment interest rates are otherwise specifically provided.

(3) If a plaintiff has refused to accept an offer by defendant to confess judgment pursuant to section 25-906 or 25-907 or sections 25-1309 to 25-1312 and if the judgment is for an amount equal to or less than the amount confessed, no interest shall accrue between the time of the offer to confess judgment and the time of rendition of the judgment.

Sec. 2. If a tort action is tried by a jury, the jury shall be instructed by the court that it is not to include in an award of damages any sums for prejudgment interest as such interest will be added by the court in those instances where it is allowed by law.

Sec. 3. This act shall be operative for all causes of action on or after January 1, 1986.

Sec. 4. That original section 45-103, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

2. On page 1, line 4, after "interest" insert "on certain decrees and judgments; to require certain jury instructions; to provide an operative date".

**LEGISLATIVE BILL 432.** Placed on Select File as amended.
E & R amendment to LB 432:
AM5135

Because of line number differences between the green copy and the bill as introduced, all amendments are to the green copy.

1. On page 1, strike beginning with "provide" in line 6 through "provisions" in line 7 and insert "require the establishment of a retirement system"; and in line 8 strike "provide a duty" and insert "harmonize provisions".

**LEGISLATIVE BILL 432A.** Placed on Select File.

**LEGISLATIVE BILL 553.** Placed on Select File as amended.
E & R amendments to LB 553:
AM5137

1. In the Warner amendment, AM1006, adopted April 16, 1985, on page 3, line 20, after "39-6,184" insert a comma; and after line 20 insert:

"3. Renumber the remaining section accordingly.".

2. In the Schmit amendment, AM0868, adopted April 16, 1985, on page 1, line 4, after "transported" insert an underscored comma.

3. On page 1, line 2, strike "and" and insert a comma and after the last comma insert "and 39-6,184,"; in line 5 after the semicolon insert "to provide powers and duties;"; and in line 6 after the semicolon insert "to harmonize provisions; to change a penalty relating to carrying a gross load over the maximum;".

4. On page 7, line 18, strike the first comma and show as stricken.

5. On page 9, line 13, strike the comma and show as stricken.

6. On page 17, line 20; and page 18, line 4, strike "vehicle", show as stricken, and insert "crane".

**LEGISLATIVE BILL 532.** Placed on Select File as amended.
E & R amendments to LB 532:
AM5136

1. On page 1, strike beginning with "of" in line 1 through "appeals" in line 5; and strike beginning with the semicolon in line 6 through "section" in line 7.

2. On page 3, lines 7 through 11, delete the underscoring.

(Signed) Timothy Hall, Chairperson

**UNANIMOUS CONSENT - Print in Journal**

Mr. Remmers asked unanimous consent to print the following amendment to LB 505 in the Journal. No objections. So ordered.

AM1079

(Amendments to AM0852)

1. On page 11, line 19, after "to" insert "the State Department of Education for deposit in the"; in line 20 strike "Forty-five" and insert "Fifty-four"; and in line 22 strike "forty-five" and insert "thrity-six".

Mr. Withem asked unanimous consent to print the following amendment to LB 633 in the Journal. No objections. So ordered.

(Amendment printed separate from the Journal and on file in the Clerk's Office - Room 1102 - AM1052.)

## VISITORS

Visitors to the Chamber were 40 fourth grade students and sponsors from Grant Elementary School and Northside Elementary School, Fremont; 75 third and fourth grade students and sponsors from Prescott, Lincoln; Senator DeCamp's daughter and Senator Marsh's granddaughter, Jennifer DeCamp; 56 fourth grade students and sponsors from Montclair Elementary School, Millard; and 39 seventh and eighth grade students and teacher from District 9, Columbus.

## RECESS

At 11:55 a.m., on a motion by Mr. Vickers, the Legislature recessed until 2:00 p.m.

## AFTER RECESS

The Legislature reconvened at 2:04 p.m., Senator DeCamp presiding.

## ROLL CALL

The roll was called and all members were present except Mr. L. Johnson who was excused; and Messrs. V. Johnson, Lynch, Warner, and Ms. Scofield who were excused until they arrive.

## PRESIDENT MCGINLEY PRESIDING

### UNANIMOUS CONSENT - Print in Journal

Mr. Vickers asked unanimous consent to print the following amendment to LB 633 in the Journal. No objections. So ordered.

AM1092

1. Insert the following new sections:

"Section 1. That section 79-420, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-420. When, for a period of one school term, a district (1) shall have less than three legal voters residing therein, or (2) shall either fail to maintain a public elementary school within the district, in which are enrolled and in regular attendance for at least one thousand thirty-two hours ~~hundred seventy-five days~~ one or more pupils of school age residing in the district or does not contract for the tuition and transportation of pupils of such district with another district or districts and have pupils attending school regularly for at least one thousand thirty-two hours ~~hundred seventy-five days~~ under such contract or contracts, it shall be the duty of the county superintendent of the county in which such district lies to dissolve such district and attach the territory of such district to one or more neighboring school districts, except ~~; Provided,~~ that before dissolving a district under ~~the provisions of~~ this section, the county superintendent shall fix a time for a hearing and shall notify each legal resident of the district at least fifteen days before such hearing. In ~~; and provided further, that in~~ such instances where such dissolution shall create extreme hardships on the pupils of the district affected, the State Board of Education may, on application by the school board of the district and the recommendation of the county superintendent of the county in which the district is located, annually waive the requirements of this section. Notification shall be by mail or by publication in a newspaper of general circulation in the area. If the county superintendent shall find that the district is required by this section to be dissolved, he or she shall enter an order dissolving the district and attach the territory of such district to one or more neighboring school districts. Dissolutions ~~; Provided, dissolutions~~ involving the transfer of territory across county lines shall be acted upon jointly by the county superintendents of the counties concerned. Appeals from the action of the county superintendent may be made to the district court of the county of the official concerned. The county superintendent shall distribute

the assets of the closed district among the other district or districts to which the property has been attached in proportion to the actual valuation of the property attached to such district or districts.

Sec. 8. That section 79-1304, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-1304. (1) The several county superintendents, within twenty days after receiving such apportionment, shall apportion the entire amount as follows: The share which the Commissioner of Education has certified as being payment in lieu of taxes shall be distributed to the nonresident high school tuition fund and to those districts in which are found school or saline lands in the amounts determined by the appraised valuation of those lands and the levies for school purposes of the respective districts.

(2) To the balance of the amount, distributed to the county as referred to in subsection (1) of this section, the several county superintendents shall add (a) all money received by the county treasurer on account of fines and licenses, (b) the proceeds from sale of schoolhouses, sites, or other property of a district, and (c) all unexpended balances of proceeds of taxes heretofore levied by a district, when such district has been taken by the United States for any defense, flood control, irrigation, or war project.

(3) The sum total, referred to in subsection (2) of this section, shall be distributed to the several districts of the county pro rata according to the enumeration of those children for which the district is obligated to report on the census between the ages of five and eighteen years last returned by the secretaries of the various districts. The total apportionment of each district shall be (a) its pro rata share of the balance of the amount of the state apportionment, (b) the amount received from fines and licenses, and (c) proceeds of sale and unexpended balances of taxes when a district has been taken over by the United States for any defense, flood control, irrigation, or war project.

(4) No share of state apportionment shall be paid to a district which has not held school for the length of time required by law and complied with all of the laws relating to school districts of those classes. The loss of state apportionment to any district

employing more than one teacher because of the employment of legally unqualified teachers shall be no greater than an amount which bears the same ratio to the district's total entitlement as the number of unqualified teachers bears to the total number of teaching positions for which teachers have been employed by the district. The loss of state apportionment to any district employing only one teacher, because of the employment of a legally unqualified teacher, shall be no greater than an amount which bears the same ratio to the district's total entitlement as the portion of the school year that an unqualified teacher was employed bears to the entire school year. In no event shall the loss of the state apportionment because of the employment of an unqualified teacher be less than ten per cent of the total entitlement of that district. ~~For the purposes of Chapter 79, a district must have school open and in session with pupils in attendance not less than one hundred seventy-five days.~~".

2. On page 15, line 3, after "original" insert "sections 79-420 and 79-1304, Reissue Revised Statutes of Nebraska, 1943, and ".

3. In the Standing Committee amendments, AM0820, beginning on page 1247 of the Journal, on page 1, line 2, strike "2" and insert "3".

4. Renumber the remaining sections accordingly.

## SELECT FILE

**LEGISLATIVE BILL 709.** E & R amendment, AM5121, found in the Journal on page 1414 for the Fifty-Fifth Day was adopted.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 606.** Mr. DeCamp renewed his pending amendment, AM1002, found in the Journal on page 1582.

**MR. BEUTLER PRESIDING**

Mr. Hall moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 1 nay, and 22 not voting.

The DeCamp amendment was adopted with 27 ayes, 0 nays, 17

present and not voting, and 5 excused and not voting.

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

Mr. Pappas offered the following amendment:

1. Insert a new Section 13. Sec. 13. A person commercially buying farm products from a person engaged in farming operations shall post for one year after the effective date of this act notice of the contents of this act relating to double jeopardy in both the main office of business and at the point of delivery of the farm product in public view. Notice of Double jeopardy shall be furnished by the State Department of Agriculture.

The Pappas amendment was adopted with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Mr. Haberman offered the following amendment:

Page 1586 of the Journal line 2 strike Cls I misdemeanor to read Cls IV felony.

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

Mrs. Nelson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The Haberman amendment lost with 2 ayes, 18 nays, 22 present and not voting, and 7 excused and not voting.

Mr. Haberman requested a machine vote on the advancement of the bill.

Advanced to E & R for Engrossment with 27 ayes, 4 nays, 13 present and not voting, and 5 excused and not voting.

## SELECT COMMITTEE REPORTS
### Enrollment and Review

**LEGISLATIVE BILL 401.** Placed on Select File as amended.
E & R amendments to LB 401:
AM5138

1. On page 1, line 8, after "provide" insert "powers and"; and in line 9 after "reprisals" insert

"and intentional misuse".

2. On page 4, line 1; page 8, line 19; and page 9, line 19, after "agents" insert an underscored comma.

3. On page 5, line 20, after "wrongdoing" insert an underscored comma.

4. On page 6, line 3; page 7, lines 6 and 9; page 8, line 26; and page 9, lines 5 and 8, strike the comma.

5. On page 7, line 25, strike "council,".

6. On page 8, line 19; and page 9, line 19, strike the last comma.

7. On page 10, line 7, after "act" insert an underscored comma.

8. On page 11, line 20, strike the comma and show as stricken.

**LEGISLATIVE BILL 201.** Placed on Select File.
**LEGISLATIVE BILL 201A.** Placed on Select File.

(Signed) Timothy Hall, Chairperson

## STANDING COMMITTEE REPORTS
### Nebraska Retirement Systems

**LEGISLATIVE BILL 351.** Placed on General File.

**LEGISLATIVE BILL 546.** Placed on General File as amended.
Standing Committee amendments to LB 546:
AM0855

1. On page 3, lines 2 through 6, strike the new matter.

2. On page 4, line 15, after "compensation" insert "for full time employees"; in line 18 after the period insert "Final average compensation for part time employees shall be determined by dividing total adjusted compensation subject to required deposits for the three fiscal years in which such adjusted compensation was the highest by thirty-six."; and in line 23 after the period insert "Adjusted compensation for any year is equal to actual pay times the ratio of one to the actual credited service for that year.".

(Signed) Bill Harris, Chairperson

## RESOLUTION

**LEGISLATIVE RESOLUTION 92.**

Introduced by Hartnett, 45th District.

WHEREAS, the Bellevue Chamber of Commerce annually sponsors a week long series of activities recognizing the unique civilian-military relationship that exists in the Bellevue area, under the banner of "Bellevue - Offutt: One Proud Community"; and

WHEREAS, one of the major activities of this celebration involves "job exchanges" where military personnel and Bellevue civic and business leaders follow one another to better understand the jobs and responsibilities of each other; and

WHEREAS, Sen. Hartnett will be "shadowed" today by Col. David L. Donley, Commander of Air Force Global Weather Central; and

WHEREAS, Offutt Air Force Base, since its original establishment as Fort Crook, an army cavalry post, through its inception as one of the first military flying fields in the United States in 1920, has stood in the forefront of our nations defense system culminating in its establishment as the Headquarters of the Strategic Air Command in November of 1948; and

WHEREAS, throughout its history, Offutt Air Force Base has made significant contribution to the life and economy of the State of Nebraska, with a major economic impact on the state including:

a) Establishment of capital facilities and equipment valued in excess of $1.6 Billion,

b) An payroll of more than $410 Million for Fiscal 1984,

c) Nearly $52 Million of construction work currently underway, and

d) A total economic impact on the state of Nebraska valued in excess of $980 Million in Fiscal 1984 which created over 6,000 secondary jobs unrelated to its military mission in Nebraska,

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

That the legislature welcomes its guests from Offutt Air Force Base attending the legislature this date and hereby recognizes the valuable contributions made by the military community and its members to the Bellevue Area and the State of Nebraska.

Laid over.

## UNANIMOUS CONSENT - Print in Journal

Mr. Landis asked unanimous consent to print the following amendment to LB 372 in the Journal. No objections. So ordered.

1. Page 15, line 9 after "The" insert "commission shall recommend and, based on such recommendation, if available, the"; strike line 10 and "manager," in line 11; in line 21 after "department" insert "together with contracts, ordinances and statutes related thereto".

2. Page 9, line 8 after "department" insert "together with contract, ordinances and statutes related thereto.".

Mrs. Marsh and Mr. Hannibal asked unanimous consent to print the following amendment to LB 383 in the Journal. No objections. So ordered.

AM1075

1. Insert the following new sections:

"Sec. 4. As used in section 5 of this act, flammable liquids shall include kerosene, heating oils, gasoline, and all other combustible liquids subject to the rules and regulations adopted and promulgated by the State Fire Marshal in accordance with section 81-502.

Sec. 5. (1) Except as provided in subsection (2) or (3) of this section, all automotive service stations shall keep underground: (a) Tanks with a storage capacity in excess of one thousand gallons in which kerosene or heating oil is stored; and (b) tanks with a storage capacity in excess of sixty gallons in which any other flammable liquid is stored.

(2) If high water table conditions will not warrant underground installation as reasonably feasible or practicable, subsection (1) of this section shall not apply.

(3) Subsection (1) of this section shall not apply to automotive service stations in existence before May 29, 1959.

(4) Any person who violates this section shall be guilty of a Class III misdemeanor.".

Mr. Wesely asked unanimous consent to print the following amendment to LB 213 in the Journal. No objections. So ordered.

AM1039

1. On page 4, line 27, strike "an individual who primarily".

2. On page 5, strike lines 1 through 3.

Mr. Wesely asked unanimous consent to print the following amendment to LB 662 in the Journal. No objections. So ordered.

AM1038

(Amendments to Final Reading Second)

1. On page 2, strike beginning with "to" in line 7 through the second semicolon in line 9.
2. Strike sections 17 and 18.
3. Renumber the remaining sections and correct internal references accordingly.

Mrs. Pirsch asked unanimous consent to print the following amendment to LB 247 in the Journal. No objections. So ordered.

Amendments to Standing Committee Amendments (AM0972)

1. Strike sections 5 and 6 in their entirety.

Mrs. Pirsch asked unanimous consent to print the following amendment to LB 247 in the Journal. No objections. So ordered.

1. On page 10, line 26, strike beginning with "and" through "tie" in line 27.
2. On page 11, insert the following new section:
"For purposes of section 3, drug enforcement purposes shall include, but not be limited to, the following when used or expended by law enforcement agencies or their agents in discharging their responsibilities concerning traffic in controlled substances and in suppressing the abuse of controlled substances:
(1) salaries for informants and any expenses of all agents and informants;
(2) flash money for drug purchases; and
(3) money for drug purchases."
3. On page 11, insert the following new section:
"The Legislature hereby finds and declares that it shall be the intent of section 3 to foster cooperation among the boards in the state by encouraging those boards which have no use for the funds to disburse the funds to boards in other counties."

## UNANIMOUS CONSENT - Print in Journal

Mrs. Higgins asked unanimous consent to print the following amendment to LB 667 in the Journal. No objections. So ordered.

AM1065

(Amendments to Am0723, Corrected)

1. On page 7, line 25, before "Failure" insert "(1)".

2. On page 8, after line 1 insert a new subsection as follows:

"(2) The exclusive remedy available to a consumer for failure of the responsible person to provide the written statement required by section 5 of this act shall be an action for damages. Any such failure shall not affect title to the real estate or the validity of the conveyance.".

Mrs. Higgins asked unanimous consent to print the following amendment to LB 667 in the Journal. No objections. So ordered.

AM1066

(Amendments to AM0723, Corrected)

1. On page 8, line 2, before "Nothing" insert "(1)"; and after line 5 insert a new subsection as follows:

"(2) Nothing in the Real Estate Consumer Rights Act shall serve to alter or negate any duty or right of any person who is involved in or serving as agent for a person involved in a residential real estate transaction.".

Mrs. Higgins asked unanimous consent to print the following amendment to LB 667 in the Journal. No objections. So ordered.

AM1067

(Amendments to AM0723, Corrected)

1. On page 1, strike beginning with "by" in line 13 through "consumers'" in line 14 and insert "of certain of their"; in line 17 after "of" insert "certain of"; and in line 20 strike "these" and insert "certain of their".

2. On page 2, strike line 5 and insert "buyer or seller of residential"; and in line 6 strike "transaction".

3. On page 3, line 21, after "YOU" insert ". THE REAL ESTATE AGENT IS OBLIGATED TO DEAL HONESTLY AND FAIRLY WITH THE BUYER".

4. On page 4, line 15, strike "you pay cash

for" and insert "no other party has a financial interest in".

5. On page 5, line 25, after "the" insert "real estate".

6. On page 7, line 14, after "the" insert "real estate".

7. On page 13, line 26, strike "revoke" and insert "suspend".

Mr. Wesely asked unanimous consent to print the following amendment to LB 382 in the Journal. No objections. So ordered.

AM1096

1. In the Wesely amendment on page 1345 of the Journal:

(a) In amendment 1, in line 1, strike beginning with the first "line" through "and"; and

(b) In amendment 2, line 6, strike "1987" and insert "1986".

2. In the Wesely amendment, AM0867"

(a) On page 3, in lines 21 and 22 strike "to provide insurance services" and insert "under which health care services or benefits are provided";

(b) On page 4, line 1, strike "accept and"; and in line 10 after "hospital" insert ", except hospitals excluded under section 1886(d)(1)(B) of P.L. 98-21, the Social Security Act Amendments of 1983,";

(c) On page 5, line 11, after "hospital" insert ", except hospitals excluded under section 1886(d)(1)(B) of P.L. 98-21, the Social Security Act Amendments of 1983,"; and

(d) Insert the following new sections:

"Sec. 17. That section 71-2049, Revised Statutes Supplement, 1984, be amended to read as follows:

71-2049. Except for state hospitals administered by the Department of Public Institutions, each hospital, as defined in ~~subdivision (2) of~~ section 71-2017.01, and each ambulatory surgical facility, as defined in section 4 of this act, shall, upon written request of a patient or third-party payor on behalf of a patient, include in such patient's or payor's bill an itemized list of all expenses such patient incurred during his or her stay at such hospital ~~stay~~ or ambulatory surgical facility. Such expenses shall

include, but not be limited to, the cost of (1) X-rays, (2) laboratory fees, (3) respiratory therapy services, (4) oxygen, (5) pharmaceuticals, (6) take-home drugs, (7) chargeable medical supplies, (8) central service supplies, (9) medical equipment, (10) room and board, and (11) all additional charges incurred by the patient. The right to request such information shall be clearly and conspicuously stated in each patient's or payor's bill. The patient or payor shall receive a copy of the itemized bill within fourteen days after the hospital receives the request. Such request shall be made by the patient or payor within twenty-eight days after the date of discharge.

Upon receipt of an itemized list, a patient or payor may request and the hospital or ambulatory surgical facility shall provide an explanation of any or all expenses or services included on the itemized list. The patient or payor shall make a request for such explanation within twenty-eight days of receipt of an itemized list. The patient or payor shall receive the explanation within fourteen days after the hospital or ambulatory surgical facility receives the request.

Any person who violates this section shall be guilty of a Class IV misdemeanor.

Sec. 18. That original section 71-2049, Revised Statutes Supplement, 1984, is repealed.".

3. Strike E & R amendment 2.a.

4. Renumber remaining sections accordingly.

## SELECT FILE

**LEGISLATIVE BILL 606A.** Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 97.** Mr. Schmit asked unanimous consent to withdraw his pending amendment, AM0659, printed separate from the Journal and referred to on page 1059. No objections. So ordered.

Mr. Schmit renewed his pending amendment, AM0724, found in the Journal on page 1307.

The Schmit 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.

**LEGISLATIVE BILL 404.** E & R amendments, AM5124, found in the Journal on page 1472 for the Fifty-Seventh Day were adopted.

Mr. Conway renewed his pending amendment, AM1074, found in the Journal on page 1600.

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

Mr. Hall moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

The Conway amendment was adopted with 25 ayes, 1 nay, 18 present and not voting, and 5 excused and not voting.

Pending.

## STANDING COMMITTEE REPORTS
### Revenue

**LEGISLATIVE BILL 271.** Placed on General File as amended. (Standing Committee amendments printed separate from the Journal and on file in the Clerk's Office - Room 1102 - AM1025.)

**LEGISLATIVE BILL 717.** Placed on General File as amended.
Standing Committee amendment to LB 717:
AM1077

1. Strike the original sections and insert the following new sections:

"Section 1. That section 77-2716, Revised Statutes Supplement, 1984, be amended to read as follows:

77-2716. (1) There shall be subtracted from federal taxable income interest or dividends on obligations of the United States and its territories and possessions or of any authority, commission, or instrumentality of the United States to the extent includable in gross income for federal income tax purposes but exempt from state income taxes under the laws of the United States. The amount subtracted under ~~the provisions of~~ this subsection shall, except as provided in subsections (2) to (6) of this section, be reduced by any interest on indebtedness incurred to carry the obligations or securities described in this

subsection and by any expenses incurred in the production of interest or dividend income described in this subsection to the extent that such expenses, including amortizable bond premiums, are deductible in determining federal taxable income.

(2) For corporations subject to the tax under section 77-2734.02, with income from exempt securities, in lieu of the reduction for expenses contained in subsection (1) of this section, there shall be added to federal taxable income the investment ~~interest~~ expense incurred by the corporation to purchase and maintain exempt securities as determined under subsection (3) of this section.

(3) The investment ~~interest~~ expense provided in subsection (2) of this section shall be determined by (a) dividing the corporation's average investment in exempt securities by the corporation's average total assets and multiplying such ratio by the corporation's total ~~interest expense~~ expenses and (b) subtracting any interest disallowed under 26 U.S.C. sections 265 and 291.

For the taxable years beginning on or after January 1, 1985, through taxable years beginning in 1990, the investment expense provided in subsection (2) of this section shall not exceed ninety per cent of the amount of income received from exempt securities. For taxable years beginning on or after January 1, 1991, and thereafter, the investment expense provided in subsection (2) of this section shall not exceed seventy-five per cent of the amount of income received from exempt securities.

(4) As used in this section, unless the context otherwise requires:

(a) Exempt securities shall mean the obligations that earn income exempt from taxation under subsection (1) of this section or under 26 U.S.C. section 103;

(b) Average investment in exempt securities shall mean the average of the aggregate tax basis in exempt securities at the beginning and the end of the taxable year;

(c) Average total assets shall mean the average of the aggregate tax basis in total assets at the beginning and end of the taxable year; and

(d) Total ~~interest expense shall mean the~~

~~total interest expense allowed as a deduction in computing federal taxable income plus any interest disallowed under 26 U.S.C. sections 265 and 291.~~ expense shall mean the amount subtracted from total income in order to determine taxable income for federal income tax purposes, plus any interest disallowed under 26 U.S.C. sections 265 and 291, but not including net operating loss deductions, or special deductions for dividends received.

(5) Whenever it is necessary to properly reflect the ratio of investment in exempt securities to total assets, the Tax Commissioner may permit or require the computation of the average provided for in subsection (3) of this section using amounts from interim balance sheets.

(6) The corporation may use, in lieu of the tax basis for the computation in subsection (3) of this section, the amounts from a balance sheet included with the federal return or as required to be reported to federal or state regulatory agencies if (a) such amounts are not materially different from tax basis, (b) the amounts are prepared consistently from year to year, and (c) absent a change in circumstances, the amounts are consistently used by the corporation from year to year. The Tax Commissioner may require a corporation to use the alternative amounts in order to maintain consistency or may require the corporation to show that the amounts used do not materially differ from the tax basis.

(7) There shall be subtracted from federal taxable income dividends received or deemed to be received from corporations which are not subject to the Internal Revenue Code.

Sec. 2. That section 77-2734.02, Revised Statutes Supplement, 1984, be amended to read as follows:

77-2734.02. (1) A tax is hereby imposed for each taxable year on the taxable income of every corporate taxpayer that is doing business in this state at a rate equal to twenty-five per cent of the rate imposed on individuals under section 77-2715 on the first fifty thousand dollars of taxable income and at the rate of thirty-five per cent of such rate on all taxable income in excess of fifty thousand dollars.

(a) For corporate taxpayers with a fiscal year that does not coincide with the calendar year, the

individual rate used for subsection (1) of this section shall be the rate in effect on the first day, or the day deemed to be the first day, of the taxable year.

(b) For fiscal years beginning before January 1, 1968, the rate initially set shall apply for the period from January 1, 1968, to the end of that fiscal year.

(2) For a corporate taxpayer that is subject to tax in another state, its taxable income shall be the portion of the taxpayer's federal taxable income, as adjusted, that is determined to be connected with the taxpayer's operations in this state pursuant to sections 77-2734.05 to 77-2734.15.

(3) Each corporate taxpayer shall file only one income tax return for each taxable year.

(4) The Nebraska income tax imposed upon corporate taxpayers which are financial institutions with income from exempt securities for the taxable year beginning in 1985 shall not, for the taxable year beginning in 1985, exceed the greater of (a) the Nebraska income tax imposed upon such corporate taxpayer for the taxable year beginning in 1984, as shown on line 18 of Form 112ON Nebraska Corporation Income Tax Return or (b) an amount equal to a sum determined by multiplying the rate of sixty-five cents time each one thousand dollars, or multiple thereof, of average deposits held by such institution for the calendar year 1985. The limitation on taxes provided in this subsection shall apply only to tax returns and amendments filed for a taxable year beginning in 1985, and such limitation shall expire thereafter. As used in this subsection, unless the context otherwise requires:

(a) Financial institution shall mean any bank, building and loan association, cooperative credit association, industrial loan and investment company, savings and loan association, or trust company;

(b) Deposits shall mean the amount of money placed in the custody of a financial institution in Nebraska for safety or convenience that may be withdrawn at the will of the depositor or under the rules or regulations agreed upon by the financial institution and the depositor. Deposits shall include amounts for which a certificate may be issued and which are payable on demand, on certain notice, or at a fixed future date or time; and

(c) Average deposits shall mean the total of the deposits in Nebraska held by a financial institution on the last day of the preceding year and the last day of each calendar quarter divided by five. Whenever the amount of deposits at the end of a quarter is reported to a state or federal regulatory agency, the reported amount shall be used to determine average deposits.

Sec. 3. That original sections 77-2716 and 77-2734.02, Revised Statutes Supplement, 1984, are repealed.".

**LEGISLATIVE BILL 34.** Indefinitely postponed.
**LEGISLATIVE BILL 188.** Indefinitely postponed.
**LEGISLATIVE BILL 270.** Indefinitely postponed.
**LEGISLATIVE BILL 329.** Indefinitely postponed.

(Signed) Vard Johnson, Chairperson

## UNANIMOUS CONSENT - Print in Journal

Mr. V. Johnson asked unanimous consent to print the following amendment to LB 632 in the Journal. No objections. So ordered.

AM1098

1. On page 3, line 4, after "hundred" insert "fifteen".

## SELECT FILE

**LEGISLATIVE BILL 382.** E & R amendments, AM5120, found in the Journal on page 1414 for the Fifty-Fifth Day were adopted.

Passed over.

**LEGISLATIVE BILL 207.** E & R amendments, AM5132, found in the Journal on page 1578 for the Sixtieth Day were adopted.

Advanced to E & R for Engrossment.

## UNANIMOUS CONSENT - Print in Journal

Mrs. Labedz asked unanimous consent to print the following amendment to LB 408 in the Journal. No objections. So ordered.

AM1083

(Amendments to AM0212)

1. On page 4, line 14, after "3," insert "5,".

2. On page 7, line 2, strike "(1)"; and strike beginning with "when" in line 4 through "9-124" in line 10.

3. On page 8, line 3, after "cards" insert "but shall not include any member of the licensed organization who, in a voluntary capacity without compensation, sells individual pickle cards on behalf of the licensed organization"; and strike beginning with "(1)" in line 7 through "organization" in line 13 and insert "who is recognized and acknowledged by the eligible organization as a member for purposes other than conducting activities under the Nebraska Bingo and Lottery Control Act".

4. On page 19, strike beginning with "(1)" in line 3 through the period in line 9 and insert the following new subsections:

"(1) The Tax Commissioner may suspend any license issued pursuant to the Nebraska Bingo and Lottery Control Act, except that no order to suspend any license shall be issued except upon a finding by the department that the licensee is not operating in accordance with the purposes and intent of the Nebraska Bingo and Lottery Control Act as provided in section 9-124.

(2) Before any license is suspended, notice of an order to suspend a license shall be mailed to the licensee at least fifteen days before the order of suspension shall take effect.

(3) The order of suspension shall be withdrawn if the licensee provides the department with evidence that any prior findings or violations have been corrected and that the licensee is now in full compliance with the Nebraska Bingo and Lottery Control Act, whether before or after the effective date of the order of suspension.

(4) The Tax Commissioner may issue an order of suspension pursuant to subsections (1), (2), and (3) of this section when an action for cancellation or revocation is pending."; in line 10 strike "(3)" and insert "(5)" and after "hearing" insert "for cancellation or revocation of the license"; in line 15 strike "(4)" and insert "(6)"; and in line 25 strike

"(5)" and insert "(7)".

5. On page 20, strike beginning with "(b)" in line 12 through the comma in line 13; and in line 13 strike "(c)" and insert "(b)".

6. On page 21, line 15, after "ticket" insert "pursuant to this section".

7. On page 25, line 16, strike "any" and insert "bingo or lottery by the sale of pickle card".

8. On page 26, line 18, strike "28" and insert "29".

9. On page 28, lines 24 through 26, strike the new matter and reinstate the stricken matter.

Mr. DeCamp asked unanimous consent to print the following amendment to LB 404 in the Journal. No objections. So ordered.

To amend AM1003 on p 1565 as follows:

1. On p 2, line 1, strike "the driver and passengers had collected"; and on line 2, strike "from"; and after "motorist" add "had been insured for the minimum coverage required for bodily injury or death set forth in section 60-509";

2. Add a new section:

No insurer shall increase the premiums charged any insured as a result of a claim paid by the insurer under a policy providing coverage for bodily injury or death from the operation of uninsured motor vehicles and hit-and-run motor vehicles, unless the premium increase shall uniformly apply to all individuals holding such policies with the insured.

## VISITORS

Visitors to the Chamber were 20 sixth, seventh, and eighth grade students and sponsors from Emmanuel Lutheran School, Hooper; Mrs. John T. Harris from McCook and Mary Sue Harris from Lincoln; Senator Hoagland's mother, Mrs. Lawrence Hoagland; 17 members of "The Book Club"; 13 fourth grade students and teacher from Sacred Heart School, Lincoln; 45 eighth grade students, 24 German exchange students, and sponsors from Centura School (Boelus, Dannebrog, Cairo); and Dr. Harold Deselms and Jerda Garey from McCook.

## ADJOURNMENT

At 4:01 p.m., on a motion by Mr. Hall, the Legislature adjourned until 9:00 a.m., Thursday, April 18, 1985.

Patrick J. O'Donnell
Clerk of the Legislature

# LEGISLATIVE JOURNAL

# OF THE

# STATE OF NEBRASKA

## Volume 2

EIGHTY-NINTH LEGISLATURE
FIRST SESSION

1985

Convened January 9, 1985 Adjourned June 5, 1985

LINCOLN, NEBRASKA

Compiled

Under Authority of the Legislature

by

PATRICK J. O'DONNELL, CLERK

# SIXTY-SECOND DAY - APRIL 18, 1985

# LEGISLATIVE JOURNAL

# LEGISLATIVE JOURNAL

## EIGHTY-NINTH LEGISLATURE
## FIRST SESSION

## SIXTY-SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, April 18, 1985

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

## PRAYER

The prayer was offered by Bishop William Zollinger, First Ward - Latter Day Saints, Lincoln, Nebraska.

## ROLL CALL

The roll was called and all members were present except Mr. Sieck who was excused; and Messrs. Beutler, Chambers, Conway, Harris, R. Johnson, Landis, Lynch, Schmit, Mesdames Labedz, Smith, and Ms. Scofield who were excused until they arrive.

## CORRECTIONS FOR THE JOURNAL

The Journal for the Sixty-First Day was approved.

## PRESIDENT MCGINLEY PRESIDING

## ATTORNEY GENERAL'S OPINIONS

Opinion No. 62
April 17, 1985

Re: Initiative 300

Dear Senator DeCamp:

Based upon the premise that Initiative 300 (Now Article XII, Section 8, of the Nebraska Constitution) is "in fact, by its very nature and all facts surrounding it, in fact a statutory enactment by the people," you have asked if its provisions can be changed by legislative enactment.

In the case presently before the District Court of Lancaster County (Omaha National Bank v. Robert M. Spire, Attorney General), in which the constitutionality of Initiative 300 is being challenged, one of the contentions of the plaintiff is that Initiative 300 is statutory and not a proper subject for inclusion as a provision in the Nebraska Constitution. The argument in support of this contention is based primarily upon a 1910 Missouri decision in State, ex rel. Halliburton v. Roach, 130 S.W. 689.

Halliburton presented the question of whether an initiative petition proposing an amendment, to the Missouri Constitution, designating the new division of the state's senatorial districts, was valid. In concluding that it was not, the court held that the proposed amendment was a purely legislative enactment and therefore could not be submitted as a constitutional amendment. The latter are by their nature a part of the permanent and fundamental law of the state, whereas the initiative measure purported to redistrict senatorial districts for a period of time ending in 1920, at which point the power to revise and adjust the districts on the basis of the new census would be restored to the Legislature, or the people under the initiative amendment. The court declared the so-called constitutional amendment "nothing more . . . than a temporary legislative act" and stated:

> {I}t was never contemplated under our present constitutional scheme to incorporate as a part of the permanent and fundamental law of the state a provision which must of necessity demand frequent alterations and changes.

130 S.W. at 694.

Perhaps the reason Halliburton has never been overruled is that it is so easily distinguishable on its facts. In addition to the fact that the proposed amendment was in effect for only a short period of time, its subject matter--fixing senatorial districts--was directly dependent on the constantly changing population, and the Missouri Constitution already contained a general provision applicable to redistricting that prescribed permanent rules and principles for carrying out redistricting plans. Most of the recent cases that cite Halliburton do distinguish it and hold just the opposite from what the court in that case held, and the position the plaintiff now takes.

In contrast to the dearth of authority supporting the proposition that constitutional amendments should not be legislative in character, there are many cases holding that legislation may be inserted in the

Constitution by pursuing the proper methods.

In the following cases the courts addressed essentially the same arguments: (1) that the amendment in question is an attempt to initiate legislation under the guise of an amendment to the Constitution or (2) it is invalid because it consists of matter which is not constitutional or fundamental in character but purely statutory and therefore not within the scope of an initiative power reserved to the people. The courts make passing reference to the distinction between legislative acts and constitutional provisions but end up reaffirming the undoubted power to amend state constitutions that is inherent in the people.

The rationale--that matters properly belonging to statutory law cannot properly be inserted in the state or federal constitutions--has been advanced and rejected as long ago as 1920 in the National Prohibition Cases, 253 U.S. 350, 64 L.Ed. 946 (1920). In those cases, opponents attacked the Eighteenth Amendment as legislative in character, as unrelated to the form and structure of government, and as violative of the Constitution which vests all legislative power in Congress. The United States Supreme Court was not persuaded and held that the fact that an amendment is in effect legislation controlling the conduct of private individuals, in that it ordains a final permanent law prohibiting certain acts, does not render it invalid.

The Missouri Supreme Court faced the same issue three more times after Halliburton: in State v. Thompson, 323 Mo. 742, 19 S.W.2d 642 (1929); in Marsh v. Bartlett, 343 Mo. 526, 121 S.W.2d 737 (1938); and recently in Buchman v. Kirkpatrick, 615 S.W.2d 6 (Mo. banc 1981).

In Thompson, the court was presented with an amendment involving a lengthy and complex system providing for the raising of state highway bonds. The court noted, however, that it had only one general subject--the authorization of an additional bond issue for the construction of state highways--but its opponents emphasized the "legislative detail" of its coverage and argued that it was therefore invalid. The court rejected the argument, holding that being legislative in character does not invalidate an amendment and that the question of how far a constitutional amendment can descend into the particulars of government is one of policy only.

In Marsh, the court again faced the challenge to an amendment to the state's Constitution on the ground that it was legislative in character. The amendment created a Conservation Commission to regulate fish, game, and other wildlife resources. Citing the section of the Missouri Constitution that reserves power in the people to enact amendments to the constitution independently of the Legislature (cf. Neb.Const. Art. III, Sec. 2), the court held that the

passage of the amendment was a valid exercise of that power and not the exercise of a legislative function at all. In fact, since the Legislature does not have the power to propose an amendment by the initiative process, the people by submitting and adopting the amendment were exercising an organic funtion. The court, in effect, ignored the contention that the amendment was legislative in character and simply held that the people can do this because the Constitution gives them the power to do so. The fact that up until the passage of the amendment, the Legislature, by statutory enactment, had been regulating fish and game does not effect the validity of the exercise of sovereignty reserved to the people.

And finally, in Buchman, the Missouri Supreme Court faced a constitutional challenge to an amendment designed to limit taxes and governmental expenditures within the state. The court neatly recognized the responsibility that all the court's dealing with the issue must assume:

> Ours is the task of weighing and balancing two contradictory and competing concepts--the need for a stable, permanent organic law versus the inherent right of the people to alter or change the organic law--and to make the final determination as to whether or not this constitutional amendment has been validly adopted by the people.

615 S.W.2d at 11. After addressing the issue of compliance with certain procedural safeguards, the court again rejected the argument that the amendment was invalid because it is in effect a legislative act.

Further evidence that the courts no longer adhere to the assertion in Halliburton that "the line of demarcation between a constitutional amendment and a purely legislative act is well defined," 130 S.W. at 694, is the case of City of Jackson v. Nims, 316 Mich. 694, 26 N.W.2d 569 (1947). The opponents of the amendment in question--providing for return of one cent of the state sales tax to be divided among cities, villages, townships, and schools--were trying to get it set aside on the ground that it should have been initiated as legislation. The court rejected their claim and held that "the line of demarcation between legislation and constitutional provision is too indefinite to require that an arbitrary decision must be made in advance of submitting a proposal to the voters." 26 N.W.2d at 575.

Some courts go even further than the Nims court did. In re Initiative Petition Number 259, State Question 376, 316 P.2d 139 (Okla. 1957) is perhaps the strongest case for the supporters of the amendment. The court was faced with the task of determining the sufficiency of an initiative petition proposing a constitutional amendment to provide county option in the sale and distribution of 3.2 beer. The evidence showed that the subject of the proposed amendment had been left in the legislative field since 1933 and that

the language of the proposed amendment was copied, with few minor changes, from a bill dealing with the same topic that was not adopted by the Legislature. Nevertheless, the court held that the amendment's statutory language and form was not fatal to its submission as a constitutional amendment.

Borrowing the rationale advanced in Marsh--that the power to amend the Constitution is specifically reserved by the people--the court stated that it was their duty to preserve that power and that absent any constitutional provision that prohibits proposed amendments because they have the appearance, form or substance of a statute, they must not interfere.

Three rules seem to have developed out of the case law discussed above:

1) if the amendment is obviously temporary and in need of frequent changes or if it does not effect the form and structure of government, then it is probably legislative in character and not proper constitutional material. Halliburton, Cheeks.

2) if the amendment is enduring and policy-forming in its subject matter, then it is proper constitutional material. Marsh, Buchman.

and

3) even if the amendment is legislative in character, it is still valid absent a constitutional provision stating otherwise. National Prohibition Cases, In re Initiative Petition No. 259, Thompson.

Article XII, Section 8, is obviously not temporary like the amendment in Halliburton. Evidence of its being legislative in character is its similarity in language, substance and form to other state's corporate farm statutes. It is prohibitory in nature, fairly detailed, provides for a method of enforcement, and establishes penalties and exceptions.

On the other hand, it is not temporary and it does establish a policy against large-scale corporate farming in favor of the preservation of the family farm. The fact that it is similar to corporate farming statutes is irrelevant according to the Oklahoma Court in In re Initiative Petition No. 259. And finally, the expression of the popular voice of the people by adoption of constitutional amendments enables the people to establish laws that the Legislature may be inhibited to enact or that they feel are necessary in the face of changes in society, such as the rise of the corporate farm.

Whatever question there is as to whether or not Initiative 300 can be classified as "legislative in character," that question is most likely irrelevant in light of the substantial authority standing for the proposition that even if it is, it is not invalid as a constitutional amendment.

Having concluded that Initiative 300 is constitutional and not

statutory, it is our opinion that its provisions may not be modified by statutory means, but may only be modified in the manner provided for the amendment of provisions of the Constitution.

Sincerely yours,
ROBERT M. SPIRE
Attorney General
(Signed) Bernard L. Packett
Assistant Attorney General

BLP:bmh
cc: Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 63
April 17, 1985

Dear Senator Lamb:

You have asked if section 12 of LB 662 of the Eighty-ninth Legislature, First Session (1985), which is on final reading, is constitutional. That section states as follows:

Sec. 12. Nothwithstanding any other provision of sections 1 to 6 of this act or Chapter 79, after the operative date of this section, whenever the question of closing an elementary school attendance site is raised following a reorganization governed by section 79-402, the Reorganization of School Districts Act, or sections 79-426.23 to 79-426.26 in which a school district has attached itself as a whole to a Class II, III, IV or V school district or has become part of a Class VI school district, such elementary school attendance site shall not be closed unless a majority of the qualified electors who, on the date of the election provided for in this section, reside within the boundaries of such school district, as it existed prior to reorganization, vote pursuant to section 13 of this act to close such site. Approval of a proposition to close an elementary school attendance site shall require a majority of all qualified electors voting at a special election called for such purpose.

If such school district divides and the various portions join more than one school district pursuant to this act, such elementary school attendance site shall not be closed unless a majority of the voters who, on the date of the election provided for in this section, reside in the portion of such school district, as the boundaries of such district existed prior to the reorganization, which contains such elementary school attendance site vote to close such site.

For purposes of this section, elementary school attendance site

shall mean an elementary school site in a school district which has been required to merge with or become a part of another school district pursuant to section 1 of this act or section 79-701.

In connection with section 12 of LB 662, which is quoted above, you specifically ask if the Legislature can constitutionally establish a procedure which grants to one portion of a school district a privilege not enjoyed by the school district as a whole. The same is hereinafter discussed.

Section 12 is not particularly precise but it would appear that pursuant thereto that whenever a question is raised which pertains to the closing of an elementary school attendance site following certain types of school district reorganizations, the elementary school attendance site could not be closed unless a majority of the qualified electors who reside within the boundaries of such school district, as it existed prior to reorganization and who operated the elementary school, vote to close it. Thus, the electors who reside within the boundaries of particular school districts, as the same existed prior to reorganization, would be granted the right to determine if an elementary school attendance site therein will be maintained at the expense of a newly reorganized school district as a whole and notwithstanding that some (perhaps even a majority) of the electors of the newly reorganized school district would not be permitted to vote on that question. We have previously offered our opinion that it could be argued that such procedure is not in conformity with the legal concept of one elector one vote. We adhere thereto. Accordingly, we are of the opinion that the constitutionality of section 12 of LB 662 would be very difficult to defend.

Very truly yours,
ROBERT M. SPIRE
Attorney General
(Signed) Harold Mosher
Assistant Attorney General

HM:ejg
cc: Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 64
April 17, 1985

Dear Senator Scofield:

You have asked if LB 662 of the Eighty-ninth Legislature, First Session (1985), which is on final reading, contains more than one subject.

The title to LB 662 is quite long and no useful purpose would be gained by quoting the same verbatim herein. We note, however, that it recites that it is "an act relating to schools," the statues to be amended, and analyzes much of the details of the bill.

Section 14 of Article III of the Constitution of Nebraska provides in part that "{n}o bill shall contain more than one subject, and the same shall be clearly expressed in the title." The purpose of this constitutional provision (limiting a legislative bill to the object expressed in the title) is to challenge the attention of those affected by the provisions of the proposed legislation and to prevent surreptitious legislation. Omaha Parking Authority v. City of Omaha, 163 Neb. 97, 77 N.W.2d 862 (1956). As a matter of law, it is not essential that the title to a legislative bill specify each and every clause in the proposed legislation. If the subject-matter is within the scope of the title, the constitutional requirement is met. As stated by the Nebraska Supreme Court:

> If an act has but one general object, no matter how broad that object may be, and contains no matter not germane thereto, and the title fairly expresses the subject of the bill, it does not violate Article III, Section 14, of the Constitution.

Anderson v. Tieman, 182 Neb. 393, 408, 155 N.W.2d 322 (1967).

Applying the above quoted rule to LB 662, it appears to us that LB 662 contains but one subject and the title fairly expresses the subject of the bill. We are therefore of the opinion that LB 662 does not violate Section 14 of Article III of the Constitution of Nebraska.

Very truly yours,
ROBERT M. SPIRE
Attorney General
(Signed) Harold Mosher
Assistant Attorney General

HM:ejg
cc: Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 65
April 17, 1985

Dear Senator Landis:

This is in response to your letters of March 26, 1985, and April 10, 1985, concerning the effect of the passage of either LB 664 or LB 358 upon the Open Meetings Law as it has been interpreted and applied by the Nebraska Supreme Court in the case of Grein v. Board of Education, 216 Neb. 158, 343 N.W.2d 718 (1984).

The underlying motivation for these legislative bills apparently stems from varying interpretations of the Supreme Court decision in Grein which dealt with Neb.Rev.Stat. §84-1410 (Supp. 1984), and the criteria under which a public body may hold a closed session. Neb.Rev.Stat. §84-1410(1) provides as follows:

> Any public body may hold a closed session by the affirmative vote of a majority of its voting members if a closed session is clearly necessary for the protection of the public interest or for the prevention of needless injury to the reputation of an individual and if such individual has not requested a public meeting. Closed session may be held for, but shall not be limited to, such reasons as:
>
> (a) Strategy sessions with respect to collective bargaining, real estate purchases, or litigation;
>
> (b) Discussion regarding deployment of security personnel or devices;
>
> (c) Investigative proceedings regarding allegations of criminal misconduct; or
>
> (d) Evaluation of the job performance of a person when necessary to prevent needless injury to the reputation of a person and if such person has not requested a public meeting.
>
> Nothing in this section shall permit a closed meeting for discussion of the appointment or election of a new member to any public body.

The statute sets forth two standards which a public body may rely upon in order to hold a closed session, these being the protection of the public interest, or the prevention of needless injury to the reputation of an individual. The statute then goes on to list four examples of situations which would fall under these two standards, but further provides specifically that the situations allowing closed sessions are not limited to these enumerated examples.

As we read the court's decision in Grein, supra, the court does nothing more than apply these existing provisions of the statute. The court first found that "{t}he board was not entitled to adjourn to a closed session based upon 'protection of the public interest' contemplated by §84-1410, in view of the circumstances presented in this case." Id. at 166. The court next found that "{p}revention of needless injury to an individual's reputation as a basis for a closed session was not established under the circumstances, and this exemption from an open session was not available to the board." Id. at 166-167. The court then rejected the board's attempted defense of good faith motivation.

> The board suggests a good faith motivation for a closed session is a cure for noncompliance with the Public Meetings Laws. The Public Meetings Laws contain no such rehabilitative or curative provisions. If we were to permit the board's action to stand on the basis of good intention, such a rule would become an invitation,

perhaps a license, for a public body to circumvent the Public Meetings Laws' limited exemptions by an additional criterion of good faith or good intention in adjournment to a closed session. We hold that in civil actions good faith or good intention on the part of the public body is irrelevant to the question of compliance with the provisions of the Public Meetings Laws authorizing a closed session. {Citations omitted.} The only question of fidelity involved is adherence to the requirements of the Public Meetings Laws.

Id. at 167.

The court clearly applied the existing two standards set forth in the act, and in turn refused to adopt an additional standard not set forth in the act itself. We simply do not read this decision, as some have apparently suggested, to mean that the court limited the reasons for a closed session to the four examples contained in §84-1410(1). The court did not even find it necessary to concern itself with the examples listed in the statute, but applied only the two broad criteria for a closed session found in the statute. In summation, the decision of the court in Grein, supra, neither expands nor limits the requirements for a closed session as outlined in §84-1410(1), but rather merely applies the statute as it is written.

The effects of the proposed legislative bills upon the current open meetings law would then be as follows. LB 358 would add an additional standard for a closed session, that being the "good faith discretion of the public body," which in essence was the defense used by the board in Grein, and rejected by the court as not being within the provisions of the existing Public Meetings Laws. LB 664, on the other hand, would narrow the standards for a closed session to the four listed examples presently set forth in §84-1410, thus making the law more restrictive.

Very truly yours,
ROBERT M. SPIRE
Attorney General
(Signed) John Boehm
Assistant Attorney General

JB:ejg
cc: Patrick J. O'Donnell
Clerk of the Legislature

**UNANIMOUS CONSENT - Add Co-Introducers**

Messrs. Baack, Chizek, Chronister, Eret, Schmit, Hefner, Lundy, Remmers, Rogers, Pappas, Sieck, Lamb, Barrett, Carsten, Peterson, and Mrs. Nelson asked unanimous consent to have their names added

as co-introducers to LB 204. No objections. So ordered.

## RESOLUTION

**LEGISLATIVE RESOLUTION 92.** Read. Considered.

LR 92 was adopted with 32 ayes, 0 nays, and 17 not voting.

## BILLS ON FINAL READING

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 272.**

A BILL FOR AN ACT relating to aeronautics; to amend sections 3-148 and 3-149, Reissue Revised Statutes of Nebraska, 1943; to change the tax on aircraft fuel; to change a distribution requirement; to define terms; to harmonize provisions; to eliminate a reimbursement; to provide an operative date; and to repeal the original sections, and also section 3-150.01, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

| | | | | |
|---|---|---|---|---|
| Abboud | DeCamp | Hefner | Miller | Rogers |
| Baack | Eret | Higgins | Morehead | Rupp |
| Barrett | Goll | Johnson, L. | Nelson | Schmit |
| Beutler | Goodrich | Johnson, V. | Nichol | Scofield |
| Beyer | Haberman | Labedz | Pappas | Vickers |
| Carsten | Hall | Lamb | Peterson | Warner |
| Chizek | Hannibal | Lundy | Pirsch | Wesely |
| Chronister | Harris | Lynch | Remmers | Withem |
| Conway | Hartnett | Marsh | | |

Voting in the negative, 0.

Present and not voting, 1:

Hoagland

Excused and not voting, 5:

| | | | | |
|---|---|---|---|---|
| Chambers | Johnson, R. | Landis | Sieck | Smith |

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 272A.**

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 272, Eighty-ninth Legislature, First Session, 1985.

Whereupon the 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 | Eret | Hefner | Miller | Rogers |
| Baack | Goll | Higgins | Morehead | Rupp |
| Barrett | Goodrich | Johnson, L. | Nelson | Schmit |
| Beutler | Haberman | Johnson, V. | Nichol | Scofield |
| Beyer | Hall | Labedz | Pappas | Vickers |
| Carsten | Hannibal | Lamb | Peterson | Warner |
| Chizek | Harris | Lundy | Pirsch | Wesely |
| Chronister | Hartnett | Marsh | Remmers | Withem |
| Conway | | | | |

Voting in the negative, 0.

Present and not voting, 3:

| | | |
|---|---|---|
| DeCamp | Hoagland | Lynch |

Excused and not voting, 5:

| | | | | |
|---|---|---|---|---|
| Chambers | Johnson, R. | Landis | Sieck | Smith |

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 508.**

A BILL FOR AN ACT relating to insurance; to amend section 44-4103, Reissue Revised Statutes of Nebraska, 1943; to define and

redefine terms; to provide for the establishment, operation, and regulation of fraternal benefit societies; to provide for certificates, benefit contracts, and specific benefits as prescribed; to provide the Director of Insurance with powers and duties; to provide for communications to fraternal benefit society members; to authorize a grievance procedure; to provide for indemnification and reimbursement as prescribed; to provide for the creation of certain institutions and funds as prescribed; to provide for merger; to provide for conversion into a mutual life insurance company; to provide exemptions as prescribed; to provide for the discontinuance of business; to provide standards of valuation; to provide for reports; to provide for review of decisions; to provide penalties; to eliminate existing provisions relating to fraternal benefit societies; to harmonize provisions; to provide severability; and to repeal the original section, and also sections 44-1001 to 44-1011, 44-1013 to 44-1033, 44-1035 to 44-1039, 44-1041 to 44-1061, and 44-1063 to 44-1071, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

| | | | | |
|---|---|---|---|---|
| Abboud | Eret | Higgins | Marsh | Remmers |
| Baack | Goll | Hoagland | Miller | Rogers |
| Barrett | Goodrich | Johnson, L. | Morehead | Rupp |
| Beyer | Haberman | Johnson, V. | Nelson | Scofield |
| Carsten | Hall | Labedz | Nichol | Smith |
| Chizek | Hannibal | Lamb | Pappas | Vickers |
| Chronister | Harris | Lundy | Peterson | Wesely |
| Conway | Hartnett | Lynch | Pirsch | Withem |
| DeCamp | Hefner | | | |

Voting in the negative, 0.

Present and not voting, 3:

| | | |
|---|---|---|
| Beutler | Schmit | Warner |

Excused and not voting, 4:

| | | | |
|---|---|---|---|
| Chambers | Johnson, R. | Landis | Sieck |

A constitutional majority having voted in the affirmative, the

bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 368.**

A BILL FOR AN ACT relating to claims against the state; to amend section 77-2407, Reissue Revised Statutes of Nebraska, 1943; to change a provision relating to the method for appeal; to harmonize provisions; and to repeal the original section, and also section 77-2408, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

| | | | | |
|---|---|---|---|---|
| Abboud | DeCamp | Hefner | Lynch | Remmers |
| Baack | Eret | Higgins | Marsh | Rogers |
| Barrett | Goll | Hoagland | Morehead | Rupp |
| Beutler | Goodrich | Johnson, L. | Nelson | Scofield |
| Beyer | Haberman | Johnson, V. | Nichol | Smith |
| Carsten | Hall | Labedz | Pappas | Warner |
| Chizek | Hannibal | Lamb | Peterson | Wesely |
| Chronister | Harris | Lundy | Pirsch | Withem |
| Conway | Hartnett | | | |

Voting in the negative, 0.

Present and not voting, 3:

| | | |
|---|---|---|
| Miller | Schmit | Vickers |

Excused and not voting, 4:

| | | | |
|---|---|---|---|
| Chambers | Johnson, R. | Landis | Sieck |

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 705.**

A BILL FOR AN ACT relating to natural resources; to provide for the formation of the Missouri Basin Natural Resources Council; to authorize participation in such council; to provide powers and duties; and to provide for funding.

Whereupon the 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 | DeCamp | Hefner | Marsh | Rogers |
| Baack | Eret | Higgins | Miller | Rupp |
| Barrett | Goll | Hoagland | Morehead | Scofield |
| Beutler | Goodrich | Johnson, L. | Nelson | Smith |
| Beyer | Haberman | Johnson, V. | Nichol | Vickers |
| Carsten | Hall | Labedz | Pappas | Warner |
| Chizek | Hannibal | Lamb | Peterson | Wesely |
| Chronister | Harris | Lundy | Pirsch | Withem |
| Conway | Hartnett | Lynch | Remmers | |

Voting in the negative, 0.

Present and not voting, 1:

Schmit

Excused and not voting, 4:

| | | | |
|---|---|---|---|
| Chambers | Johnson, R. | Landis | Sieck |

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 209.**

A BILL FOR AN ACT relating to health care facilities; to amend sections 44-772, 44-3602, and 71-2017.01, Reissue Revised Statutes of Nebraska, 1943, and sections 71-2017, 71-2020, and 71-2021, Revised Statutes Supplement, 1984; to provide additional purposes; to define and redefine terms; to eliminate a definition; to provide for the applicability of definitions; to provide for waiver of rules, regulations, and standards; to change certain fees; to change provisions relating to licenses; 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 | DeCamp | Hefner | Marsh | Rogers |
| Baack | Eret | Higgins | Miller | Rupp |
| Barrett | Goll | Hoagland | Morehead | Schmit |
| Beutler | Goodrich | Johnson, L. | Nelson | Scofield |
| Beyer | Haberman | Johnson, V. | Nichol | Smith |
| Carsten | Hall | Labedz | Pappas | Vickers |
| Chizek | Hannibal | Lamb | Peterson | Warner |
| Chronister | Harris | Lundy | Pirsch | Wesely |
| Conway | Hartnett | Lynch | Remmers | Withem |

Voting in the negative, 0.

Excused and not voting, 4:

| | | | |
|---|---|---|---|
| Chambers | Johnson, R. | Landis | Sieck |

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 209A.**

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 209, Eighty-ninth Legislature, First Session, 1985.

Whereupon the 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 | DeCamp | Hefner | Marsh | Rogers |
| Baack | Eret | Higgins | Miller | Rupp |
| Barrett | Goll | Hoagland | Morehead | Schmit |
| Beutler | Goodrich | Johnson, L. | Nelson | Scofield |
| Beyer | Haberman | Johnson, V. | Nichol | Smith |
| Carsten | Hall | Labedz | Pappas | Vickers |
| Chizek | Hannibal | Lamb | Peterson | Warner |
| Chronister | Harris | Lundy | Pirsch | Wesely |
| Conway | Hartnett | Lynch | Remmers | Withem |

Voting in the negative, 0.

Excused and not voting, 4:

Chambers Johnson, R. Landis Sieck

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

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

**LEGISLATIVE BILL 253.**

A BILL FOR AN ACT relating to health care facilities; to amend sections 44-772, 44-3602, 71-2017.01, 71-2017.03, and 71-2018, Reissue Revised Statutes of Nebraska, 1943, and sections 71-2017, 71-2020, 77-2704, and 81-502, Revised Statutes Supplement, 1984; to restate intent; to provide for a waiver; to define terms; to change definitions relating to certain health care facilities; to change certain fees as prescribed; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

| | | | | |
|---|---|---|---|---|
| Abboud | Eret | Higgins | Marsh | Rogers |
| Baack | Goll | Hoagland | Miller | Rupp |
| Barrett | Goodrich | Johnson, L. | Morehead | Schmit |
| Beutler | Haberman | Johnson, R. | Nelson | Scofield |
| Beyer | Hall | Johnson, V. | Nichol | Smith |
| Carsten | Hannibal | Labedz | Pappas | Vickers |
| Chizek | Harris | Lamb | Peterson | Warner |
| Chronister | Hartnett | Lundy | Pirsch | Wesely |
| Conway | Hefner | Lynch | Remmers | Withem |
| DeCamp | | | | |

Voting in the negative, 0.

Excused and not voting, 3:

Chambers Landis Sieck

A constitutional majority having voted in the affirmative, the

bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 253A.**

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 253, Eighty-ninth Legislature, First Session, 1985.

Whereupon the 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 | DeCamp | Hefner | Lynch | Remmers |
| Baack | Eret | Higgins | Marsh | Rupp |
| Barrett | Goll | Hoagland | Miller | Schmit |
| Beutler | Goodrich | Johnson, L. | Morehead | Scofield |
| Beyer | Haberman | Johnson, R. | Nelson | Smith |
| Carsten | Hall | Johnson, V. | Nichol | Vickers |
| Chizek | Hannibal | Labedz | Pappas | Warner |
| Chronister | Harris | Lamb | Peterson | Wesely |
| Conway | Hartnett | Lundy | Pirsch | Withem |

Voting in the negative, 0.

Present and not voting, 1:

Rogers

Excused and not voting, 3:

Chambers Landis Sieck

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**MOTION - Return LB 552 to Select File**

Mr. Hefner moved to return LB 552 to Select File for his specific amendment, AM0948, found in the Journal on page 1477.

The Hefner motion to return prevailed with 36 ayes, 0 nays, 10 present and not voting, and 3 excused and not voting.

## SELECT FILE

**LEGISLATIVE BILL 552.** The Hefner specific amendment, AM0948, found in the Journal on page 1477 was adopted with 37 ayes, 0 nays, 9 present and not voting, and 3 excused and not voting.

Mr. Goll requested a machine vote on the advancement of the bill.

Advanced to E & R for Re-Engrossment with 30 ayes, 4 nays, 12 present and not voting, and 3 excused and not voting.

## PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 272, 272A, 508, 368, 705, 209, 209A, 253, and 253A.

## MOTION - Return LB 662 to Select File

Mr. Warner moved to return LB 662 to Select File for his specific amendment found in the Journal on page 1525.

Speaker Nichol asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Beutler moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 1 nay, and 21 not voting.

Mr. Warner requested a roll call vote on his motion to return.

Voting in the affirmative, 20:

| | | | | |
|---|---|---|---|---|
| Abboud | Carsten | Goll | Johnson, R. | Scofield |
| Baack | Chronister | Harris | Lamb | Smith |
| Barrett | DeCamp | Hefner | Peterson | Warner |
| Beyer | Eret | Johnson, L. | Pirsch | Wesely |

Voting in the negative, 26:

| | | | | |
|---|---|---|---|---|
| Beutler | Hall | Labedz | Miller | Remmers |
| Chizek | Hannibal | Landis | Morehead | Rogers |
| Conway | Hartnett | Lundy | Nelson | Rupp |
| Goodrich | Hoagland | Lynch | Nichol | Schmit |
| Haberman | Johnson, V. | Marsh | Pappas | Vickers |

Withem

Present and not voting, 1:

Higgins

Excused and not voting, 2:

Chambers Sieck

The Warner motion to return lost with 20 ayes, 26 nays, 1 present and not voting, and 2 excused and not voting.

Mr. Withem asked unanimous consent to withdraw his pending amendment, AM1018, found in the Journal on page 1532. No objections. So ordered.

Mr. Wesely moved to return LB 662 to Select File for his specific amendment, AM1038, found in the Journal on page 1626.

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

Mr. Beutler moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 3 nays, and 21 not voting.

The Wesely motion to return lost with 10 ayes, 28 nays, 9 present and not voting, and 2 excused and not voting.

Mr. Lamb moved to return LB 662 to Select File for the following specific amendment:
Strike the enacting clause.

**SPEAKER NICHOL PRESIDING**

Mr. Landis moved the previous question. The question is, "Shall the debate now close?" The motion lost with 13 ayes, 14 nays, and 22 not voting.

Mr. Beutler moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 30 ayes, 1 nay, and 18 not voting.

Mr. Lamb asked unanimous consent to withdraw his pending motion

to return LB 662. No objections. So ordered.

## BILL ON FINAL READING

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 662.**

A BILL FOR AN ACT relating to schools; to amend sections 79-402.07, 79-411, 79-426.11, 79-426.23, 79-426.25, 79-426.26, 79-451, 79-498, 79-1107, and 79-12,104, Reissue Revised Statutes of Nebraska, 1943, and section 79-701, Revised Statutes Supplement, 1984; to provide that certain Class I school districts merge, affiliate, or become a part of certain other school districts; to change provisions relating to the dissolution of Class II school districts; to change provisions relating to high schools maintained by Class II school districts; to change provisions relating to the withdrawal of a Class I school district from a Class VI school district; to authorize the issuance of bonds for certain purposes; to require a vote in certain circumstances; to authorize a class action; to require the Attorney General to seek a declaratory judgment; to provide for hardship status; to limit the amount of public school system operational costs derived from taxes on real property; to impose a tax; to provide for a study; to create a committee; to provide for the payment of tuition in certain cases; to eliminate provisions relating to the transfer of land and pupils between school districts; to eliminate provisions relating to the attachment of land to another school district; to harmonize provisions; to provide operative dates; and to repeal the original sections, and also sections 79-403.01 to 79-403.04, 79-407, and 79-478 to 79-485, Reissue Revised Statutes of Nebraska, 1943, and sections 79-403 and 79-406, Revised Statutes Supplement, 1984.

Mr. R. Johnson requested a roll call vote.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 25:

| | | | | |
|---|---|---|---|---|
| Beutler | Hall | Hoagland | Marsh | Pappas |
| Chizek | Hannibal | Johnson, V. | Miller | Schmit |
| Conway | Harris | Landis | Morehead | Vickers |
| Goodrich | Hartnett | Lundy | Nelson | Wesely |
| Haberman | Higgins | Lynch | Nichol | Withem |

Voting in the negative, 23:

| | | | | |
|---|---|---|---|---|
| Abboud | Chambers | Hefner | Peterson | Rupp |
| Baack | Chronister | Johnson, L. | Pirsch | Scofield |
| Barrett | DeCamp | Johnson, R. | Remmers | Smith |
| Beyer | Eret | Labedz | Rogers | Warner |
| Carsten | Goll | Lamb | | |

Excused and not voting, 1:

Sieck

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**UNANIMOUS CONSENT - Print in Journal**

Mrs. Labedz asked unanimous consent to print the following amendment to LB 496 in the Journal. No objections. So ordered.

AM1049

(Amendments to Final Reading Copy)

1. Insert the following new section:

"Sec. 2. That section 39-669.26, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-669.26. In order to prevent and eliminate successive traffic violations, there is hereby provided a point system dealing with traffic violations as disclosed by the files of the Director of Motor Vehicles. The following point system shall be adopted:

(1) Conviction of motor vehicle homicide -- 12 points;

(2) Third offense drunken driving in violation of any city or village ordinance or of section 39-669.07, as disclosed by the records of the director, regardless of whether the trial court found the same to be a third offense -- 12 points;

(3) Failure to stop and render aid as required under the laws of this state in the event of involvement in a motor vehicle accident resulting in the death or personal injury of another -- 6 points;

(4) Failure to stop and render aid as required under the laws of this state or any city or village

ordinance in the event of a motor vehicle accident resulting in property damage if such accident is reported by the owner or operator within twelve hours from the time of the accident -- 4 points, otherwise -- 8 points, and for purposes of this subdivision a telephone call or other notification to the appropriate peace officers shall be deemed to be a report;

(5) Driving a motor vehicle while under the influence of alcoholic liquor or any drug or with ten-hundredths of one per cent or more by weight of alcohol in body fluids in violation of any city or village ordinance or of section 39-669.07 -- 6 points;

(6) Willful reckless driving in violation of any city or village ordinance or of section 39-669.03 or 39-669.05 -- 6 points;

(7) Careless driving in violation of any city or village ordinance or of section 39-669 -- 4 points;

(8) Negligent driving in violation of any city or village ordinance -- 3 points;

(9) Reckless driving in violation of any city or village ordinance or of section 39-669.01 -- 5 points;

(10) Speeding in violation of any city or village ordinance or of section 39-662, 39-663, or 39-666: (a) Not more than five miles per hour over the speed limit -- 1 point; (b) more than five miles per hour but not more than ten miles per hour over the speed limit -- 2 points; (c) more than ten miles per hour over the speed limit -- 3 points; PROVIDED, that no points shall be assessed upon conviction of exceeding by not more than ten miles per hour the speed limit on any part of the National System of Interstate and Defense Highways; AND PROVIDED FURTHER, that one point shall be assessed upon conviction of exceeding by not more than ten miles per hour, two points shall be assessed upon conviction of exceeding by more than ten miles per hour but not more than fifteen miles per hour, and three points shall be assessed upon conviction of exceeding by more than fifteen miles per hour, the speed limits provided for in subdivision (2)(c) or (d) of section 39-662 or subdivision (1)(c), (d), or (e), (2)(c), (d), or (e), or (4)(c) or (d) of section 39-666 except as provided in the first proviso in this subdivision;

(11) Failure to yield to a pedestrian not

resulting in bodily injury to a pedestrian -- 2 points;

(12) Failure to yield to a pedestrian resulting in bodily injury to a pedestrian -- 4 points; and

(13) All other traffic violations involving the operation of motor vehicles by the operator, for which reports to the Department of Motor Vehicles are required under sections 39-669.22 and 39-669.23, not including violations of section 1 of this act, parking violations, violations for operating a motor vehicle without a valid operator's license in the operator's possession, muffler violations, overwidth, overheight, or overlength violations, motorcycle protective headgear violations, or overloading of trucks -- 1 point.

All such points shall be assessed against the driving record of the operator as of the date of the violation for which conviction was had. Points may be reduced by the department under section 39-669.37.

In all cases, the forfeiture of bail, not vacated, shall be regarded as equivalent to the conviction of the offense with which the operator was charged.".

2. On page 3, line 27, strike "section" and insert "sections 39-669.26 and".

3. On page 4, line 1, strike "is" and insert "are".

4. Renumber remaining sections accordingly.

## ATTORNEY GENERAL'S OPINION

April 17, 1985

Dear Senator Hannibal:

This is in response to your letter of April 10, 1985, concerning an amendment to LB 496. This amendment provides as follows "Evidence that a person was not wearing a seat belt at the time he or she was injured shall not be admissible in regard to the issue of liability or proximate cause, but may be admissible as evidence concerning mitigation of damages, except that it shall not reduce recovery for damages by more than five per cent."

Your first question is whether under Nebraska law violation of a Rule of the Road constitutes evidence of negligence. Neb.Rev.Stat. §39-6,118 (Reissue 1984) provides specifically that "No evidence of the conviction of any person for any violation of any provision of

sections 39-601 to 39-6,122 shall be admissible in any court in any civil action." This only means that the conviction itself is inadmissible. The facts setting forth the elements of the violation would nevertheless be admissible through other evidence.

Your second question is whether the above language creates an unconstitutional classification when compared with Neb.Rev.Stat. §25-1151 (Reissue 1979) which provides that evidence of a plaintiff's negligence may be considered in mitigation of damages, but does not limit the extent to which the damages may be reduced. The Nebraska Supreme Court has said that "While it is competent for the Legislature to classify for purposes of legislation, the classification, to be valid, must rest on some reason of public policy, some substantial difference of situation or circumstance, that would naturally suggest that justice or expediency of diverse legislation with respect to the objects to be classified. Prendergast v. Nelson, 199 Neb. 97 at 112, 256 N.W.2d 657 (1977). There would appear to be some public policy purposes behind the proposed legislation limiting the mitigation of damages for failure to comply with the mandatory seat belt law, and thus we cannot say that this legislation establishes an unconstitutional classification as a matter of law.

Sincerely,
ROBERT M. SPIRE
Attorney General
(Signed) John Boehm
Assistant Attorney General

JB:bae
cc: Patrick J. O'Donnell
Clerk of the Legislature

## PRESENTED TO THE GOVERNOR

Presented to the Governor on April 18, 1985, at 10:50 a.m., were the following bills: 272, 272A, 508, 368, 705, 209, 209A, 253, and 253A.

(Signed) Pam Moravec, Enrolling Clerk

## RESOLUTIONS

### LEGISLATIVE RESOLUTION 93.

Introduced by Pirsch, 10th District.

Whereas, the Legislature and the Governor have proclaimed the week of April 14th - 21st, 1985, as Victim Rights Week in Nebraska;

and

Whereas, victims of violent crime often face severe financial, physical, and psychological losses; and

Whereas, the State of Nebraska has been a leader in establishing rights for crime victims through legislative enactment; and

Whereas, the State of Nebraska has encouraged help for victims by establishing victim/witness assistance centers and reparation program; and

Whereas, the United States Congress has also recognized the need for assistance to victims of violent crime by establishing the Victims of Crime Act of 1984 which provides funds to states for victim assistance.

Now, therefore, be it resolved by the members of the Eighty-Ninth Legislature of Nebraska, First Session:

1. That the members of the Legislature commend and praise our delegation in Congress for their far sighted concern and compassion for victims of crime.

2. That the Clerk of the Legislature send a copy of this resolution to Senator J. James Exon, Senator Edward Zorinsky, Representative Douglas Bereuter, Representative Hal Daub, and Representative Virginia Smith.

Laid over.

**LEGISLATIVE RESOLUTION 94.**

Introduced by Harris, 27th District.

PURPOSE: The purpose of the study proposed by this resolution is to examine the issues related to providing early retirement incentives, pre-retirement planning, retraining, and early retirement options with reduced benefits for public employees and to consider the need for and consequences of early retirement incentives for the following groups:

(1) Employees of the University of Nebraska;

(2) Employees of the state colleges;

(3) Technical community college employees;

(4) Public school employees;

(5) Members of a county retirement system or plan; and

(6) State employees including those under separate retirement systems.

An additional goal of the study proposed by this resolution is to analyze the advantages and disadvantages of providing certain public employees an opportunity to retire before the normal retirement age at reduced benefit levels. The committee shall hear testimony

concerning the advantages and disadvantages to both the employer and the employee of providing options for employees who have a sincere desire to make a career change, thus allowing public employers to maintain creative and enthusiastic individuals in the workplace.

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

1. That the Nebraska Retirement Systems Committee of the Legislature shall be designated to conduct an interim study and to hold any public hearings necessary to carry out the purposes of this resolution.

2. That such retirement committee examine the appropriate funding mechanism for provision of the Early Retirement Incentive Program for each retirement system. The committee shall make a recommendation answering the following questions for each system:

(a) First year funding - should the additional funding come from a specific legislative appropriation for the first year; and

(b) Continued funding - should funding for each year after the first year be funded out of current year savings to the agency or educational institution resulting from retirement of employees fifty-five years of age or over?

3. That such retirement committee propose statutory guidelines to ensure that employees are not coerced into participating or not participating in the Early Retirement Incentive Program or terminated solely to prevent their becoming eligible for the program.

4. That such retirement committee evaluate all aspects of the Early Retirement Incentive Program including funding with regard to sound actuarial principles.

5. That such retirement committee consider the efficacy of reduction of the eligible age of fifty-five for early retirement at benefit levels which have been actuarially reduced with service requirements reduced to not more than ten years.

6. That such retirement committee examine all issues of equity and fairness of early retirement opportunities provided by the possible passage of LB 145, LB 706, and LB 311, and amendments to LB 311, LB 93, LB 402, LB 403, and LB 164.

7. That such retirement committee investigate early retirement proposals and retraining programs used in other states.

8. That such retirement committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council prior to the commencement of the 1986 legislative session.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 95.**

Introduced by Hoagland, 6th District.

WHEREAS, from 1941 to 1971 the synthetic hormone, diethylstiltestrol (DES) was commonly prescribed for pregnancy problems in the United States; and

WHEREAS, it is estimated that there are two million DES exposed daughters, two million sons, and four million DES mothers in the United States; and

WHEREAS, DES is associated with a variety of medical problems in the children of women who took DES; and

WHEREAS, early determination and detection can do much to decrease the possibility of more severe medical problems in exposed individuals; and

WHEREAS, April 21-28, 1985, is National DES Awareness Week during which DES Action groups in four counties will seek to educate women and men born since 1940 of this potential damage to their health.

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

1. That April 21-28, 1985 be designated as DES Awareness Week in Nebraska and the Legislature encourages all citizens of the state to learn more about DES exposure.

Laid over.

## VISITORS

Visitors to the Chamber were 14 fourth, fifth, and sixth grade students and teacher from Word Outreach School, Omaha; 26 students, teacher, and sponsors from Shelby Public School; 30 seventh and eighth grade students and sponsor from Long Pine; 10 eighth grade students and sponsor from St. Patricks School, McCook; 30 fourth grade students and sponsor from Pleasanton; 47 fourth grade students and sponsor from Meadows Elementary School, Omaha; 46 guests and coordinator from Railway Business Women; 6 students and principal from Cedar Canyon School, Scotts Bluff; Senator Hefner's brother and sister-in-law, Mr. and Mrs. Wendel Hefner from Sioux City, Iowa; 51 eighth grade students and sponsors from Our Lady of Lourdes School, Omaha; Senator Higgins' nephew, Scott Fox from Omaha; 13 seventh and eighth grade students and teacher from District 84, Platte Center; and 7 students and sponsors

from Lake Minatare School, Scotts Bluff.

## RECESS

At 12:01 p.m., on a motion by Mr. Miller, the Legislature recessed until 1:30 p.m.

## AFTER RECESS

The Legislature reconvened at 1:30 p.m., President McGinley presiding.

## ROLL CALL

The roll was called and all members were present except Messrs. Beutler, Sieck, and Withem who were excused; and Messrs. Carsten, Goll, Goodrich, Haberman, Hannibal, L. Johnson, Lundy, Schmit, Warner, Mesdames Marsh, Morehead, and Ms. Scofield who were excused until they arrive.

## PRESENTED TO THE GOVERNOR

Presented to the Governor on April 18, 1985, at 1:05 p.m., was the following bill: 662.

(Signed) Jan Loder, Enrolling Clerk

## MOTION - Place LB 231 on General File

Mr. DeCamp renewed his pending motion found in the Journal on page 1481 to place LB 231 on General File notwithstanding the action of the committee.

Mr. Chizek moved the previous question. The question is, "Shall the debate now close?"

Mr. Hoagland moved for a call of the house. The motion prevailed with 10 ayes, 0 nays, and 39 not voting.

The motion to cease debate prevailed with 26 ayes, 5 nays, and 18 not voting.

The Chair declared the call raised.

Mr. DeCamp requested a record vote on his motion.

Voting in the affirmative, 14:

| | | | | |
|---|---|---|---|---|
| Chambers | Haberman | Marsh | Pappas | Smith |
| Conway | Hall | Miller | Rogers | Vickers |
| DeCamp | Lynch | Nichol | Schmit | |

Voting in the negative, 27:

| | | | | |
|---|---|---|---|---|
| Abboud | Chronister | Hefner | Labedz | Pirsch |
| Baack | Eret | Hoagland | Lamb | Remmers |
| Barrett | Goll | Johnson, L. | Landis | Rupp |
| Beyer | Goodrich | Johnson, R. | Morehead | Warner |
| Carsten | Hannibal | Johnson, V. | Nelson | Wesely |
| Chizek | Harris | | | |

Present and not voting, 5:

| | | | | |
|---|---|---|---|---|
| Hartnett | Higgins | Lundy | Peterson | Scofield |

Excused and not voting, 3:

| | | |
|---|---|---|
| Beutler | Sieck | Withem |

The DeCamp motion lost with 14 ayes, 27 nays, 5 present and not voting, and 3 excused and not voting.

**UNANIMOUS CONSENT - Member Excused**

Speaker Nichol asked unanimous consent to be excused. No objections. So ordered.

**MOTION - Reconsider Action on LB 231**

Mrs. Higgins moved to reconsider the DeCamp motion to place LB 231 on General File notwithstanding the action of the committee.

Mr. Hoagland moved the previous question. The question is, "Shall the debate now close?" The motion lost with 9 ayes, 12 nays, and 28 not voting.

The Higgins motion lost with 10 ayes, 13 nays, 22 present and not voting, and 4 excused and not voting.

Messrs. DeCamp and Chizek asked unanimous consent to be

excused. No objections. So ordered.

## SELECT COMMITTEE REPORTS
### Enrollment and Review

**LEGISLATIVE BILL 439.** Placed on Select File as amended.
E & R amendments to LB 439:
AM5140

1. In the Smith amendment adopted April 16, 1985, found on page 1595 of the Journal, in line 2 strike "word 'with' " and insert "question mark"; and underscore all matter in quotation marks.

2. In the Standing Committee amendments, AM0585:

a. On page 1, line 21, strike the comma, show as stricken, and insert "who is"; and in line 22 strike the first comma, show as stricken, and insert "and", strike "may qualify", show as stricken, and insert "qualified", and strike the underscored comma;

b. On page 2, line 7, after "person" insert "who is"; and in line 25 strike "twenty" and insert "thirty";

c. On page 3, line 18, strike "(Number) (Street)" and insert "(Number and Street)"; and in line 22 strike "applicant's" and insert "registrant's";

d. On page 4, line 18, strike "(Number)" and inset "(Name)"; in line 19 before "Street" insert "Number and"; and in line 26 strike "application" and insert "registration form"; and

e. On page 5, lines 1 and 2, strike "application" and insert "form".

3. On page 1, line 6, after the semicolon insert "to harmonize provisions;".

4. On page 7, lines 6, 11, and 17, strike the comma and show as stricken; in line 7 strike the first comma and show as stricken and after "as" insert "follows:"; and in lines 12 and 15 strike all occurrences of "be", show as stricken, and insert "is".

5. On page 8, line 11, after the second "to" insert "the".

**LEGISLATIVE BILL 389.** Placed on Select File as amended.
E & R amendments to LB 389:
AM5139

Because of line number differences between the green

copy and the bill as introduced, all amendments are to the green copy.

1. In the Lamb amendment adopted April 16, 1985, found beginning on page 1596 of the Journal, in lines 1 and 2, strike "7" and insert "6"; in line 5 strike "the" and insert "The"; in line 12 strike "Sec. 6" and insert "section 7" and strike "SUCH" and insert "The"; in line 14 after "RULE" insert "and regulation"; and lowercase and underscore as appropriate.

2. In the Standing Committee amendments, AM0632, adopted April 16, 1985:

a. On page 2, line 2, after "and" insert "may"; in line 3 strike "interest bearing" and insert "interest-bearing"; and in line 22 before "an" insert an underscored comma; and

b. On page 3, line 1, before "Department" insert "the" and after "Revenue" insert an underscored comma.

3. On page 1, line 5, after the semicolon insert "to provide a penalty; to eliminate existing provisions and a penalty relating to licensing of public grain warehouses;".

4. On page 2, line 20, strike ", violating", show as stricken, and insert "who violates"; and in line 21 strike both commas and show as stricken.

5. On page 3, line 15, after "requires" insert an underscored comma and strike "it," and show as stricken; and in line 23 strike the comma and show as stricken.

6. On page 4, line 13, strike "9" and insert "11".

7. On page 5, line 17, strike "State" and insert "state".

(Signed) Timothy Hall, Chairperson

## BILLS ON FIRST READING

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

**LEGISLATIVE BILL 505A.** By Remmers, 1st District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 505, Eighty-ninth Legislature, First Session, 1985.

**LEGISLATIVE BILL 608A.** By Schmit, 23rd District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 608, Eighty-ninth Legislature, First Session, 1985.

## STANDING COMMITTEE REPORT
### Nebraska Retirement Systems

**LEGISLATIVE BILL 325.** Placed on General File as amended.
Standing Committee amendments to LB 325:
AM1112

1. Strike original section 5 and insert a new section as follows:

"Sec. 7. That section 84-1322, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

84-1322. (1) Except as provided in subsection (2) of this section, a ~~A~~ member of the system who ceases to be an employee shall~~,~~ upon again becoming an employee~~,~~ be considered a new employee with respect to the provisions of sections 84-1301 to 84-1331.

(2) A member of the system who terminates before his or her retirement date and again becomes a state employee within five years after the termination date or within an amount of time equal to the employee's original length of service, whichever is less, shall be reenrolled in the retirement system within sixty days under policies established by the board. For purposes of vesting employer contributions made after the reentry into the system under subsection (3) of section 84-1321, years of participation shall include years of participation prior to such employee's original termination.".

2. On page 5, strike beginning with "With" in line 15 through the period in line 18 and show the old matter as stricken.

3. On page 9, line 14, after "employee" insert "before he or she has attained the age of sixty".

4. On page 12, line 15, strike "and" and insert a comma; in line 16 after the first comma insert "and 84-1322,"; and in line 17 strike "84-1319,".

5. Renumber the remaining sections accordingly.

(Signed) Bill Harris, Chairperson

**UNANIMOUS CONSENT - Print in Journal**

Mr. Lamb asked unanimous consent to print the following amendment to LB 633 in the Journal. No objections. So ordered.

AM1099

(Amendments to Standing Committee Amendments)

1. On page 1, line 10 strike " ."; after line 10 insert a new section as follows:

"Sec. 4. Any local school board may establish biannual secondary course offerings as part of the total instructional units provided each school term for the purpose of meeting minimum annual criteria for accreditation under sections 79-328 and 79-1247.02. Reporting of biannual course offerings which are to receive annual instructional unit credit in meeting accreditation standards are to be on forms prescribed by the State Department of Education.".

Mr. V. Johnson asked unanimous consent to print the following amendment to LB 201A in the Journal. No objections. So ordered.

AM1111

1. On page 2, line 2, strike "$140,226" and insert "$137,033"; and in line 3 strike "$451,505" and insert "$450,760".

Mr. Lamb asked unanimous consent to print the following amendment to LB 284 in the Journal. No objections. So ordered.

AM0081

1. On page 4, line 1, after "shall" insert "apply chemicals to land or crops through the use of"; and in line 2 strike "engage in".

2. On page 5, line 14, strike "operator" and insert "applicator".

3. On page 10, line 16, strike "It" and insert "With funds appropriated by the Legislature, it"; in line 17 strike "regular and"; in line 18 strike "frequent" and after "sessions" insert "for applicators. In the case of applicators in the business of advising other applicators, contracting to perform chemigation

services, or otherwise engaging in chemigation for profit, the director shall issue a certificate acknowledging the satisfactory demonstration of competency to be determined by the director in a written examination prepared and administered by the department. In the case of all other applicators, the Cooperative Extension Service shall keep records of attendance and participation in training sessions and shall issue a certificate acknowledging satisfactory attendance and participation in the training sessions."; and strike beginning with "and" in line 18 through the period in line 25.

4. On page 11, line 5, after the second "of" insert "certificates."; strike beginning with "recommendations" in line 6 through the period in line 7; and in line 17 after "The" insert "applicator or the" and strike "or operator".

5. On page 12, line 2, after "the" insert "applicator applying the chemicals on the land on which the accident occurred"; and strike line 3.

6. On page 13, line 6, after "for" insert "an applicator or" and strike "or operator"; and in line 20 strike "(1)".

## GENERAL FILE

**LEGISLATIVE BILL 608.** The Schmit pending amendment, AM1016, found in the Journal on page 1566 and considered on page 1613 was renewed.

Mr. Vickers renewed his pending amendment, AM0930, printed separate from the Journal and referred to on page 1418 to the Schmit amendment.

Mr. Vickers asked unanimous consent to withdraw his pending amendment, AM0930. No objections. So ordered.

Mr. Schmit moved for a call of the house. The motion prevailed with 9 ayes, 0 nays, and 40 not voting.

The Schmit pending amendment, AM1016, was adopted with 26 ayes, 8 nays, 9 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Advanced to E & R for Review with 28 ayes, 3 nays, 12 present and not voting, and 6 excused and not voting.

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

**LEGISLATIVE BILL 102.** Title read. Considered.

Standing Committee amendments, AM0717, found in the Journal on page 1146 for the Forty-Fifth Day were adopted with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

Advanced to E & R for Review with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

**LEGISLATIVE BILL 457.** Title read. Considered.

Standing Committee amendments, AM0758, found in the Journal on page 1197 for the Forty-Seventh Day were considered.

Mr. Vickers offered the following amendment to the Standing Committee amendments:
AM0793
(Amendments to Standing Committee Amendments, AM0758)
1. On page 1, strike beginning with "strike" in line 1 through "and" in line 3; and strike beginning with the semicolon in line 12 through "27" in line 13.
2. Strike amendment 4.
3. On page 2, line 2, after the semicolon insert "and"; and strike beginning with the semicolon in line 4 through "27" in line 5.
4. Renumber the remaining amendments accordingly.

Messrs. Rupp and Hoagland asked unanimous consent to be excused. No objections. So ordered.

Mr. Barrett moved for a call of the house. The motion prevailed with 11 ayes, 0 nays, and 38 not voting.

Mr. Hall requested a roll call vote on the Vickers amendment.

Voting in the affirmative, 24:

| | | | | |
|---|---|---|---|---|
| Baack | Chambers | Conway | Eret | Haberman |

| | | | | |
|---|---|---|---|---|
| Hannibal | Landis | Morehead | Remmers | Smith |
| Harris | Lynch | Nelson | Rogers | Vickers |
| Higgins | Marsh | Pappas | Schmit | Wesely |
| Labedz | Miller | Pirsch | Scofield | |

Voting in the negative, 16:

| | | | | |
|---|---|---|---|---|
| Abboud | Chronister | Hall | Johnson, R. | Lundy |
| Barrett | Goll | Hefner | Johnson, V. | Peterson |
| Beyer | Goodrich | Johnson, L. | Lamb | Warner |
| Carsten | | | | |

Present and not voting, 1:

Hartnett

Excused and not voting, 8:

| | | | | |
|---|---|---|---|---|
| Beutler | DeCamp | Nichol | Sieck | Withem |
| Chizek | Hoagland | Rupp | | |

The Vickers amendment was adopted with 24 ayes, 16 nays, 1 present and not voting, and 8 excused and not voting.

The Standing Committee amendments, as amended, were adopted with 26 ayes, 8 nays, 7 present and not voting, and 8 excused and not voting.

Pending.

The Chair declared the call raised.

## PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolution: LR 92.

## GENERAL FILE

**LEGISLATIVE BILL 457.** Mr. Vickers asked unanimous consent to withdraw his pending amendment, AM0835, found in the Journal on page 1268. No objections. So ordered.

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

Advanced to E & R for Review with 25 ayes, 7 nays, 8 present and not voting, and 9 excused and not voting.

## RESOLUTION

**LEGISLATIVE RESOLUTION 96.**

Introduced by Schmit, 23rd District; Sieck, 24th District; Hefner, 19th District; Vickers, 38th District; Carsten, 2nd District; DeCamp, 40th District; Warner, 25th District; Morehead, 30th District; Chronister, 18th District; Peterson, 21st District; Scofield, 49th District; R. Johnson, 34th District; Harris, 27th District; Rogers, 41st District; Nelson, 35th District; Baack, 47th District; Eret, 32nd District; Rupp, 22nd District; Barrett, 39th District; Miller, 37th District; Remmers, 1st District.

WHEREAS, Nebraska has a productive combination of over twenty-three million rangeland acres supporting the second largest number of cattle and calves of any state in the nation and over twenty million cropland acres producing among other crops the nation's third largest grain sorghum and fourth largest corn crop; and

WHEREAS, over fifty-two per cent or ten million of Nebraska's cropland acres is classified as prime farmland, attesting to the inherent bounty of the state; and

WHEREAS, by the diligent management of Nebraska's ranchers and the unique and bountiful resource base the Sandhills provides, nearly sixty-five per cent of Nebraska's rangeland is in excellent or good condition; and

WHEREAS, the Dust Bowl era created the need for the soil and water conservation movement, and that movement, fueled by individuals with keen stewardship ideals, government agencies, and private organizations, has in fifty years time gotten sixty-two per cent of Nebraska treated with conservation practices; and

WHEREAS, the implementation of conservation practices is yet needed on some seven million acres of Nebraska's most erodible cropland; and

WHEREAS, the pressures of intensified row crop agriculture during the last decade have left the soil conservation movement hard pressed to keep pace with the never ending conservation needs of the state and have contributed to cropland erosion averaging six and one half tons per acre or one hundred thirty-two million tons of Nebraska soil eroded annually; and

WHEREAS, it is now imperative for us who survive by the bounty of these resources, to renew our pledge for wise land use for the

benefit of our children and beyond.

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

1. That the Legislature acknowledges that our soil and water are precious resources.

2. That the Legislature thanks and honors the citizens and groups who have participated in the soil and water conservation movement.

3. That the Legislature does hereby recognize the week of April 21, 1985, through April 27, 1985, as the Fiftieth Anniversary of Soil and Water Conservation Week.

4. That a copy of this resolution be delivered to the Governor.

Laid over.

## UNANIMOUS CONSENT - Print in Journal

Ms. Scofield asked unanimous consent to print the following amendment to LB 457 in the Journal. No objections. So ordered.

AM0834

1. On page 5, after line 19 add the following new subsection:

"(4) Each employer who uses or produces a hazardous material shall provide notification of the material's location on the premises by means of readily identifiable placards. Design and specifications for the placards shall be provided by the department based on standards developed by the State Fire Marshal. Placards shall be positioned in the following locations at each employer's place of business: (a) Near each entrance on the outside of any building using, producing, or storing hazardous materials; and (b) at the site of use, production, or storage of hazardous material within the employer's place of business.".

Mr. Wesely asked unanimous consent to print the following amendment to LB 457 in the Journal. No objections. So ordered.

AM0927

1. Insert the following new section:

"Sec. 9. This act shall not apply to employers engaged in the renovation, rehabilitation, or demolition of existing buildings or equipment when the employer does not know or would not reasonably know of

the existence of hazardous materials contained in the building or equipment.".

2. Renumber the remaining sections accordingly.

Messrs. Landis and Barrett asked unanimous consent to print the following amendment to LB 213 in the Journal. No objections. So ordered.

AM1115

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. That section 48-801, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

48-801. As used in sections 48-801 to 48-823, unless the context otherwise requires:

(1) Person shall include an individual, partnership, association, corporation, business trust, or any other organized group of persons;

(2) Governmental service shall mean all services performed under employment by the State of Nebraska, any political or governmental subdivision thereof, any municipal corporation, or any public power district or public power and irrigation district;

(3) Public utility shall include any individual, partnership, association, corporation, business trust, or any other organized group of persons, any political or governmental subdivision of the State of Nebraska, any public corporation, or any public power district or public power and irrigation district, which carries on an intrastate business in this state and over which the government of the United States has not assumed exclusive regulation and control, that furnishes transportation for hire, telephone service, telegraph service, electric light, heat and power service, gas for heating or illuminating, whether natural or artificial, or water service, or any one or more thereof;

(4) Employer shall mean the State of Nebraska or any political or governmental subdivision of the State of Nebraska, except the Nebraska National Guard or state militia, any municipal corporation, or any public power district or public power and irrigation district. It shall also include any public utility as defined in

sections 48-801 to 48-823;

(5) Employee shall include any person employed by any employer as defined in sections 48-801 to 48-823;

(6) Labor organization shall mean any organization of any kind, or any agency or employee representation committee or plan, in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work;

(7) Industrial dispute shall include any controversy concerning terms, tenure, or condition s of employment, or concerning the association or representation of persons in negotiating, fixing, maintaining, changing, or seeking to arrange terms or conditions of employment, or refusal to discuss terms or conditions of employment; ~~and~~

(8) Commission shall mean the Commission of Industrial Relations; and

(9) Supervisor shall mean any employee having authority, in the interest of the employer, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or responsibly to direct them or to adjust their grievances, or effectively to recommend such action, if in connection with the foregoing the exercise of such authority is not a merely routine or clerical nature, but requires the use of independent judgment.

Sec. 2. That section 48-816, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

48-816. (1) After a petition has been filed under ~~the provisions of~~ section 48-811, the clerk shall immediately notify ~~the members of~~ the Commission of Industrial Relations, which shall promptly take such preliminary proceedings as may be necessary to insure a prompt hearing and speedy adjudication of the industrial dispute. The commission shall have power and authority upon its own initiative or upon request of a party to the dispute to make such temporary findings and orders as may be necessary to preserve and protect the status of the parties, property, and public interest involved, pending final determination of the issues. In the event of an industrial dispute between an employer and an employee or a labor organization when such employer and

employee or labor organization have failed or refused to bargain in good faith concerning the matters in dispute, the commission may order such bargaining to be begun or resumed, as the case may be, and may make any such order or orders as may be appropriate to govern the situation pending such bargaining. The commission shall require good faith bargaining concerning the terms and conditions of employment of its employees by any employer, including school districts covered by the Nebraska Teachers' Professional Negotiations Act after all provisions of such act have been exhausted without resolution of the dispute involved. The commission may require the parties to an industrial dispute to submit to mediation or factfinding, and may appoint mediators or factfinders for this purpose. Such orders for bargaining, mediation, or factfinding may be issued at any time during the pendency of an action to resolve an industrial dispute. To bargain in good faith shall mean the performance of the mutual obligation of the employer and the labor organization to meet at reasonable times and confer in good faith with respect to wages, hours, and other terms and conditions of employment, or any question arising thereunder, and the execution of a written contract incorporating any agreement reached if requested by either party, but such obligation does not compel either party to agree to a proposal or require the making of a concession.

(2) Public employers are hereby authorized to recognize employee organizations for the purpose of negotiating collectively in the determination of, and administration of grievances arising under, the terms and conditions of employment of their public employees as provided in this act, and to negotiate and enter into written agreements with such employee organizations in determining such terms and conditions of employment.

(3)(a) Except as provided in subdivision (b) of this subsection, a supervisor shall not be included in a single bargaining unit with any other employee who is not a supervisor.

(b) All firefighters and police officers employed in the fire department or police department of any municipal corporation in a position or classification subordinate to the chief of the department and his or her immediate assistant or assistants holding authority subordinate only to the

chief, shall be presumed to have a community of interest and may be included in a single negotiating unit represented by an employee organization for the purposes of this act. Public employers shall be required to recognize an employee's negotiating unit composed of firefighters and police officers holding positions or classifications subordinate to the chief of the fire department or police department and his or her immediate assistant or assistants holding authority subordinate only to the chief when such negotiating unit is designated or elected by employees in the unit.

(4) When an employee organization has been certified as an exclusive collective-bargaining agent or recognized pursuant to any other provisions of this act, the appropriate public employer shall be and is hereby authorized to negotiate collectively with such employee organization in the settlement of grievances arising under the terms and conditions of employment of the public employees as provided in this act, and to negotiate and enter into written agreements with such employee organizations in determining such terms and conditions of employment, including wages and hours.

(5) Upon receipt by an employer of a request from a labor organization to bargain on behalf of employees, the duty to engage in good faith bargaining shall arise if the labor organization has been certified by the commission or recognized by the employer as the exclusive bargaining representative for the employees in that bargaining unit.

(6) The commission shall have the authority (a) to make studies and analyses of and act as a clearinghouse of information relating to conditions of employment of public employees throughout the state; (b) to request from any government, and such governments are authorized to provide, such assistance, services, and data as will enable it properly to carry out its functions and powers; (c) to conduct studies of problems involved in representation and negotiation, including, but not limited to, those subjects which are for determination solely by the appropriate legislative body, and make recommendations from time to time for legislation based upon the results of such studies; (d) to make available to employee organizations, governments, mediators, factfinding boards and joint study committees established by governments, and

employee organizations statistical data relating to wages, benefits, and employment practices in public and private employment applicable to various localities and occupations to assist them to resolve complex issues in negotiations; and (e) to establish, after consulting representatives of employee organizations and administrators of public services, panels of qualified persons broadly representative of the public to be available to serve as mediators or members of factfinding boards.

(7)(a) Except for those cases arising under section 48-818, the commission shall be required to make findings of facts in all cases in which one of the parties to the dispute requests findings. Such request shall be specific as to the issues on which the party wishes the commission to make findings of fact.

(b) In cases arising under section 48-818, findings of fact shall not be required of the commission unless both parties to the dispute stipulate to the request and to the specific issues on which findings of fact are to be made.

(c) If findings of fact are requested under subdivision (a) or (b) of this subsection, the commission may require the parties making the request to submit proposed findings of fact to the commission on the issues on which findings of facts are requested.

(d) In cases arising under section 48-818, the commission shall issue a recommended decision and order, which decision and order shall become final within ten days of entry unless either party to the dispute files with the commission a request for a posttrial conference. If such a request is filed, the commission shall hold a posttrial conference within ten days of receipt of such request and shall issue an order within ten days after holding of such posttrial conference which order shall become the final order in the case. The purpose of such posttrial conference shall be to allow the commission to hear from the parties on those portions of the recommended decision and order which is not based upon or which mischaracterizes evidence in the record and to allow the commission to correct any such errors after having heard the matter in a conference setting in which all parties are represented.

Sec. 3. That original sections 48-801 and 48-816, Reissue Revised Statutes of Nebraska, 1943, are

repealed.".

Mr. DeCamp asked unanimous consent to print the following amendment to LB 404 in the Journal. No objections. So ordered.

AM1107

1. Insert the following new sections:

"Sec. 2. That section 60-509.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-509.01. No policy insuring against loss resulting from liability imposed by law for bodily injury or death suffered by any person arising out of the ownership, maintenance, or use of a motor vehicle shall be delivered or issued for delivery in this state with respect to any motor vehicle registered or principally garaged in this state unless coverage is provided therein or supplemental thereto, in limits for bodily injury or death set forth in section 60-509, under provisions approved by the Director of Insurance, for the protection of persons insured thereunder who are legally entitled to recover damages from owners or operators of uninsured motor vehicles and hit-and-run motor vehicles because of bodily injury, sickness, or disease, including death, resulting therefrom. Such coverage shall (1) expressly provide that the driver and passengers in a vehicle which is insured pursuant to this section and involved in a collision with an uninsured motorist shall receive every benefit entitled to them as if the uninsured motorist had been insured for the minimum coverage required for bodily injury or death set forth in section 60-509 and (2) contain a statement which notifies the purchaser of the policy of the existence of the uninsured motorist coverage and the cost of such coverage. ~~; PROVIDED, that the named insured shall have the right to reject such coverage; AND PROVIDED FURTHER, that unless the named insured requests such coverage in writing, such coverage need not be provided in or supplemental to a renewal policy where the named insured had rejected the coverage in connection with a policy previously issued to him by the same insurer.~~ Provisions affording such insurance protection against uninsured motorists such as have been accepted for filing by the director and issued in this

state prior to ~~October 19, 1963~~ the effective date of this act, shall, when afforded by any authorized insurer, be deemed, subject to the limits prescribed in this section, to satisfy the minimum requirements of this section.

Sec. 3. No insurer shall increase the premiums charged any insured as a result of a claim paid by the insurer under a policy providing coverage for bodily injury or death from the operation of uninsured motor vehicles and hit-and-run motor vehicles, unless the premium increase shall uniformly apply to all individuals holding such policies with the insured.

Sec. 5. That section 60-569, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-569. Sections 60-501 to 60-569 and section 3 of this act be cited as the Motor Vehicle Safety Responsibility Act.".

2. On page 4, line 18, strike "and" and insert ", 60-509.01,"; and in line 19 after "60-528," insert "and 60-569,".

3. In the Standing Committee amendments, AM0682, beginning on page 1076 of the Journal, on page 2, line 12, strike "4" and insert "7".

4. In the Conway amendment, AM1074, beginning on page 1600 of the Journal, on page 2, line 1, strike "5" and insert "8"; and in line 5 strike "6" and insert "9".

5. Renumber the remaining sections accordingly.

## VISITORS

Visitors to the Chamber were 63 fourth grade students and teachers from Howard School, Grand Island; 24 seventh and eighth grade students and sponsor from Sacred Heart School, Falls City; and 36 fourth grade students and sponsors from Norfolk Public Schools.

## ADJOURNMENT

At 4:09 p.m., on a motion by Mr. Miller, the Legislature adjourned until 9:00 a.m., Friday, April 19, 1985.

Patrick J. O'Donnell
Clerk of the Legislature

# SIXTY-THIRD DAY - APRIL 19, 1985

# LEGISLATIVE JOURNAL

# SIXTY-THIRD DAY - APRIL 19, 1985

## LEGISLATIVE JOURNAL

## EIGHTY-NINTH LEGISLATURE
## FIRST SESSION

## SIXTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Friday, April 19, 1985

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

## PRAYER

The prayer was offered by Dr. Robert Palmer, Westminster Presbyterian Church, Lincoln, Nebraska.

## ROLL CALL

The roll was called and all members were present except Messrs. DeCamp, Hoagland, and Ms. Scofield who were excused; and Messrs. Chambers, Goodrich, R. Johnson, and Mrs. Higgins who were excused until they arrive.

## CORRECTIONS FOR THE JOURNAL

On page 1661 before "ATTORNEY GENERAL'S OPINION" insert

## PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bill: 662.

The Journal for the Sixty-Second Day was approved as corrected.

## RESOLUTIONS

**LEGISLATIVE RESOLUTION 90.** Read. Considered.

LR 90 was adopted with 31 ayes, 0 nays, and 18 not voting.

**LEGISLATIVE RESOLUTION 93.** Read. Considered.

LR 93 was adopted with 30 ayes, 0 nays, and 19 not voting.

## GENERAL FILE

**LEGISLATIVE BILL 408A.** Title read. Considered.

Advanced to E & R for Review with 29 ayes, 0 nays, 13 present and not voting, and 7 excused and not voting.

Mr. Lamb asked unanimous consent to be excused. No objections. So ordered.

**LEGISLATIVE BILL 395A.** Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

## UNANIMOUS CONSENT - Expedite LB 395A

Mr. Schmit asked unanimous consent to expedite LB 395A. No objections. So ordered.

## GENERAL FILE

**LEGISLATIVE BILL 632A.** Title read. Considered.

Advanced to E & R for Review with 26 ayes, 2 nays, 15 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 667A.** Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Mr. Haberman asked unanimous consent to be excused. No objections. So ordered.

**LEGISLATIVE BILL 154.** Title read. Considered.

Standing Committee amendments, AM1021, found in the Journal on page 1571 for the Fifty-Ninth Day were considered.

**MRS. MOREHEAD PRESIDING**

Pending.

**UNANIMOUS CONSENT - Print in Journal**

Mr. Withem asked unanimous consent to print the following amendment to LB 715 in the Journal. No objections. So ordered.

AM1103

(Amendments to AM0523)

1. On page 37, line 10, strike the new matter; and reinstate the stricken matter in lines 15 through 26.

2. On page 38, reinstate the stricken matter beginning with "thereon" in line 1 through the period in line 9.

3. On page 40, reinstate the stricken matter beginning with "organization" in line 18 through "any" in line 19.

Messrs. V. Johnson and Warner asked unanimous consent to print the following amendment to LB 190 in the Journal. No objections. So ordered.

AM1058

1. Strike original sections 1 to 8 and insert the following new section:

"Sec. 3. That section 77-2608, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-2608. The Tax Commissioner shall prepare and have suitable stamps for use on each kind of piece or package of cigarettes, except ~~where~~ when cigarette tax meter impressions are affixed. Requisition for the preparation of such stamps shall be made through the office of the State Purchasing Agent as other state supplies are requisitioned, and the Tax Commissioner and his or her bondsman shall be liable for the value of all such stamps delivered to him or her. The Auditor of Public Accounts shall audit annually or as often as the auditor deems advisable the records of the Tax Commissioner with respect to the money received from the sale of stamps and as revenue from tax meter impressions for the purpose of determining the accuracy and

correctness of the same. The Tax Commissioner shall sell the stamps only to licensed wholesale dealers, as defined in section 77-2601, and he or she shall keep an accurate record of all stamps coming into and leaving his or her hands. Such stamps shall be sold and accounted for at the face value thereof, except that the Tax Commissioner may, by regulation certified to the State Treasurer, authorize the sale thereof to wholesale dealers in this state or outside of this state at a discount of five per cent of such face value of the tax as a commission for affixing and canceling such stamps; ~~PROVIDED, that any~~ for the first eighteen cents of the total tax per package of twenty cigarettes under section 77-2602 and for any additional tax, up to four cents, a discount of four per cent shall be allowed. A discount shall be allowed for affixing and canceling such stamp on each package containing more than twenty cigarettes, which shall be equal to the amount resulting from the discount allowed on a package of twenty cigarettes plus one-twentieth of such amount for each cigarette in excess of twenty cigarettes in each package. Any wholesale dealer using a tax meter machine shall be entitled to the same discount as allowed a wholesale dealer for affixing and canceling the stamps. The money received by the Tax Commissioner from the sale of ~~said~~ the stamps and as revenue from such tax meter impressions shall be deposited by him or her daily with the State Treasurer, who shall credit such money as provided in section 77-2602. Upon proof by the Tax Commissioner that he or she can affix such stamps or meter impression, warehouse, and distribute such cigarettes and collect such revenue at a cost less than the five per cent discount allowed to wholesale dealers, he or she may then proceed to affix the stamps himself or herself, after giving the wholesale dealers sixty days' notice and purchasing all equipment used by them for the purpose of affixing such stamps or meter impressions at a fair market value.".

2. On page 4, line 17, strike "On", show as stricken, and insert "Beginning October 1, 1985, on"; and in line 24 after "cents" insert "and beginning October 1, 1986, on each package of cigarettes containing not more than twenty cigarettes, eighteen cents per package".

3. On page 6, line 27, after the comma insert

"from October 1, 1985, to September 30, 1986, an additional amount which shall be".

4. On page 7, strike beginning with "in" in line 3 through "act" in line 4 and insert "(1) in the Cash Reserve Fund from October 1, 1985, through June 30, 1986, and (2) on and after July 1, 1986, in the General Fund"; after line 9 insert the following new paragraph: "The revenue placed in the Cash Reserve Fund pursuant to this section shall be transferred by the State Treasurer on July 1, 1986, to the General Fund notwithstanding the provisions of section 84-612."; in line 16 after the third period insert "On the operative date of this section, each cigarette wholesaler shall take an inventory of stamps, meter impressions, and packages of stamped cigarettes owned by the cigarette wholesaler at 12:01 a.m."; strike beginning with "provided" in line 17 through "section" in line 18; strike beginning with the comma in line 18 through the comma in line 19 and show as stricken; in line 21 strike beginning with "Sections" through "this" and insert "This"; and in line 27 strike "The remaining sections shall".

5. On page 8, strike line 1; and in line 7 after "original" insert "section 77-2608, Reissue Revised Statutes of Nebraska, 1943, and".

6. Renumber the remaining sections accordingly.

## STANDING COMMITTEE REPORT
### Miscellaneous Subjects

**LEGISLATIVE BILL 548.** Placed on General File as amended.
Standing Committee amendments to LB 548:
AM1118

1. On page 3, line 2, strike "sections" and insert "section"; in lines 4, 5, and 8 strike "his or her parent, spouse, or child" and insert "an immediate family member"; in line 6 strike "as"; in line 7 strike "provided by this act" and insert "on the record to the governing body or a written disclosure to the person in charge of keeping records for the governing body"; in line 10 after the period insert "Except for making a full disclosure provided by sections 1 to 7 of this act, this section shall not apply to an immediate family member of a public official or public employee who (1) was previously employed to a position subject to this

section prior to the election or appointment of the public official or public employee or (2) was employed to a position subject to this section prior to the effective date of this act. Any newly elected or appointed public official or employee shall make a full disclosure of any immediate family member employed in a position subject to this section, prior to or as soon as reasonably possible after the official date of taking office."; and in line 24 after "70-624.04" insert "and section 1 of this act".

2. On page 4, line 6, after the first "the" insert "county attorney," and after "body" insert an underscored comma; and strike beginning with "an" in line 15 through "business" in line 16 and insert "a business association as defined in section 49-1408".

3. On page 5, line 7, strike "(a) Is" and insert "An officer who (a) is"; in line 8 strike "ownership interest" and insert "business association as defined in section 49-1408"; and in line 26 strike "government" and insert "governing".

4. On page 9, in lines 14 and 18 strike "2" and insert "1"; and in lines 14 and 18 and 19 strike "7 and 12" and insert "8".

5. On page 10, line 5, strike ", the complaint signed under oath, if any,".

6. Insert the following new sections:

"Sec. 8. Individuals required to make disclosures pursuant to sections 1 to 7 of this act shall not be required to file potential conflict of interest statements pursuant to section 49-1499.

Sec. 11. That section 49-1408, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

49-1408. Business with which the individual is associated or business association shall mean a business: (1) In which the individual is a partner, director, or officer; ~~, or employee;~~ or (2) in which the individual or a member of the individual's immediate family is a stockholder of closed corporation stock worth one thousand dollars or more at fair market value or which represents more than a five per cent equity interest, or is a stockholder of publicly traded stock worth ten thousand dollars or more at fair market value or which represents more than ten per cent equity interest. ~~For purposes of this section, employee shall~~

~~not include an individual retained or otherwise employed by a client when the employment creates a confidential professional relationship protected by law, unless that individual is a regularly salaried employee for whom the business withholds income tax or pays social security tax.~~ A partnership or professional corporation whose officers, or directors ~~or employees~~ occupy a confidential professional relationship protected by law ~~is also~~ shall be exempt from this section. This section shall not apply to publicly traded stock under a trading account if the filer reports the name and address of the stockbroker.

Sec. 12. That section 49-14,101, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

49-14,101. (1) No person shall offer or give to the following persons anything of value, including a gift, loan, contribution, reward, or promise of future employment, based on an agreement that the vote, official action, or judgment of any public official, public employee, or candidate would be influenced thereby:

(a) A public official, public employee, or candidate;

(b) A member of the immediate family of an individual listed in subdivision (a) of this subsection; or

(c) A business with which an individual listed under subdivision (a) or (b) of this subsection is associated.

(2) No person listed in subsection (1) of this section shall solicit or accept anything of value, including a gift, loan, contribution, reward, or promise of future employment based on an agreement that the vote, official action, or judgment of the public official, public employee, or candidate would be influenced thereby.

(3) No public official or public employee shall use that person's public office or any confidential information received through the holding of a public office to obtain financial gain, other than compensation provided by law, for himself or herself, a member of his or her immediate family, or a business with which the individual is associated. Nothing in this subsection or subsection (4) of this section shall

be construed to prohibit any member of the Legislature from voting, deliberating, or taking other action on any matter which comes before the Legislature, nor shall any member of the Legislature be in violation of this subsection or subsection (4) of this section as a result of voting, deliberating, or taking other action on any matter which comes before the Legislature.

(4) No public official or public employee shall use personnel, resources, property, or funds under that individual's official care and control, other than in accordance with prescribed constitutional, statutory, and regulatory procedures, or use such items, other than compensation provided by law, for personal financial gain.

(5) Except as provided in section 23-324.07, any person violating ~~the provisions of~~ this section shall be guilty of a Class III misdemeanor.".

6. On page 11, in line 15, after the comma insert "49-1408, 49-14,101, and"; and in line 16 strike "and 49-14,135,".

7. Strike original sections 11 and 12.

8. Renumber remaining sections accordingly.

(Signed) Elroy M. Hefner, Chairperson

## RESOLUTIONS

**LEGISLATIVE RESOLUTION 97.**

Introduced by Chambers, 11th District.

WHEREAS, the President of the United States is scheduled to attend an economic summit in West Germany in May; and

WHEREAS, during his visit, the President plans to visit Bitburg military cemetery and place a wreath to pay respect to those buried there; and

WHEREAS, more than 30 members of Hitler's SS are buried there; and

WHEREAS, the SS, rather than soldiers in the ordinary sense of the term, were an elite corps who operated Nazi concentration camps including death camps; and

WHEREAS, the Nazi regime's "Final Solution to the Jewish problem" consisted of driving out/exterminating all Jews in Europe; and

WHEREAS, pursuant to the "Final Solution" plan, the SS

presided over the murder of more than six million Jews, employing the most cruel and inhuman methods of starvation, forced labor, torture, experimentation, shooting, gassing, burning and burying alive; and

WHEREAS, the genocidal atrocity spanned many months and spawned unspeakable human suffering; and

WHEREAS, hundreds of thousands of soldiers and civilians of various races, nationalities and religions died fighting against the Nazi horror; and

WHEREAS, the United States played an active role in the prosecution of Nazi war criminals at the Nuremburg Trials; and

WHEREAS, the Holocaust should forever remain an active ingredient in the collective memory of humanity; and

WHEREAS, the Nazi slaughter of Jews, Gypsies and Eastern Europeans was facilitated by a "business as usual" attitude on the part of much of the world; and

WHEREAS, the President's proposed visit and wreath-placing at Bitburg military cemetery evinces a continuation of the "business as usual" attitude; and

WHEREAS, the President's proposed visit and wreath-placing at Bitburg is an affront to all people; and

WHEREAS, the attempt by the President to justify his visit to Bitburg by equating those who slaughtered people, to those who were slaughtered, reveals an inexcusable insensitivity, moral confusion, lack of historical perspective and an unwillingness to correct a gross error of judgment; and

WHEREAS, the belated addition to his itinerary, of a visit to a Nazi concentration camp neither justifies his visit to Bitburg nor erases the inappropriateness of such visit; and

WHEREAS, the ill-advised act of the President may be misperceived by the rest of the world as representing the will of the American people and may appear to be a pardoning of all unpunished war crimes.

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

1. That the Legislature joins with other groups and individuals in imploring the President to show "a decent respect to the opinion of mankind" and cancel his proposed visit to Bitburg military cemetery.

2. That the Legislature calls on the Members of the Nebraska Congressional Delegation to initiate or support efforts by the United State Senate and the United States House of Representatives to persuade the President to cancel his proposed visit to Bitburg military cemetery.

3. That a copy of this Resolution be transmitted to the President

of the United States, U. S. Secretary of State George Schultz and each Member of the Nebraska Congressional Delegation.

Laid over.

**LEGISLATIVE RESOLUTION 98.**

Introduced by Administrative Rules and Regulations Review: Hannibal, 4th District, Chairperson; Sieck, 24th District; Eret, 32nd District; Rogers, 41st District; Peterson, 21st District; Lundy, 36th District.

PURPOSE:

Purpose: The purpose of this resolution is to examine the rulemaking procedures employed by state agencies, to compare those procedures with the provisions of the Model Administrative Procedures Act, and evaluate the need, if any, in Nebraska to amend the Nebraska Administrative Procedures Act. The study shall determine the need for, and effective and practical means to achieve, greater public accessibility to the rulemaking process, including effective means of publication prior to rulemaking activity, and means of making the rulemaking process more responsive to the input of members of the public directly and indirectly affected by the process. The study shall also include the need for, and effective and practical means of, ensuring that rules adopted by state agencies reflect the legislative intent implicit in the authorizing legislation.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or the Legislature.

Referred to the Executive Board.

## GENERAL FILE

**LEGISLATIVE BILL 154.** Mr. Chambers offered the following amendment to the pending Standing Committee amendments:

Amend Revenue Committee Amendment

Lines 6 & 7 - strike "seven" and insert "three"

Mr. Chambers asked unanimous consent to withdraw his pending

amendment. No objections. So ordered.

**PRESIDENT MCGINLEY PRESIDING**

The Standing Committee amendments were adopted with 26 ayes, 4 nays, 14 present and not voting, and 5 excused and not voting.

Mr. Chambers offered the following amendment:
On pg. 2, line 19 strike ", within ten days after the close of" & in pg. 2, line 20 strike "each race meeting,"
On pg. 2, line 21, after "Fund" insert "on the last day of each month during each race meeting."

Mrs. Marsh moved for a call of the house. The motion prevailed with 11 ayes, 0 nays, and 38 not voting.

The Chambers amendment was adopted with 29 ayes, 1 nay, 14 present and not voting, and 5 excused and not voting.

Mrs. Nelson asked unanimous consent to have her name added as co-introducer to LB 154. No objections. So ordered.

Advanced to E & R for Review with 31 ayes, 0 nays, 13 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

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

**LEGISLATIVE BILL 518.** Title read. Considered.

Standing Committee amendments, AM0425, found in the Journal on page 1236 for the Forty-Ninth Day were adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Speaker Nichol asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Warner moved to bracket LB 518 till 1986 session.

The Warner motion lost with 9 ayes, 19 nays, 14 present and not voting, 7 excused and not voting.

Advanced to E & R for Review with 25 ayes, 7 nays, 10 present and

not voting, and 7 excused and not voting.

## REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of April 18, 1985. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Cutshall, Bruce A. - Lincoln, Taxpayers for Video Lottery
Ryan, James E. - Lincoln, Nebraska Press Advertising Service; Taxpayers for Video Lottery

## UNANIMOUS CONSENT - Print in Journal

Mr. Goodrich asked unanimous consent to print the following amendment to LB 273 in the Journal. No objections. So ordered.

AM0832

1. In the Standing Committee amendments strike amendments 13 through 17.

2. On page 89, strike beginning with the underscored period in line 11 through "equipment" in line 16; in line 24 strike "not"; and strike beginning with "the" in line 25 through line 27.

3. On page 90, line 1, strike "a product is being made, or (v)"; in line 2 after "product" insert ", or (iii) a combination of subdivisions (i) and (ii) of this subdivision"; in line 3 strike "shall be"; and in line 5 strike "not".

4. Insert the following new section:

"Sec. 69. (1) A person who qualifies for the exemption under subdivision (1)(t) of section 77-2704 for manufacturing and processing equipment shall, within thirty days of the delivery of such equipment, submit to the vendor of such equipment a statement (a) describing the equipment, (b) identifying the location where such equipment will be located, and (c) disclosing the amount of tax which would have been paid had the exemption not been available. The vendor shall, within thirty days of the receipt of such statement, submit a copy to the Tax

Commissioner.

(2) The Tax Commissioner shall maintain copies of the statements submitted under subsection (1) of this section available for inspection by the Department of Revenue.

(3) Any person violating this section shall be guilty of a Class V misdemeanor.".

5. Renumber remaining sections and correct internal references accordingly.

## BILL ON FIRST READING

The following bill was read for the first time by title:

**LEGISLATIVE BILL 367A.** By Beutler, 28th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 367, Eighty-ninth Legislature, First Session, 1985.

## UNANIMOUS CONSENT - Member Excused

Mrs. Higgins asked unanimous consent to be excused until she returns. No objections. So ordered.

## GENERAL FILE

**LEGISLATIVE BILL 633.** Title read. Considered.

Standing Committee amendments, AM0820, found in the Journal on page 1247 for the Forty-Ninth Day were considered.

Mr. Eret renewed the pending Lamb amendment, AM1099, found in the Journal on page 1671 to the Standing Committee amendments.

Mr. Vickers moved for a call of the house. The motion prevailed with 9 ayes, 0 nays, and 40 not voting.

Mr. Vickers requested a roll call vote on the Lamb amendment.

Voting in the affirmative, 16:

| | | | | |
|---|---|---|---|---|
| Abboud | Eret | Higgins | Miller | Remmers |
| Carsten | Hall | Johnson, L. | Peterson | Rupp |
| Chronister | Hefner | Johnson, R. | Pirsch | Sieck |

Smith

Voting in the negative, 24:

| | | | | |
|---|---|---|---|---|
| Baack | Hannibal | Landis | Nelson | Vickers |
| Beutler | Harris | Lundy | Nichol | Warner |
| Chizek | Hartnett | Lynch | Pappas | Wesely |
| Conway | Johnson, V. | Marsh | Rogers | Withem |
| Goodrich | Labedz | Morehead | Schmit | |

Present and not voting, 2:

Beyer Goll

Absent and not voting, 1:

Chambers

Excused and not voting, 6:

Barrett Haberman Hoagland Lamb Scofield
DeCamp

The Lamb amendment lost with 16 ayes, 24 nays, 2 present and not voting, 1 absent and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Messrs. Nichol, Goll, Baack, and Goodrich asked unanimous consent to be excused. No objections. So ordered.

The Standing Committee amendments were adopted with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

Mr. Rogers offered the following amendment:
AM1047

1. Insert the following new sections:

"Section 1. That section 21-1903, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

21-1903. Corporations may be organized under the Nebraska Nonprofit Corporation Act ~~provisions of sections 21-1901 to 21-1991~~ for any lawful purpose or purposes, including, without being limited to, any one or more of the following purposes: Charitable;

benevolent; eleemosynary; educational; civic; patriotic; political; religious; social; fraternal; literary; cultural; athletic; scientific; agricultural; horticultural; animal husbandry; and professional, commercial, industrial, or trade association.

Corporations may be organized under the Nebraska Nonprofit Corporation Act ~~provisions of sections 21-1901 to 21-1991~~ for the purpose of providing for, erecting, owning, leasing, furnishing, and managing any building, hall, dormitory, or apartments, lands, or grounds for the use or benefit in whole or in part of any governmental, religious, social, educational, scientific, fraternal, or charitable society or societies, body or bodies, or institution or institutions, incorporated or unincorporated, or for the purpose of holding property of any nature in trust for such society, body, or institution or for the purpose of assisting any governmental body in obtaining grants from the federal government, ~~the performance of~~ performing any requirements necessary to obtain a federal grant, or carrying out the purpose for which a federal grant is obtained. Such corporations, as to the ownership and taxation of their property, shall have all the rights, privileges, and exemptions of the body, society, or institution for whose use or benefit or for whom in trust ~~said~~ such property is held. No school district shall directly or indirectly form or cause to be formed any such corporation for the purpose of issuing bonds for a capital construction project exceeding twenty-five thousand dollars in costs.

Sec. 3. That section 79-4,154, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-4,154. The governing board 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 governing board determines necessary. Such lease or lease-purchase agreements may not exceed a period of seven 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 electorate pursuant to Chapter 10, article 7.".

2. On page 15, line 3, after "sections" insert "21-1903," and after "79-4,140.04," insert "79-4,154,".

3. Renumber remaining sections accordingly.

Mr. R. Johnson and Mrs. Higgins asked unanimous consent to be excused. No objections. So ordered.

Mr. Vickers requested a ruling of the Chair on whether the Rogers amendment is germane to the bill.

The Chair ruled the amendment not germane to the bill.

Mr. Rogers challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

Pending.

Mrs. Morehead asked unanimous consent to be excused. No objections. So ordered.

**MOTION - Introduce New Bills**

Mr. Warner moved for the introduction of a new bill by the Appropriations Committee, Req. 1097.

The motion prevailed with 30 ayes, 0 nays, 7 present and not voting, and 12 excused and not voting.

Mr. Warner moved for the introduction of a new bill by the Appropriations Committee, Req. 1096.

The motion prevailed with 30 ayes, 0 nays, 7 present and not voting, and 12 excused and not voting.

Mr. Warner moved for the introduction of a new bill by the Appropriations Committee, Req. 1101.

The motion prevailed with 31 ayes, 0 nays, 6 present and not voting, and 12 excused and not voting.

Mr. Warner moved for the introduction of a new bill by the Appropriations Committee, Req. 1093.

The motion prevailed with 31 ayes, 0 nays, 6 present and not voting, and 12 excused and not voting.

Mr. Warner moved for the introduction of a new bill by the Appropriations Committee, Req. 1083.

The motion prevailed with 31 ayes, 0 nays, 6 present and not voting, and 12 excused and not voting.

## BILLS ON FIRST READING

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

**LEGISLATIVE BILL 721.** By Appropriations Committee: Warner, 25th District, Chairperson; Carsten, 2nd District; Goll, 16th District; Goodrich, 20th District; Hannibal, 4th District; L. Johnson, 15th District; Lundy, 13th District; Marsh, 29th District.

A BILL FOR AN ACT relating to appropriations; to make deficiency appropriations; to amend Laws 1984, LB 761A, section 2, Laws 1984, LB 882, section 1, and Laws 1984, LB 1128, sections 1, 3, 9, 11, 14, 17, 18, 19, 20, 22, 23, 24, 29, 32, 33, 35, 36, 44, 47, 48, 49, 52, 56, 58, 61, 65, 67, 69, 74, 77, 80, 81, 82, and 98; to repeal the original sections, and also Laws 1984, LB 1129, section 12; and to declare an emergency.

**LEGISLATIVE BILL 722.** By Appropriations Committee: Warner, 25th District, Chairperson; Carsten, 2nd District; Goll, 16th District; Goodrich, 20th District; Hannibal, 4th District; L. Johnson, 15th District; Lundy, 13th District; Marsh, 29th District.

A BILL FOR AN ACT relating to appropriations; to make appropriations for the expenses of Nebraska State Government, for the year ending June 30, 1986; to recite limitations on expenditures; to provide an operative date; to provide severability; to repeal Laws 1984, LB 286A, Laws 1984, LB 403A, Laws 1984, LB 416A, Laws 1984, LB 457A, Laws 1984, LB 466A, Laws 1984, LB 470A, Laws 1984, LB 477A, Laws 1984, LB 478A, Laws 1984, LB 516A, Laws 1984, LB 724A, Laws 1984, LB 751A, Laws 1984, LB 761A, Laws 1984, LB 767A, Laws 1984, LB 801A, Laws 1984, LB 825A, Laws 1984, LB 832A, Laws 1984, LB 833A, Laws 1984, LB 835A, Laws 1984, LB 845A, Laws 1984, LB 848A, Laws 1984, LB 880A, Laws 1984, LB 930A, Laws 1984, 931A, Laws 1984, LB 970A, Laws 1984, LB 976A, Laws 1984, LB 981A, Laws 1984, LB 990A, Laws 1984,

LB 991A, Laws 1984, LB 994A, Laws 1984, LB 1001A, Laws 1984, LB 1089A, Laws 1984, LB 1106A, Laws 1984, LB 1125A, Laws 1984, LB 1126A, and Laws 1984, LB 1127A; and to declare an emergency.

**LEGISLATIVE BILL 723.** By Appropriations Committee: Warner, 25th District, Chairperson; Carsten, 2nd District; Goll, 16th District; Goodrich, 20th District; Hannibal, 4th District; L. Johnson, 15th District; Lundy, 13th District; Marsh, 29th District.

A BILL FOR AN ACT relating to appropriations; to make appropriations for capital construction projects; to provide an operative date; to repeal Laws 1984, LB 867, and Laws 1984, LB 1129, sections 18, 21, 26, 27, 29, 30, 37, 43, 44, 45, and 46; and to declare an emergency.

**LEGISLATIVE BILL 724.** By Appropriations Committee: Warner, 25th District, Chairperson; Carsten, 2nd District; Goll, 16th District; Goodrich, 20th District; Hannibal, 4th District; L. Johnson, 15th District; Lundy, 13th District; Marsh, 29th District.

A BILL FOR AN ACT relating to civil action claims against the state; to make appropriations for the payment of such claims; to provide how payment shall be made; and to declare an emergency.

**LEGISLATIVE BILL 725.** By Appropriations Committee: Warner, 25th District, Chairperson; Carsten, 2nd District; Goll, 16th District; Goodrich, 20th District; Hannibal, 4th District; L. Johnson, 15th District; Lundy, 13th District; Marsh, 29th District.

A BILL FOR AN ACT relating to schools; to amend section 79-445, Revised Statutes Supplement, 1984; to change provisions relating to nonresident tuition; and to repeal the original section.

## MOTION - Suspend Rules

Mr. Warner moved to suspend the rules, Rule 3, Sections 4(e) and 13, and Rule 6, Section 1, to place LB's 721, 722, 723, 724, and 725 on General File.

The motion prevailed with 30 ayes, 0 nays, 7 present and not voting, and 12 excused and not voting.

## MESSAGE FROM THE GOVERNOR

April 19, 1985

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 61, 108, 130, 259, 287, 336, 533 and 700 were received in my office on April 15, 1985.

These bills were signed by me on April 19, 1985 and delivered to the Secretary of State.

Sincerely,
(Signed) ROBERT KERREY
Governor

RK/jm

**UNANIMOUS CONSENT - Print in Journal**

Mr. Withem asked unanimous consent to print the following amendment to LB 505 in the Journal. No objections. So ordered.

AM1126

(Amendments to AM0852)

1. Insert the following new sections:

"Sec. 29. That section 79-1340, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-1340. Each district shall receive the following additional incentive payments from the School Foundation and Equalization Fund:

(1) One thousand two hundred fifty dollars for each certificated instructor holding a doctorate degree;

(2) Eight hundred seventy-five dollars for each certificated instructor holding a master's degree;

(3) Five hundred dollars for each certificated instructor holding a bachelor's degree;

(4) An appropriate pro rata amount for each part-time certificated instructor; and ~~(1) Three hundred fifty dollars for each certificated instructor holding a doctorate degree;~~

~~(2) Two hundred fifty dollars for each certificated instructor having completed an approved six-year college program, or holding a master's degree~~

~~or the equivalent;~~

~~(3) One hundred fifty dollars for each certificated instructor holding a bachelor's degree; and~~

~~(4)~~ (5) Twenty cents per student hour for each student participating in a summer school program.

The funds received pursuant to this section shall be used to supplement and not supplant current or pending collective bargaining agreements and shall be used solely for the purpose of upgrading salaries of certificated instructors. Such funds shall not be used to employ additional staff or be subject to any budget limitation imposed by state statute or at the local level pursuant to state statute. Such supplemental funds shall not be considered salary for purposes of Chapter 48, article 8.

Sec. 30. That section 79-1343, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-1343. The funding requirements of section 79-1340 ~~79-1334~~ shall have first priority and the funding requirements of section 79-1334 to 79-1339 ~~79-1340~~ shall have second priority on money available from the School Foundation and Equalization Fund. The amounts the Legislature appropriates pursuant to sections 79-1334 to 79-1339 shall be distributed as follows:

(1) Sixty per cent shall be distributed as foundation aid pursuant to section 79-1334; and

(2) Forty per cent shall be distributed as equalization aid pursuant to sections 79-1335 to 79-1339.

Sec. 31. The Education and Taxation Advisory Committee created pursuant to sections 21 to 25, Legislative Bill 662, Eighty-ninth Legislature, First Session, 1985, may also include a study of the distribution of foundation and equalization aid pursuant to sections 79-1330 to 79-1344.01.".

2. On page 11, strike beginning with "Forty-five" in line 20 through the period in line 24.

3. On page 14, line 17, after "original" insert "sections 79-1340 and 79-1343, Reissue Revised Statutes of Nebraska, 1943, and "; and in line 18 strike "1943, is" and insert "1984, are".

4. Renumber the remaining sections accordingly.

Mr. Goodrich asked unanimous consent to print the following amendment to LB 717 in the Journal. No objections. So ordered.

AM1041
1. On page 2, strike beginning with the comma in line 21 through "548" in line 27.

## STANDING COMMITTEE REPORTS
### Appropriations

**LEGISLATIVE BILL 196.** Placed on General File.

**LEGISLATIVE BILL 197.** Placed on General File as amended.
Standing Committee amendment to LB 197:
AM1105
1. On page 3, line 11, strike "56,128" and insert "55,206".

(Signed) Jerome Warner, Chairperson

## UNANIMOUS CONSENT - Print in Journal

Mr. Lynch asked unanimous consent to print the following amendment to LB 606 in the Journal. No objections. So ordered.

AM1123
1. In AM1002, beginning on page 1582 of the Journal:
a. Strike amendment 10; and
b. Renumber the remaining amendments accordingly.

Mr. Wesely asked unanimous consent to print the following amendment to LB 382 in the Journal. No objections. So ordered.

AM1128
1. In the Wesely amendment on page 1345 of the Journal:
(a) In amendment 1, in line 1, strike beginning with the first "line" through "and"; and
(b) In amendment 2, line 6, strike "1987" and insert "1986".
2. In the Wesely amendment, AM0867:
(a) On page 3, in lines 8 and 14 strike "1987"

and insert "1986"; and in lines 21 and 22 strike "to provide insurance services" and insert "under which health care services or benefits are provided";

(b) On page 4, line 1, strike "accept and"; and in line 10 after "hospital" insert ", except hospitals excluded under section 1886(d)(1)(B) of P.L. 98-21, the Social Security Act Amendments of 1983,";

(c) On page 5, line 11, after "hospital" insert ", except hospitals excluded under section 1886(d)(1)(B) of P.L. 98-21, the Social Security Act Amendments of 1983,"; and

(d) Insert the following new sections:

"Sec. 17. That section 71-2049, Revised Statutes Supplement, 1984, be amended to read as follows:

71-2049. Except for state hospitals administered by the Department of Public Institutions, each hospital, as defined in ~~subdivision (2) of~~ section 71-2017.01, and each ambulatory surgical facility, as defined in section 4 of this act, shall, upon written request of a patient or third-party payor on behalf of a patient, include in such patient's or payor's bill an itemized list of all expenses such patient incurred during his or her stay at such hospital ~~stay~~ or ambulatory surgical facility. Such expenses shall include, but not be limited to, the cost of (1) X-rays, (2) laboratory fees, (3) respiratory therapy services, (4) oxygen, (5) pharmaceuticals, (6) take-home drugs, (7) chargeable medical supplies, (8) central service supplies, (9) medical equipment, (10) room and board, and (11) all additional charges incurred by the patient. The right to request such information shall be clearly and conspicuously stated in each patient's or payor's bill. The patient or payor shall receive a copy of the itemized bill within fourteen days after the hospital receives the request. Such request shall be made by the patient or payor within twenty-eight days after the date of discharge.

Upon receipt of an itemized list, a patient or payor may request and the hospital or ambulatory surgical facility shall provide an explanation of any or all expenses or services included on the itemized list. The patient or payor shall make a request for such explanation within twenty-eight days of receipt of an itemized list. The patient or payor shall receive the

explanation within fourteen days after the hospital or ambulatory surgical facility receives the request.

Any person who violates this section shall be guilty of a Class IV misdemeanor.

Sec. 18. That original section 71-2049, Revised Statutes Supplement, 1984, is repealed.".

3. Strike E & R amendment 2.a.

4. Renumber remaining sections accordingly.

## SELECT COMMITTEE REPORTS
### Enrollment and Review

**LEGISLATIVE BILL 395A.** Placed on Select File as amended.
E & R amendment to LB 395A.
AM5144

1. On page 1, line 1, strike "relating".

**LEGISLATIVE BILL 393.** Placed on Select File as amended.
E & R amendments to LB 393:
AM5142

1. In the Withem amendment, AM0931, adopted April 18, 1985:

a. On page 1, line 16, strike the underscored comma;

b. On page 2, line 10, strike "lines 4 and 14" and insert "line 4"; in line 14 after the semicolon insert "in line 14 strike the new matter and reinstate the stricken 'county';"; in line 20 strike "9" and insert "19"; and in line 26 strike "of the";

c. On page 3, line 1, strike "county"; and

d. On page 4, line 7, strike "and reinstate the stricken matter" and insert "; and in line 5 reinstate 'county' ".

2. In the Standing Committee amendment, AM0877, adopted April 16, 1985:

a. On page 1, line 3, strike "This" and insert "Sections 1 to 14 of this";

b. On page 2, line 1, strike the last comma and show as stricken;

c. On page 4, line 6, strike "now" and the first "by" and show as stricken;

d. On page 5, line 2, strike the comma;

e. On page 6, line 5, strike "the"; and in line 11 after "attorney" insert an underscored comma;

f. On page 7, line 6, after "shall" insert an

underscored comma; and in line 7 after "purchase" insert an underscored comma;

g. On page 8, line 2, strike "useability" and insert "usability";

h. On page 9, line 8, strike the comma and "shall";

i. On page 10, line 9, strike the comma and show as stricken;

j. On page 11, line 3, strike "The" and reinstate the stricken "Neither the"; in line 4 reinstate the stricken matter and strike the new matter; in line 5 strike "not"; in line 10 after the reinstated "government" insert ", nor"; in line 11 strike "Nor" and show as stricken and strike "nor", show as stricken, and insert "or"; in line 13 strike the third comma and show as stricken; in line 14 after "gift" insert an underscored comma; in line 15 after "whatsoever" insert an underscored comma; and in line 16 after "obligation" insert an underscored comma;

k. On page 12, line 9, strike the comma and show as stricken; in line 14 strike "15" and insert "17" and after "sections" insert "23-104.03,"; and in line 15 strike "and" and insert a comma and before "Reissue" insert "and 32-4,114,"; and

l. Insert the following new sections:

"Sec. 15. That section 23-104.03, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-104.03. Each county shall have the authority (1) to plan, initiate, fund, maintain, administer, and evaluate facilities, programs, and services that meet the rehabilitation, treatment, care, training, educational, residential, diagnostic, evaluation, community supervision, and protective service needs of dependent, aged, blind, disabled, ill, infirm, mentally ill, or mentally retarded persons domiciled in the county, ; (2) to purchase outright by installment contract or by mortgage with the power to borrow funds in connection with such contract or mortgage, hold, sell, and lease for a period of more than one year real estate necessary for use of the county to plan, initiate, fund, maintain, administer, and evaluate such facilities, programs, and services, ; (3) to lease personal property necessary for such facilities, programs, and services, and such lease may

provide for installment payments which extend over a period of more than one year, notwithstanding the provisions of section 23,132, ~~23-324.05,~~ or 23-916, ; (4) to enter into compacts with other counties, state agencies, other political subdivisions, and private nonprofit agencies to exercise and carry out the powers to plan, initiate, fund, maintain, administer, and evaluate such facilities, programs, and services, ; and (5) to contract for such services from agencies, either public or private, which provide such services on a vendor basis. Compacts with other public agencies pursuant to subdivision (4) of this section shall be subject to ~~the provisions of~~ the Interlocal Cooperation Act.

Sec. 16. That section 32-4,114, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

32-4,114. The governing body of any county may acquire voting machines, electronic counting devices, or punch card voting systems in such manner as it may deem in the best interests of the county, and may for that purpose issue bonds, certificates of indebtedness, or other obligations; or levy not to exceed one and seven-tenths cents on each one hundred dollars of actual valuation. Any ~~; PROVIDED, that any~~ amounts so levied and collected in excess of actual costs of voting machines, electronic counting devices, or punch card voting systems shall revert to the general fund of the county. Any bonds, certificates, or other obligations may be issued with or without interest, payable at such time or times as the governing body may determine, but shall not be issued or sold at less than par. In addition the governing body of the county may rent, lease, lease-purchase, or contract for voting machines, electronic counting devices, and punch card voting systems and provide for installment payments which extend over a period of more than one year, notwithstanding the provisions of sections 23-132, ~~23-324.05,~~ and 23-916, or any other provision of law.".

3. On page 1, line 1, after "sections" insert "23-104.03,"; in line 2 after "23-324.06" insert "to 23-324.08"; in line 3 strike "23-324.07" and insert "32-4,114"; strike beginning with the second "to" in line 6 through the semicolon in line 7; and in line 9 strike "23-324.08,".

**LEGISLATIVE BILL 447.** Placed on Select File as amended.
E & R amendments to LB 447:
AM5141

1. In the Hoagland amendment, AM0895, adopted April 16, 1985:

a. Renumber sections 13, 15, 16, 17, 19 to 23, 25 to 32, and 34 as sections 14, 16, 17, 19, 21 to 25, 27 to 34, and 36, respectively;

b. On page 1, line 4, strike the second comma; strike beginning with "This" in line 19 through "(2)" in line 21 and show the old matter as stricken; in line 22, strike "(3)", show as stricken, and insert "(2)"; and in line 23 strike the first comma, show as stricken, and insert "and";

c. On page 2, line 2, strike "(4)", show as stricken, and insert "(3)"; in line 4 strike the third comma and show as stricken; in line 11, strike "(5)", show as stricken, and insert "(4)"; in line 15 strike "(6)", show as stricken, and insert "(5)"; and in line 17 strike "(7)", show as stricken, and insert "(6)";

d. On page 4, line 10, after "and" insert an underscored comma; and in line 25, after "Code" insert an underscored comma;

e. On page 6, line 20; and page 9, line 4, strike the last comma and show as stricken;

f. On page 8, line 16, strike the comma, show as stricken, and insert "and"; and in line 17 strike the last comma and show as stricken;

g. On page 10, line 18, after "adjudication" insert an underscored comma;

h. On page 12, line 14, after "and" insert "then";

i. On page 13, line 2, after "and" insert "then"; and in line 26 strike "provisions of" and show as stricken and strike "the";

j. On page 14, line 9, strike the comma and show as stricken; and strike the matter beginning with "Chapter" in line 21 through "2" in line 22, show as stricken, and insert "the Nebraska Juvenile Code";

k. On page 15, line 6, strike the comma and show as stricken; in line 9 after "person" insert an underscored comma; and in line 26 after "resident" insert an underscored comma;

l. On page 16, line 15, strike the first comma

and show as stricken; and in lines 17, 19, and 23 strike the comma and show as stricken;

m. On page 18, line 1, after "motion" insert an underscored comma; strike beginning with the comma in line 19 through the comma in line 20 and show the old matter as stricken; and in line 26 strike "such code" and insert "the Nebraska Juvenile Code";

n. On page 19, line 5, strike the comma and show as stricken; and

o. On page 20, line 21, strike "section 20" and insert "sections 9 and 22"; and in line 24 after "43-261," insert "43-262,".

2. On page 1, strike beginning with "43-247" in line 1 through "43-295," in line 2 and insert "43-245 to 43-247, 43-250, 43-251, 43-254, 43-258, 43-261, 43-262, 43-264, 43-272.01, 43-279, 43-282, 43-285, 43-289, 43-295, 43-296, 43-298, 43-299, 43-2,107, 43-2,109, 43-2,113, 43-2,128, 43-2,129,"; in line 6 after "adoption" insert "and medical"; and in line 11 strike "provide penalties" and insert "harmonize provisions".

3. On page 2, lines 2 and 4; page 3, line 10; and page 4, lines 6 and 19, strike the comma.

4. On page 5, line 10, after "section" insert "the same"; in line 17 strike the comma; and in line 18 strike both commas.

5. On page 6, line 8, after "sections" insert an underscored comma; and in line 21 strike the comma.

6. On page 11, line 23; page 13, line 5; page 14, line 5; page 15, lines 6 and 9; and page 16, line 8, strike the first comma and show as stricken.

7. Insert the following new section:

"Sec. 18. That section 43-262, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

43-262. No summons or notice shall be required to be served on any person who shall voluntarily appear before the court and whose appearance is noted on the records thereof. In actions involving a juvenile who may invoke the jurisdiction of the court under ~~sections 43-245 to 43-2,129~~ the Nebraska Juvenile Code, the court, in its discretion, may cause the issuance of a notice in lieu of summons to the juvenile and to the juvenile's parent or the person who has the custody or control of the juvenile. Such notice in lieu

of summons may be delivered by mail, shall be accompanied by a copy of the petition in cases when jurisdiction under subdivision (1) or (2) of section 43-247 is alleged, and shall contain a statement that (1) the recipient is entitled by statute to have the summons or notice, as the case may be, served upon him or her by personnel of the sheriff's office or some other person under the direction of the court, (2) service by the sheriff's office has been dispensed with for the convenience of the recipient, (3) if the recipient appears in court for the hearing fixed in the notice, he or she shall be deemed to have waived issuance and service of a notice and the seventy-two hour waiting period, as the case may be, and (4) if he or she does not appear, a summons or notice, as the case may be, shall be served upon him or her by personnel of the sheriff's office or some other suitable person under the direction of the court.".

(Signed) Timothy Hall, Chairperson

## RESOLUTIONS

### LEGISLATIVE RESOLUTION 99.

Introduced by Haberman, 44th District; Sieck, 24th District; Chronister, 18th District; Hefner, 19th District; Vickers, 38th District; R. Johnson, 34th District; Chizek, 31st District; Eret, 32nd District; Smith, 33rd District.

PURPOSE: The purpose of this study is to determine if a need exists to update the statutes of the State of Nebraska, sections 2-2701 to 2-2713, the Nebraska Tractor Engine Testing Law.

The reasons for this study are based on the changing technology of the tractor industry and the need for the statutes to cope with these changes. This study shall include, but not be limited to, the following questions:

(1) Is a mandatory tractor testing program necessary or can the program be conducted on a voluntary basis;

(2) Is the State of Nebraska restraining trade by requiring mandatory permits and testing; and

(3) If the tractor testing and permit program is to continue in a mandatory program, what changes are needed in the present statutes? The following must be considered:

(a) Permits:

(i) Should temporary permits be issued on tractors ready for sale in the State of Nebraska that have not been tested;

(ii) Can a permanent permit be issued without the tractor being tested by the University of Nebraska Tractor Testing facility;

(iii) To what extent can a tractor be modified or changed from the original specifications before the modifications preclude the issuance of a supplementary permit; and

(iv) What requirements will be placed on special order tractors? Will the future lead to every tractor being purchased needing a separate permit and test;

(b) Penalties: Should penalties under the tractor test law preclude the forfeiture of testing fees paid in advance and the nonissuance of temporary sales permits in the future;

(c) Modifications: Should a tractor manufacturer, distributor, or dealer be able to modify either the tractor or the sales literature of a tractor which fails to meet pretest specifications for the purpose of gaining a permit;

(d) Parts and service outlets: Should a tractor manufacturer, distributor, or dealer be required to maintain parts and service outlets in the State of Nebraska as a condition to doing business in the state;

(e) Fee collections: Should fees for tractor testing collected be deposited into a separate tractor testing fund and the interest gained from these funds be used for the purpose of maintaining the tractor testing facility;

(f) Out-of-State purchases: Should all persons be restrained from bringing into the State of Nebraska new or used tractors for sale or use without a permit;

(g) Reciprocal agreements: Should the University of Nebraska tractor testing facility be able to develop criteria and to enter into reciprocal agreements with other tractor testing facilities; and

(h) Department funding: Should funding, either from permit fees or general fund revenues, be appropriated to the state Department of Agriculture for the administration of the Nebraska Tractor Testing program?

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 100.**

Introduced by Lynch, 13th District.

PURPOSE: The purpose of this resolution is to examine and evaluate the process and methods of reappraisal of property in Nebraska. The study shall examine the possible inequities resulting from the reappraisal process within individual counties, the possible inequities among counties due to differences in reappraisal, and the adequacy of the frequency of such reappraisals.

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

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the Revenue Committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 101.**

Introduced by Lynch, 13th District.

PURPOSE: The purpose of this resolution is to examine and evaluate Nebraska housing authorities. The study shall include, but not be limited to, the following:

(1) A review of the powers granted to housing authorities by state law;

(2) A review of the federal rules and regulations required by various federal assistance housing projects;

(3) The financing structure of housing authorities;

(4) Criteria used for selection of housing project sites; and

(5) The process established to receive community input before housing projects are undertaken.

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

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the Urban Affairs Committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 102.**

Introduced by Lynch, 13th District.

PURPOSE, The purpose of this study is to examine the State of Nebraska's current system of taxation of insurance companies and the feasibility and desirability of alternative methods of taxation, including, but not limited to, a sales tax on health care.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 103.**

Introduced by Marsh, 29th District.

PURPOSE: The purpose of this resolution is to study the benefits and disadvantages, if any, of mandatory arrest in cases involving domestic violence. The study shall include consideration of the following:

(1) The current police response to domestic assault compared with the current police response in other assault cases;

(2) Enforcement of restraining orders in domestic cases;

(3) Alternative police responses; and

(4) Any other states' legislative responses.

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

1. That a committee of the Legislature shall be designated to

conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 104.**

Introduced by Marsh, 29th District.

PURPOSE:

Since fiscal year 1978-79, funds provided by the federal government to the Nebraska Forest Service have decreased by more than fifty per cent. Indications are that all financial assistance from the federal government to state forestry agencies will cease. To meet the shortfall in federal funds, thirteen full-time positions in the Nebraska Forest Service have been eliminated since 1978. The agency is of a size at the present time that additional reductions in staff will seriously threaten the continued existence of the agency and the programs it offers. For these reasons, the Nebraska Forest Service expects to make sizable budget requests in the next year. In order that the Legislature can have the information necessary to make an informed assesment of the funding needs of the service, it is proposed that a study be undertaken of the Nebraska Forest Service, its role and mission, funding alternatives, and the impact on Nebraska citizens and other private and public activities if its programs are eliminated.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**VISITORS**

Visitors to the Chamber were 49 fourth grade students and teachers from Westgate-Sunset schools, Omaha; 40 fourth grade students and sponsor from Knickrehm Elementary School, Grand Island; 75

fourth grade students and sponsor from Fontenelle School, Omaha; Walt Calinger from Omaha; 22 sixth grade students and sponsors from Overton; and 35 members and director with Fun Tours from western Nebraska.

## ADJOURNMENT

At 12:03 p.m., on a motion by Mr. Rogers, the Legislature adjourned until 9:00 a.m., Tuesday, April 23, 1985.

Patrick J. O'Donnell
Clerk of the Legislature

# SIXTY-FOURTH DAY - APRIL 23, 1985

## LEGISLATIVE JOURNAL

## EIGHTY-NINTH LEGISLATURE
## FIRST SESSION

## SIXTY-FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, April 23, 1985

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

### PRAYER

The prayer was offered by Pastor Homer B. Clements, St. Luke United Methodist Church, Lincoln, Nebraska.

### ROLL CALL

The roll was called and all members were present except Mrs. Morehead and Mr. Warner who were excused; and Messrs. Baack, Beutler, Hall, Lynch, and Schmit who were excused until they arrive.

### CORRECTIONS FOR THE JOURNAL

The Journal for the Sixty-Third Day was approved.

### PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolutions: LR 90 and LR 93.

### ANNOUNCEMENT

Mr. Warner announced that the members of the Appropriations Committee will be available beginning upon adjournment, Thursday, April 25, 1985, in Room 1019, to answer questions regarding the Appropriations Committee budget bills introduced April 19 and the

accompanying report "Appropriations Committee Budget Recommendations, Fiscal Year 1985-86."

## RESOLUTION

**LEGISLATIVE RESOLUTION 96.** Read. Considered.

LR 96 was adopted with 34 ayes, 0 nays, and 15 not voting.

## BILL ON FINAL READING

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 183.** With Emergency.

A BILL FOR AN ACT relating to liquors; to amend sections 53-103, 53-168, 53-168.01, 53-168.05, 53-169, 53-170.01, and 53-179, Reissue Revised Statutes of Nebraska, 1943; to eliminate a definition; to change provisions relating to certain prohibited acts; to eliminate provisions for filing of certain price schedules; to change a provision relating to the time when alcoholic liquors may be sold at retail; to harmonize provisions; to repeal the original sections, and also sections 53-168.02 to 53-168.04, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 26:

| | | | | |
|---|---|---|---|---|
| Carsten | Haberman | Hefner | Johnson, V. | Rupp |
| Chizek | Hall | Higgins | Miller | Schmit |
| Chronister | Hannibal | Hoagland | Nichol | Scofield |
| Conway | Harris | Johnson, L. | Pappas | Vickers |
| DeCamp | Hartnett | Johnson, R. | Rogers | Withem |
| Goodrich | | | | |

Voting in the negative, 14:

| | | | | |
|---|---|---|---|---|
| Chambers | Lamb | Marsh | Pirsch | Smith |
| Eret | Landis | Nelson | Remmers | Wesely |
| Goll | Lundy | Peterson | Sieck | |

Present and not voting, 5:

Abboud Barrett Beutler Beyer Labedz

Excused and not voting, 4:

Baack Lynch Morehead Warner

Having failed to receive a constitutional two-thirds majority voting in the affirmative, the bill failed to pass with the emergency clause attached. The question is, "Shall the bill pass with the emergency clause stricken?"

## MOTION - Return LB 183 to Select File

Mr. Landis moved to return LB 183 to Select File for the following specific amendment:

To strike the DeCamp General File amendment on Sunday liquor sales hours. Reattach the E clause.

The Landis motion to return prevailed with 31 ayes, 3 nays, 11 present and not voting, and 4 excused and not voting.

## SELECT FILE

**LEGISLATIVE BILL 183.** The Landis specific amendment found in this day's Journal was adopted with 37 ayes, 2 nays, 6 present and not voting, and 4 excused and not voting.

Advanced to E & R for Re-Engrossment.

## BILLS ON FINAL READING

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 250.**

A BILL FOR AN ACT relating to public health and welfare; to amend sections 71-161.10, 71-174.01, 71-179.01, 71-180.01, 71-180.03 to 71-180.05, 71-1,104, 71-1,136.01, and 71-2709, Reissue Revised Statutes of Nebraska, 1943, sections 71-131, 71-161.09, 71-185, 71-1,144.04, 71-1,162, 71-6108, and 71-6109, Revised Statutes Supplement, 1984, and section 71-139, Revised Statutes Supplement, 1984, as amended by section 11, Legislative Bill 129, Eighty-ninth Legislature, First Session, 1985; to change provisions relating to professional and occupational licenses; to provide for biennial

licenses; to change provisions relating to examinations and continuing education; to provide requirements and authorize minimum standards for apprentices in massage; 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 | Goll | Hoagland | Miller | Rupp |
| Barrett | Goodrich | Johnson, L. | Nelson | Schmit |
| Beyer | Haberman | Johnson, R. | Nichol | Scofield |
| Carsten | Hall | Johnson, V. | Pappas | Sieck |
| Chizek | Hannibal | Labedz | Peterson | Smith |
| Chronister | Harris | Lamb | Pirsch | Vickers |
| Conway | Hartnett | Landis | Remmers | Wesely |
| DeCamp | Hefner | Lundy | Rogers | Withem |
| Eret | Higgins | Marsh | | |

Voting in the negative, 0.

Present and not voting, 2:

Beutler Chambers

Excused and not voting, 4:

Baack Lynch Morehead Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 250A.**

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 250, Eighty-ninth Legislature, First Session, 1985.

Whereupon the 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 | Goll | Hoagland | Marsh | Rupp |
| Barrett | Goodrich | Johnson, L. | Miller | Schmit |
| Beyer | Haberman | Johnson, R. | Nelson | Scofield |
| Carsten | Hall | Johnson, V. | Nichol | Sieck |
| Chizek | Hannibal | Labedz | Pappas | Smith |
| Chronister | Harris | Lamb | Pirsch | Vickers |
| Conway | Hartnett | Landis | Remmers | Wesely |
| DeCamp | Hefner | Lundy | Rogers | Withem |
| Eret | Higgins | | | |

Voting in the negative, 0.

Present and not voting, 3:

| | | |
|---|---|---|
| Beutler | Chambers | Peterson |

Excused and not voting, 4:

| | | | |
|---|---|---|---|
| Baack | Lynch | Morehead | Warner |

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Speaker Nichol asked unanimous consent to be excused until he returns. No objections. So ordered.

**LEGISLATIVE BILL 346.** With Emergency.

A BILL FOR AN ACT relating to motor fuels; to amend sections 66-410, 66-418.03, 66-452, and 66-821, Reissue Revised Statutes of Nebraska, 1943, and section 66-428, Revised Statutes Supplement, 1984; to change the tax on certain fuels as described; to eliminate public policy statements; to redefine a term; to require labeling of motor fuel dispensers as prescribed; to provide a penalty; to harmonize provisions; to provide operative dates; to repeal the original sections, and also sections 66-471 and 66-472, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 40:

| | | | | |
|---|---|---|---|---|
| Barrett | DeCamp | Higgins | Lundy | Rogers |
| Beutler | Eret | Hoagland | Marsh | Rupp |
| Beyer | Goodrich | Johnson, L. | Miller | Schmit |
| Carsten | Hall | Johnson, R. | Nelson | Scofield |
| Chambers | Hannibal | Johnson, V. | Pappas | Sieck |
| Chizek | Harris | Labedz | Peterson | Vickers |
| Chronister | Hartnett | Lamb | Pirsch | Wesely |
| Conway | Hefner | Landis | Remmers | Withem |

Voting in the negative, 4:

| | | | |
|---|---|---|---|
| Abboud | Goll | Haberman | Smith |

Excused and not voting, 5:

| | | | | |
|---|---|---|---|---|
| Baack | Lynch | Morehead | Nichol | Warner |

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**LEGISLATIVE BILL 347.**

A BILL FOR AN ACT relating to county government; to amend sections 23-2302, 23-2305, 23-2309, 23-2310, 23-2312, 23-2317, 23-2320, 23-2321, 23-2322, 23-2326, 23-2327, 23-2328, 23-2329, 23-2330, and 23-2331, Reissue Revised Statutes of Nebraska, 1943, and sections 23-2301 and 23-2307, Revised Statutes Supplement, 1984; to define terms; to change provisions relating to the investment of retirement funds; to authorize retirement investment options as prescribed; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

| | | | | |
|---|---|---|---|---|
| Abboud | Chizek | Goodrich | Hefner | Labedz |
| Barrett | Chronister | Haberman | Higgins | Lamb |
| Beutler | Conway | Hall | Hoagland | Landis |
| Beyer | DeCamp | Hannibal | Johnson, L. | Lundy |
| Carsten | Eret | Harris | Johnson, R. | Marsh |
| Chambers | Goll | Hartnett | Johnson, V. | Miller |

| | | | | |
|---|---|---|---|---|
| Nelson | Peterson | Rogers | Scofield | Vickers |
| Nichol | Pirsch | Rupp | Sieck | Wesely |
| Pappas | Remmers | Schmit | Smith | Withem |

Voting in the negative, 0.

Excused and not voting, 4:

| | | | |
|---|---|---|---|
| Baack | Lynch | Morehead | Warner |

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 347A.**

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 347, Eighty-ninth Legislature, First Session, 1985.

Whereupon the 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 | Eret | Higgins | Lundy | Rogers |
| Barrett | Goll | Hoagland | Marsh | Rupp |
| Beutler | Goodrich | Johnson, L. | Miller | Schmit |
| Beyer | Haberman | Johnson, R. | Nelson | Scofield |
| Carsten | Hall | Johnson, V. | Nichol | Sieck |
| Chizek | Hannibal | Labedz | Pappas | Vickers |
| Chronister | Harris | Lamb | Pirsch | Wesely |
| Conway | Hartnett | Landis | Remmers | Withem |
| DeCamp | Hefner | | | |

Voting in the negative, 0.

Present and not voting, 3:

| | | |
|---|---|---|
| Chambers | Peterson | Smith |

Excused and not voting, 4:

| | | | |
|---|---|---|---|
| Baack | Lynch | Morehead | Warner |

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**MOTION - Return LB 383 to Select File**

Mr. Hannibal and Mrs. Marsh moved to return LB 383 to Select File for their specific amendment, AM1075, found in the Journal on page 1625.

Mr. Hefner requested a ruling of the Chair on whether the Hannibal-Marsh amendment is germane to the bill.

The Chair ruled the amendment is germane to the bill.

The Hannibal-Marsh motion to return lost with 13 ayes, 19 nays, 13 present and not voting, and 4 excused and not voting.

**MOTION - Place LB 105 on General File**

Mrs. Labedz and Mr. L. Johnson moved to place LB 105 on General File pursuant to Rule 3 Section 19.

Laid over.

## RESOLUTIONS

**LEGISLATIVE RESOLUTION 105.**

Introduced by Carsten, 2nd District; Lamb, 43rd District.

PURPOSE:

Alzheimer's disease is the fourth leading cause of death among adult Americans. Nebraskans are not immune from this grim fact. Every community in this state has citizens who have or know someone who has Alzheimer's disease. Odds are that more than one half of the patients in Nebraska nursing homes have the disease. With the average age of Nebraskans rising and medical breakthroughs blocking the effects of more common ailments, Alzheimer's disease is on a rising curve and may well be our most significant health problem very soon.

There are a number of problems associated with Alzheimer's disease that lend themselves to public participation. The nature of the disease is such that it affects family members quite severely since the burden of patient care is concentrated in the home. Health insurance does not now cover Alzheimer's disease since insurance

companies classify it as mental illness when, in truth, it comes about because of physical deterioration of the brain. Certain legal issues arise between balancing the rights of the victim with what is best for the family. These problems are only a beginning. The effects of Alzheimer's disease on the citizens of Nebraska are not just beginning, they are here. The purpose of this resolution is to study the problems associated with Alzheimer's disease and to propose any possible solutions to these many problems.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH

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 106.**

Introduced by Goodrich, 20th District.

WHEREAS, the Nebraska Legislature has declared that the qualifications for candidacy for the office of Mayor and Council members of cities of the Metropolitan Class are matters of general statewide concern (§14-230, R.R.S. 1943, Reissue 1983); and,

WHEREAS, the Legislature by statute has attempted to insure fair and adequate representation of "all areas and all socio-economic segments of cities of the Metropolitan Class on the governing body of such cities" (§14-201.02 R.R.S. 1943, Reissue 1983); and,

WHEREAS, notwithstanding such efforts by the Nebraska Legislature, recent municipal elections held in the city of Omaha have been met with a certain degree of apparent voter apathy, as evidenced by the participation of only sixteen percent of registered voters in the primary election held in 1985; and

WHEREAS, it is the opinion of the Eighty-ninth Legislature for the State of Nebraska that it is in the best interests of the electorate and the residents of the state of Nebraska that this Legislature undertake a study of the matter of municipal elections in cities of the Metropolitan Class.

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

1. That a committee of this Legislature shall be designated to conduct an interim study concerning the matter of municipal

elections in cities of the Metropolitan Class.

2. That it shall be the purpose of this resolution to create a legislative committee to study municipal elections in cities of the Metropolitan Class. The focus of the committee is intended to be broad and shall include an analysis of the cost of current election procedures and recommendations for increasing electorate participation. The committee shall further consider, among other matters, the timing and manner of election of all municipal officials, including a re-evaluation of the current means by which Council candidates are selected and ultimately elected.

3. That this committee shall, upon the conclusion of its study, make a report of its findings, together with its recommendations, to the entire Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 107.**

Introduced by Lundy, 36th District.

PURPOSE: The purpose of this study is to examine the State of Nebraska's current system of taxation of motor vehicles and the feasibility and desirability of alternative methods of taxation, including, but not limited to, the concept of applying a statewide average property tax rate to all motor vehicles in Nebraska. Such study shall also examine the overall effect of applying a uniform tax rate on motor vehicles on the various political subdivisions in the state, and any resulting increase or decrease in revenue to such subdivisions.

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

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the Revenue Committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**UNANIMOUS CONSENT - Print in Journal**

Mr. DeCamp asked unanimous consent to print the following amendment to LB 199 in the Journal. No objections. So ordered.

AM0770

1. On page 6, in lines 1 and 2 strike "240,880" and insert "287,940"; after line 2 insert:

"There is included in the appropriation to this program $47,060 General Funds to be used to enforce compliance with Article XII, section 8, of the Constitution, known as Initiative 300."; in line 22 strike "736,565" and insert "783,625"; and in line 25 strike "1,268,264" and insert "1,315,324".

2. On page 7, line 16, strike "1,296,144" and insert "1,390,264"; in line 18 strike "1,498,338" and insert "1,592,458"; after line 18 insert:

"There is included in the appropriation to this program $94,120 General Funds to be used to enforce compliance with Article XII, section 8, of the Constitution, known as Initiative 300."; in line 24 strike "1,429,720" and insert "1,523,840"; and in line 26 strike "1,631,914" and insert "1,726,034".

Mr. DeCamp asked unanimous consent to print the following amendment to LB 721 in the Journal. No objections. So ordered.

AM1101

1. Insert the following new sections:

"Section 1. That Laws 1984, LB 1128, Section 25, be amended to read as follows:

Sec. 25 Agency No. 27 -- Department of Roads

Total expenditures by the Department of Roads for permanent and temporary salaries and per diems shall not exceed $43,600,000.

(1) Program No. 305 - Assistance to Local Transit Authorities

| | |
|---|---|
| GENERAL FUND | 1,839,211 |
| CASH FUND | 1,020,000 |
| FEDERAL FUND est. | 219,500 |
| PROGRAM TOTAL | 3,078,711 |

There is included in the appropriation to this program $1,819,210 General Funds, and $1,000,000 Cash Funds, for state aid, which shall only be used for such purpose.

(2) Program No. 568 - Highway Administration

| | |
|---|---|
| CASH FUND est. | 7,071,514 |
| PROGRAM TOTAL | 7,071,514 |

Cash Fund expenditures shall not be limited to

the amount shown.

(3) Program No. 569 - Construction
CASH FUND est. ~~217,967,000~~ 187,967,000
PROGRAM TOTAL ~~217,967,000~~ 187,967,000
Cash Fund expenditures shall not be limited to the amount shown.

(4) Program No. 571 - Maintenance
CASH FUND est. 49,985,281
PROGRAM TOTAL 49,985,281
Cash Fund expenditures shall not be limited to the amount shown.

(5) Program No. 572 - Services and Supports
CASH FUND est. 7,714,462
PROGRAM TOTAL 7,714,462
Cash Fund expenditures shall not be limited to the amount shown.

There is hereby appropriated $128,845,579 from the Highway Cash Fund to the Department of Roads Operation Cash Fund, which fund is hereby appropriated. There is included in the amount appropriated from the Highway Cash Fund to the Department of Roads Operation Cash Fund $1,000,000 for assistance to the local transit authorities program.

For Informational Purposes Only: Total Appropriations to Agency No. 27 and Fund Source
GENERAL FUND 1,839,211
CASH FUND est. ~~283,758,257~~ 253,758,257
FEDERAL FUND est. 219,500
AGENCY TOTAL ~~285,816,968~~ 255,816,968

Sec. 2. That original Laws 1984, LB 1128, Section 25, is repealed.

Sec. 3. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

## RESOLUTIONS

### LEGISLATIVE RESOLUTION 108.

Introduced by Goodrich, 20th District.

PURPOSE: In recent years there has been a growing recognition of the need to broaden the base of the economy in this state. In order to broaden the economic base in Nebraska it is necessary to attract industry to and retain industry in Nebraska. Government, both

legislative and executive, has a significant role to play in both the attraction and retention of industry. The study proposed by this resolution shall identify and examine those actions which may be taken by government in this state to attract and retain industry.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 109.**

Introduced by Goodrich, 20th District.

WHEREAS, the recently enacted Veterans Educational Assistance Act of 1984 does not provide for practical on-the-job training, and since 1944 literally hundreds of thousands of Nebraska veterans have received some form of training under the "G.I. Bill"; and

WHEREAS, historically, practical on-the-job training is accepted as the most successful method of preparing quality job recipients, and some employers require a satisfactory period of on-the-job training; and

WHEREAS, many areas of skill and training are not available in educational institutions; and

WHEREAS, a high percentage of high school graduates do not desire or have aptitude for college; and

WHEREAS, the cost of apprenticeship training has historically cost the government less while the benefits accruing to American business and industry have been substantial; and

WHEREAS, there is a present need for apprenticeship and and on-the-job training programs as evidenced by the enactment of the Emergency Veterans Job Training Act of 1983; and

WHEREAS, the interests of all those not desiring institutional education would best be served by practical apprenticeship and on-the-job training programs.

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

1. That the Legislature urges Congress to amend the Veterans Educational Assistance Act of 1984 to include apprenticeship and

on-the-job training programs.

2. That copies of this resolution be presented to the Speaker of the House, the President of the Senate, and each member of Nebraska's Congressional delegation.

Laid over.

## UNANIMOUS CONSENT - Print in Journal

Mr. Vickers asked unanimous consent to print the following amendment to LB 439 in the Journal. No objections. So ordered.

AM1134

1. In the Smith amendment, on page 1595 of the Journal, strike beginning with "include" in line 2 through line 5 and insert "insert a new paragraph as follows:

'(Note: If you wish to vote in both partisan and nonpartisan primary elections you must indicate a political party affiliation on the registration form. If you register without a political party affiliation (independent) you will receive only the nonpartisan ballots at primary elections.)' ".

## UNANIMOUS CONSENT - Add Co-Introducer

Mrs. Higgins asked unanimous consent to have her name added as co-introducer to LB 44. No objections. So ordered.

## BILLS ON FINAL READING

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 383.**

A BILL FOR AN ACT relating to hazardous substances; to provide for registration of certain storage tanks; to define terms; and to provide a penalty.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

| | | | | |
|---|---|---|---|---|
| Abboud | DeCamp | Hefner | Marsh | Rogers |
| Barrett | Eret | Hoagland | Miller | Rupp |
| Beutler | Goll | Johnson, L. | Nelson | Scofield |
| Beyer | Goodrich | Johnson, R. | Nichol | Sieck |
| Carsten | Haberman | Johnson, V. | Pappas | Smith |
| Chambers | Hall | Labedz | Peterson | Vickers |
| Chizek | Hannibal | Lamb | Pirsch | Wesely |
| Chronister | Harris | Landis | Remmers | Withem |
| Conway | Hartnett | Lundy | | |

Voting in the negative, 0.

Present and not voting, 2:

Higgins Schmit

Excused and not voting, 4:

Baack Lynch Morehead Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 383A.**

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 383, Eighty-ninth Legislature, First Session, 1985.

Whereupon the 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 | DeCamp | Hefner | Marsh | Rogers |
| Barrett | Eret | Hoagland | Miller | Rupp |
| Beutler | Goll | Johnson, L. | Nelson | Scofield |
| Beyer | Goodrich | Johnson, R. | Nichol | Sieck |
| Carsten | Haberman | Johnson, V. | Pappas | Smith |
| Chambers | Hall | Labedz | Peterson | Vickers |
| Chizek | Hannibal | Lamb | Pirsch | Wesely |
| Chronister | Harris | Landis | Remmers | Withem |
| Conway | Hartnett | Lundy | | |

Voting in the negative, 0.

Present and not voting, 2:

Higgins Schmit

Excused and not voting, 4:

Baack Lynch Morehead Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**MOTION - Return LB 413 to Select File**

Mr. Landis moved to return LB 413 to Select File for his specific amendment, AM1086, found in the Journal on page 1612.

The Landis motion to return prevailed with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

**SELECT FILE**

**LEGISLATIVE BILL 413.** The Landis specific amendment, AM1086, found in the Journal on page 1612 was adopted with 32 ayes, 0 nays, 13 present and not voting, and 4 excused and not voting.

Advanced to E & R for Re-Engrossment.

**MOTION - Return LB 413 to Select File**

Mr. Conway moved to return LB 413 to Select File for the following specific amendment:

Strike "when" and "is" on line 4 Pg 3 of the Blue copy line 5 strike beginning with comma and through the 2nd "travel."

The Conway motion to return prevailed with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

**SELECT FILE**

**LEGISLATIVE BILL 413.** The Conway specific amendment found in this day's Journal was adopted with 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

Advanced to E & R for Re-Engrossment.

**SPEAKER NICHOL PRESIDING**

## BILLS ON FINAL READING

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 421.**

A BILL FOR AN ACT relating to the Policy Research Office; to amend sections 84-133, 84-135, 84-152, 84-153, and 85-975, Reissue Revised Statutes of Nebraska, 1943; to create funds; to eliminate the involvement of the Policy Research Office in certain zoning activities; to harmonize provisions; to eliminate a provision for state review of certain hospital authorities; to repeal state zoning review program provisions; to eliminate certain report requirements; and to repeal the original sections, and also sections 23-343.81, 81-1136, 84-151, 84-154, and 84-156 to 84-160, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

| | | | | |
|---|---|---|---|---|
| Abboud | DeCamp | Hefner | Lynch | Remmers |
| Barrett | Eret | Higgins | Marsh | Rupp |
| Beutler | Goll | Johnson, R. | Miller | Scofield |
| Beyer | Goodrich | Johnson, V. | Nelson | Sieck |
| Carsten | Haberman | Labedz | Nichol | Smith |
| Chambers | Hall | Lamb | Pappas | Vickers |
| Chizek | Hannibal | Landis | Peterson | Wesely |
| Chronister | Harris | Lundy | Pirsch | Withem |
| Conway | Hartnett | | | |

Voting in the negative, 0.

Present and not voting, 4:

| | | | |
|---|---|---|---|
| Hoagland | Johnson, L. | Rogers | Schmit |

Excused and not voting, 3:

Baack Morehead Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 421A.**

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 421, Eighty-ninth Legislature, First Session, 1985.

Whereupon the 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 | DeCamp | Hefner | Lynch | Remmers |
| Barrett | Eret | Higgins | Marsh | Rupp |
| Beutler | Goll | Johnson, R. | Miller | Scofield |
| Beyer | Goodrich | Johnson, V. | Nelson | Sieck |
| Carsten | Haberman | Labedz | Nichol | Smith |
| Chambers | Hall | Lamb | Pappas | Vickers |
| Chizek | Hannibal | Landis | Peterson | Wesely |
| Chronister | Harris | Lundy | Pirsch | Withem |
| Conway | Hartnett | | | |

Voting in the negative, 0.

Present and not voting, 4:

Hoagland Johnson, L. Rogers Schmit

Excused and not voting, 3:

Baack Morehead Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 430.** With Emergency.

A BILL FOR AN ACT relating to credit unions; to amend section 21-17,120.01, Revised Statutes Supplement, 1984; to revise the power of credit unions; to repeal the original section; and to declare an

emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 44:

| | | | | |
|---|---|---|---|---|
| Abboud | DeCamp | Hefner | Lynch | Rupp |
| Barrett | Eret | Higgins | Marsh | Schmit |
| Beutler | Goll | Hoagland | Miller | Scofield |
| Beyer | Goodrich | Johnson, R. | Nelson | Sieck |
| Carsten | Haberman | Johnson, V. | Nichol | Smith |
| Chambers | Hall | Labedz | Pappas | Vickers |
| Chizek | Hannibal | Lamb | Peterson | Wesely |
| Chronister | Harris | Landis | Pirsch | Withem |
| Conway | Hartnett | Lundy | Remmers | |

Voting in the negative, 0.

Present and not voting, 2:

Johnson, L. Rogers

Excused and not voting, 3:

Baack Morehead Warner

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

## UNANIMOUS CONSENT - Member Excused

Mrs. Higgins asked unanimous consent to be excused until she returns. No objections. So ordered.

## RESOLUTION

**LEGISLATIVE RESOLUTION 88.** Read. Considered.

Messrs. Schmit, Chizek, and Lundy asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Hefner moved to refer LR 88 to the Government, Military and

Veterans Affairs Committee.

**PRESIDENT MCGINLEY PRESIDING**

**SPEAKER NICHOL PRESIDING**

Mr. Beutler moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 4 nays, and 20 not voting.

The Hefner motion to refer to committee lost with 11 ayes, 17 nays, 15 present and not voting, and 6 excused and not voting.

**PRESIDENT MCGINLEY PRESIDING**

Mr. DeCamp moved for a call of the house. The motion prevailed with 12 ayes, 1 nay, and 36 not voting.

Mr. DeCamp requested a roll call vote on the adoption of LR 88.

Voting in the affirmative, 24:

| | | | | |
|---|---|---|---|---|
| Baack | DeCamp | Johnson, R. | Marsh | Sieck |
| Beutler | Eret | Johnson, V. | Miller | Vickers |
| Carsten | Harris | Labedz | Nelson | Wesely |
| Chambers | Higgins | Landis | Rupp | Withem |
| Conway | Hoagland | Lynch | Scofield | |

Voting in the negative, 17:

| | | | | |
|---|---|---|---|---|
| Abboud | Goll | Hartnett | Lamb | Peterson |
| Barrett | Goodrich | Hefner | Lundy | Pirsch |
| Beyer | Haberman | Johnson, L. | Nichol | Remmers |
| Chronister | Hannibal | | | |

Present and not voting, 4:

| | | | |
|---|---|---|---|
| Hall | Pappas | Rogers | Smith |

Excused and not voting, 4:

| | | | |
|---|---|---|---|
| Chizek | Morehead | Schmit | Warner |

LR 88 lost with 24 ayes, 17 nays, 4 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

## RESOLUTIONS

### LEGISLATIVE RESOLUTION 110.

Introduced by Remmers, 1st District.

PURPOSE:

The purpose of this resolution is to review and evaluate the implementation and effects of LB 409, Eighty-seventh Legislature, First Session, 1981. The study shall include, but shall not be limited to:

(1) Current continuing education requirements for abstractors,

(2) Whether such requirements should be altered or eliminated.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

### LEGISLATIVE RESOLUTION 111.

Introduced by Chizek, 31st District.

WHEREAS, exposure to asbestos presents serious health hazards, but because of its very existence, some members of the population must be exposed to asbestos. The purpose of this resolution is to study the necessity of instituting a licensing procedure to license certain business entities which engage in the business of removal or encapsulation of asbestos. Questions to be considered during the study shall include, but not be limited to:

(1) Whether the licensing procedure would significantly increase the protection of the health and welfare of those people exposed to asbestos;

(2) What standards, qualifications, and procedures are needed to institute and effective licensing procedure; and

(3) Any other questions the committee feels must be answered to complete a comprehensive study.

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

1. That the Public Health and Welfare Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the Public Health and Welfare Committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 112.**

Introduced by Chizek, 31st District.

PURPOSE: Recently there appears to be an increase in the popularity and public activity of a number of extremist hate groups such as the Ku Klux Klan, Posse Comitatus, and neo-Nazi groups such as The Order. Over the years these groups have been convicted of a number of acts of racial, social, and religious terrorism such as murder, assault with deadly weapons, and arson. The proliferation of paramilitary training centers conducted by these groups has also been documented. These training centers instruct participants in guerilla warfare, use of automatic weapons, and the philosophy espoused by each such group. The purpose of this resolution is to examine possible statutory solutions to halt the expansion and growth of these groups and prohibit the establishment of any paramilitary training centers in Nebraska. The study shall include, but not be limited to, the following:

(1) Whether any documentation can be found regarding the number or percentage of Nebraskans who are involved in extremist groups and the names of such groups who are active in Nebraska;

(2) Necessary statutory changes to protect the public welfare of Nebraskans and prohibit the establishment of paramilitary training centers in the state;

(3) Whether outlawing the possession, use, and sale of automatic weapons would be an effective deterrent and curtail any violent activity generally associated with these extremist groups;

(4) The enforceability of any statutory changes relating to paramilitary activity and the possession, use, and sale of automatic weapons; and

(5) Any other issues the committee feels is necessary to fully investigate the issue.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS

OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Government, Military and Veterans' Affairs committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the Government, Military and Veterans' Affairs committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 113.**

Introduced by Chizek, 31st District.

PURPOSE: The purpose of this resolution is to study the feasibility of instituting a procedure which allows any person arrested and charged with violating a traffic law or ordinance of this state or any of its political subdivisions, at the discretion of the officer authorized to accept bail, to deposit his or her motor vehicle operator's license with the officer demanding bail in lieu of any other security for his or her appearance in court to answer any such charge. The study shall include, but not be limited to, the following:

(1) Whether such a procedure would ensure court appearances by the offenders;

(2) The cost of instituting such a procedure and, if instituted, whether the procedure would lessen costs;

(3) Whether any other states have successfully instituted the procedure; and

(4) Whether the procedure is enforceable.

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

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the Judiciary Committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 114.**

Introduced by Chizek, 31st District.

PURPOSE: Family life has always been the backbone of our Nebraska Citizenry. Recently, serious economic hardships have hit Nebraska families. A group that has been hit most hard by these hardships is the elderly of Nebraska. The present economy in Nebraska, and in particular the state's Medicaid program, has impoverished and splintered many elderly couples by forcing them to spend their hard-earned assets for one spouse to become eligible for nursing home care while the other spouse is forced to live independently with a minimum of assets. Because of this situation, many elderly couples, after a lifetime of struggling, achieving, sharing, living, and loving together, are forced to divorce for financial necessity. The elderly of Nebraska who have worked tirelessly to provide us with a strong, stable family structure, to instill within us a positive moral fiber, and to provide generations to come with a strong Nebraska deserve our respect and, because of these difficult times, our help.

It is the purpose of this resolution to study Nebraska's Medicaid program and the relevant federal rules and regulations with respect to the division of property for eligibility for nursing home benefits and to find a solution to the problem facing our elderly today.

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

1. That the Public Health and Welfare Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution .

2. That the Public Health and Welfare Committee shall upon the conclusion of its study make a report of its finding, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 115.**

Introduced by Marsh, 29th District.

PURPOSE: The purpose of this resolution is to study the impact of residential utility shut-offs on low-income persons. The study should include consideration of the following issues:

(1) The frequency of shut-offs;

(2) The various utilities' shut-off policies;

(3) Other states' legislation dealing with shut-offs; and

(4) Resources available to low-income persons for residential

utility bills.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 116.**

Introduced by Withem, 14th District; Hoagland, 6th District.

PURPOSE: To study the effectiveness of the Nebraska Racing Commission. The study will focus on the ability of the Commission to implement the stated purpose of the Nebraska Racing Commission, as well as, review the powers of the Commission. The study will determine if the Commission membership should be expanded.

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

1. That the Standing Committee on Government, Military and Veterans Affairs be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 117.**

Introduced by Withem, 14th District; Lamb, 43rd District.

PURPOSE: To study the effectiveness of current enforcement procedures under health care licensure and practices acts. The study will focus on the methods for receiving and investigating complaints as well as the disciplinary processes available for regulating professions such as nurses, dentists and hearing aid dealers.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA,

FIRST SESSION:

1. That the Standing Committee on Public Health and Welfare be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 118.**

Introduced by Hoagland, 6th District.

PURPOSE: To study issues of civil law and procedure in Nebraska. Such study shall solicit input from the Nebraska State Bar Association, members of the bar, members of the judiciary, litigants and other interested parties. In order to accomplish its purpose this study may include but shall not be limited to the following topics:

1) Methods of improvement of current civil law and procedure.

2) Effectiveness of recent changes in civil law and procedure.

3) Examination of rules of liability, and damages including comparison with rules in other jurisdictions.

4) Any other issues, necessary to a proper examination of current Nebraska law in this area.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 119.**

Introduced by Hoagland, 6th District.

PURPOSE: To study issues concerning the Rules of the Road and laws intended to improve highway safety. In order to accomplish its purpose this study may include but shall not be limited to the following topics:

1) Effects of mandatory seat belt legislation and methods by which

it may be improved.

2) Effectiveness of current laws on driving while intoxicated and methods by which they may be improved.

3) Examination of the rights of pedestrians.

4) Any other issues necessary for a proper examination of Nebraska law in this area.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 120.**

Introduced by Hoagland, 6th District.

PURPOSE: To study issues relating to civil rights, civil and criminal law and law enforcement on the Winnebago Indian Reservation. In order to accomplish this purpose the following topics shall be studied:

(1) The proposed retrocession of state jurisdiction over Indians living on the Winnebago Reservation and its probable effects on that area.

(2) Allegations of discriminatory law enforcement and violation of Indian civil rights.

(3) Appropriate legislative action concerning these issues.

(4) Any other matters necessary for a complete analysis of these issues.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 121.**

Introduced by Rupp, 22nd District.

PURPOSE: The issue of whether membership in the Nebraska State Bar Association should be required of attorneys wishing to practice law in this state has been brought to the Legislature in the form of a resolution proposing a constitutional amendment to prohibit such a requirement.

This state has an obligation to the public to establish a licensing system for attorneys that will ensure that the judicial system functions as effectively and efficiently as possible.

This state has an obligation to individual members of the legal profession to establish a licensing system that is fair, rational, and equitable.

A joint study shall be made by the Constitutional Revision and Recreation Committee and the Judiciary Committee to determine whether mandatory bar membership serves the best interests of the public, the courts, and the individual members of the legal profession.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 122.**

Introduced by V. Johnson, 8th District.

PURPOSE: The purpose of this resolution is to propose a study of Nebraska's system of providing vocational rehabilitation services to disabled individuals so that such individuals may enter the work force. This study should include an examination of the effectiveness with which Nebraska's vocational rehabilitation system currently meets the needs of the state's disabled population, a determination of the degree of compliance with federal guidelines in this area, and an examination of the cost-effectiveness of the current system. Specific consideration should be given to the feasibility of combining the Division of Rehabilitation Services and Services for the Visually Impaired into one entity under the direction of the State Department of Education.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS

OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 123.**

Introduced by Pappas, 42nd District.

Purpose: The purpose of this resolution is to conduct a study of the following aspects of the University of Nebraska:
(1) The ratio of instructors to students. Broken down into categories of full professors, assistant professors and assistants.
(2) Salaries of all levels and grades of instructors.
(3) Percentage of actual time devoted to instruction and cost per student for a credit hour.
(4) Salaries and number of administrative positions at both the University of Nebraska, state colleges and at all of the technical community colleges in the state. A compulation of salaries and number of positions over the last ten years.
(5) Number of paid or non-paid post-graduate instructors and programs.
(6) Enrollment numbers for past ten years for all colleges and numbers of graduates retained in Nebraska.
(7) Square footage ratio of space per student.
(8) The forementioned items should all be compared to national averages in the Big Eight Schools.

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

1. That the Executive Committee of the Legislature shall be designated to conduct an interim study, in cooperation with the state postsecondary institutions, to carry out the purposes of this resolution.

2. That the Committee shall upon the conclusion of its study make a report of its findings together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 124.**

Introduced by Pappas, 42nd District.

PURPOSE: The purpose of this resolution is to study the possibility of providing a carefully structured lifeline telephone service to aid those individuals and families least able to devote greater resources for phone services. The study should include:

1. Funding of a lifeline.
2. Lifeline eligibility requirements.
3. Administration of a lifeline.
4. Various forms of lifeline services.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 125.**

Introduced by Pappas, 42nd District.

PURPOSE: The purpose of this resolution is to study the feasibility of Nebraska leading the agricultural seed industry by developing a cold test on certain agricultural seeds. The study should inquire into:

1. The past research of the Association of Official Seed Analysts (A.O.S.A.) on vigor tests.

2. Screening the various vigor tests to try and develop and adopt standards for those which have merit.

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

1. That Agriculture Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the Agriculture Committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 126.**

Introduced by Eret, 32nd District.

PURPOSE: The purpose of this resolution is to study the annual income reporting requirements of residents of Nebraska to consider establishing a reliable state compilation of net farm income statistics to be available for future legislatures when considering tax revenue projections and legislative proposals affecting agricultural land valuations, state aid to school districts, state aid to county governments, property tax homestead exemption, the annual adjustments of state sales and income tax rates, and other related tax proposals.

Specifically the study should examine the accounting of net farm income on Nebraska individual income tax forms.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 127.**

Introduced by Withem, 14th District.

PURPOSE: To study the authority which municipalities have to regulate utility rates.

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

1. That the Standing Committee on Urban Affairs be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 128.**

Introduced by Morehead, 30th District.

WHEREAS, an adult has the fundamental right to control decisions relating to his or her own medical care; and

WHEREAS, medical capabilities to prolong life have increased dramatically in recent years; and

WHEREAS, artificially extending the lives of the terminally ill where there is no hope for recovery can lead to a tragic confrontation between medical technology and the human needs of the dying patient; and

WHEREAS, individuals have the right to a dignified death without recourse to unnecessary, unwanted, and undignified medical treatment which serves only to prolong the dying process and causes needless suffering; and

WHEREAS, there exists uncertainty in the medical and legal professions as to the legality of terminating the application of life-sustaining procedures where the patient has voluntarily and in sound mind expressed a desire that such procedures be withheld or withdrawn; and

WHEREAS, twenty-four states have enacted laws which give legal validity to written documents signed by a competent adult directing that in the event of a terminal illness they do not desire that artificial life-sustaining procedures be utilized to prolong their death; and

WHEREAS, many persons in Nebraska have expressed a need for such legislation in Nebraska.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to investigate the need to legalize "living wills" in Nebraska.

2. That such committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 129.**

Introduced by Morehead, 30th District.

WHEREAS, transportation affects nearly every aspect of our lives; and

WHEREAS, transportation is the lifeline of commerce; and

WHEREAS, more and more of our transportation network resembles a museum exhibit of deteriorations; and

WHEREAS, rural community areas are heavily dependent upon the efficiency and cost of rural transportation services; and

WHEREAS, the Federal role in providing resources for rural transportation services is diminishing; and

WHEREAS, our elderly and handicapped population residing in our rural areas rely heavily on public rural specialized transit systems; and

WHEREAS, a sound and effective rural transportation system is in the state's best interest.

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

1. That a committee of the Legislature be designated to conduct an interim study to address the transportation needs of rural Nebraska, and to hold any public hearings necessary to carry out the purposes of this study.

2. That the study identify and review those rural transportation systems for which the Federal government has provided assistance in the past and for which the Federal government's role has diminished.

3. That the study explore funding resources to meet the transportation needs of rural Nebraska, including present and potential state resources.

4. That the study examine the impact on other resources of the State of Nebraska if transportation services in our rural areas are diminished.

5. That such committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council prior to the commencement of the 1986 legislative session.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 130.**

Introduced by Morehead, 30th District.

PURPOSE:

The continued transportation of high-level radioactive waste across Nebraska involves statewide issues of transportation, emergency response, energy planning, and public health and safety which call for a review properly from the Legislature. The purpose of this resolution is to study the current and future implications of

those issues, including specifically but not limited to:

1. Review of existing state plans providing for the safe shipment of nuclear waste across Nebraska, the methods and volume of transportation as such effect public health and safety;

2. Identification of the need, extent and method of citizen involvement;

3. Review of the Nuclear Waste Policy Act of 1982 with the goal of providing a greater voice for the state and the various states in the setting and making of policy, and procedures designed to effect that goal;

4. Questions of sources of funding, costs and liability involved in transportation of high-level radioactive waste, and sources of funding relative to costs and liability in the event of a transportation accident posing threats to public safety; and

5. Concatenate areas of shipment security, safety and prenotification, and shared information among the states.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

## CORRECTED STANDING COMMITTEE REPORT
**Revenue**

**LEGISLATIVE BILL 717.**

Corrected Standing Committee amendments to LB 717:

AM1077

1. Strike the original sections and insert the following new sections:

"Section 1. That section 77-2716, Revised Statutes Supplement, 1984, be amended to read as follows:

77-2716. (1) There shall be subtracted from federal taxable income interest or dividends on obligations of the United States and its territories and possessions or of any authority, commission, or instrumentality of the United States to the extent includable in gross income for federal income tax purposes but exempt from state income taxes under the

laws of the United States. The amount subtracted under ~~the provisions of~~ this subsection shall, except as provided in subsections (2) to (6) of this section, be reduced by any interest on indebtedness incurred to carry the obligations or securities described in this subsection and by any expenses incurred in the production of interest or dividend income described in this subsection to the extent that such expenses, including amortizable bond premiums, are deductible in determining federal taxable income.

(2) For corporations subject to the tax under section 77-2734.02, with income from exempt securities, in lieu of the reduction for expenses contained in subsection (1) of this section, there shall be added to federal taxable income the investment ~~interest~~ expense incurred by the corporation to purchase and maintain exempt securities as determined under subsection (3) of this section.

(3) The investment ~~interest~~ expense provided in subsection (2) of this section shall be determined by (a) dividing the corporation's average investment in exempt securities by the corporation's average total assets and multiplying such ratio by the corporation's total ~~interest expense~~ expenses and (b) subtracting any interest disallowed under 26 U.S.C. sections 265 and 291.

For the taxable years beginning on or after January 1, 1985, through taxable years beginning in 1990, the investment expense provided in subsection (2) of this section shall not exceed ninety per cent of the amount of income received from exempt securities. For taxable years beginning on or after January 1, 1991, and thereafter, the investment expense provided in subsection (2) of this section shall not exceed seventy-five per cent of the amount of income received from exempt securities.

(4) As used in this section, unless the context otherwise requires:

(a) Exempt securities shall mean the obligations that earn income exempt from taxation under subsection (1) of this section or under 26 U.S.C. section 103;

(b) Average investment in exempt securities shall mean the average of the aggregate tax basis in exempt securities at the beginning and the end of the

taxable year;

(c) Average total assets shall mean the average of the aggregate tax basis in total assets at the beginning and end of the taxable year; and

(d) Total ~~interest expense shall mean the total interest expense allowed as a deduction in computing federal taxable income plus any interest disallowed under 26 U.S.C. sections 265 and 291.~~ expense shall mean the amount subtracted from total income in order to determine taxable income for federal income tax purposes, plus any interest disallowed under 26 U.S.C. sections 265 and 291, but not including net operating loss deductions, or special deductions for dividends received.

(5) Whenever it is necessary to properly reflect the ratio of investment in exempt securities to total assets, the Tax Commissioner may permit or require the computation of the average provided for in subsection (3) of this section using amounts from interim balance sheets.

(6) The corporation may use, in lieu of the tax basis for the computation in subsection (3) of this section, the amounts from a balance sheet included with the federal return or as required to be reported to federal or state regulatory agencies if (a) such amounts are not materially different from tax basis, (b) the amounts are prepared consistently from year to year, and (c) absent a change in circumstances, the amounts are consistently used by the corporation from year to year. The Tax Commissioner may require a corporation to use the alternative amounts in order to maintain consistency or may require the corporation to show that the amounts used do not materially differ from the tax basis.

(7) There shall be subtracted from federal taxable income dividends received or deemed to be received from corporations which are not subject to the Internal Revenue Code.

Sec. 2. That section 77-2734.02, Revised Statutes Supplement, 1984, be amended to read as follows:

77-2734.02. (1) A tax is hereby imposed for each taxable year on the taxable income of every corporate taxpayer that is doing business in this state at a rate equal to twenty-five per cent of the rate imposed on individuals under section 77-2715 on the

first fifty thousand dollars of taxable income and at the rate of thirty-five per cent of such rate on all taxable income in excess of fifty thousand dollars.

(a) For corporate taxpayers with a fiscal year that does not coincide with the calendar year, the individual rate used for subsection (1) of this section shall be the rate in effect on the first day, or the day deemed to be the first day, of the taxable year.

(b) For fiscal years beginning before January 1, 1968, the rate initially set shall apply for the period from January 1, 1968, to the end of that fiscal year.

(2) For a corporate taxpayer that is subject to tax in another state, its taxable income shall be the portion of the taxpayer's federal taxable income, as adjusted, that is determined to be connected with the taxpayer's operations in this state pursuant to sections 77-2734.05 to 77-2734.15.

(3) Each corporate taxpayer shall file only one income tax return for each taxable year.

(4) The Nebraska income tax imposed upon corporate taxpayers which are financial institutions with income from exempt securities for the taxable year beginning in 1985 shall not, for the taxable year beginning in 1985, exceed the greater of (a) the Nebraska income tax imposed upon such corporate taxpayer for the taxable year beginning in 1984, as shown on line 18 of Form 112ON Nebraska Corporation Income Tax Return or (b) an amount equal to a sum determined by multiplying the rate of seventy-five cents time each one thousand dollars, or multiple thereof, of average deposits held by such institution for the calendar year 1985. The limitation on taxes provided in this subsection shall apply only to tax returns and amendments filed for a taxable year beginning in 1985, and such limitation shall expire thereafter. As used in this subsection, unless the context otherwise requires:

(a) Financial institution shall mean any bank, building and loan association, cooperative credit association, industrial loan and investment company, savings and loan association, or trust company;

(b) Deposits shall mean the amount of money placed in the custody of a financial institution in Nebraska for safety or convenience that may be withdrawn at the will of the depositor or under the rules or

regulations agreed upon by the financial institution and the depositor. Deposits shall include amounts for which a certificate may be issued and which are payable on demand, on certain notice, or at a fixed future date or time; and

(c) Average deposits shall mean the total of the deposits in Nebraska held by a financial institution on the last day of the preceding year and the last day of each calendar quarter divided by five. Whenever the amount of deposits at the end of a quarter is reported to a state or federal regulatory agency, the reported amount shall be used to determine average deposits.

Sec. 3. That original sections 77-2716 and 77-2734.02, Revised Statutes Supplement, 1984, are repealed.".

(Signed) Vard Johnson, Chairperson

## ATTORNEY GENERAL'S OPINION

April 23, 1985

Dear Senator Haberman:

This is in response to your letter of April 10, 1985, concerning LB 271. Among other things, LB 271 establishes a seven-member Agricultural Land Valuation Advisory Board whose duties include reviewing the agricultural land valuation manual developed by the Department of Revenue and the data sources for such manual, and making recommendations to the Tax Commissioner for changes to this manual and the land values contained therein. Six of the members are appointed by the Governor for terms of office of four years. The seventh member and Chairperson of the Advisory Board is designated in the bill as the Chairperson of the Legislature's Revenue Committee. This seventh member is also a voting member. The board members receive necessary expenses while engaged in the duties of the Board as do other state employees. Your question is simply whether the designation of a state legislator as a member of the Board is a violation of Article II, Section 1 of the Nebraska Constitution regarding separation of powers.

We are not unmindful of the fact that this Board is advisory in nature only. Nevertheless, the intent and purpose of this bill is that the Board shall have a significant and influential impact on the administration of LB 271 as it pertains to the establishment of agricultural land values. This is clearly an administrative or executive function and not legislative in nature.

Article II, Section 1 of the Constitution provides that:

> The powers of the government of this state are divided into three distinct departments, the Legislative, Executive and Judicial, and no person or collection of persons being one of these departments, shall exercise any power properly belonging to either of the others, except as hereinafter expressly directed or permitted.

This doctrine of separation of powers has been strictly construed in the State of Nebraska. See for example, State ex rel. Meyer v. State Board of Equalization and Assessment, 185 Neb. 490, 176 N.W.2d 920 (1970).

Courts from other jurisdictions have examined situations in which the Legislature attempted to place its members on various boards or commissions which were essentially administrative or executive in nature. In the face of similar constitutional provisions, these courts have held that these attempts were violations of the doctrine of separation of powers. See, State ex rel. Wallace v. Bone, 286 S.E.2d 79, (Supreme Court of North Carolina 1982), Book v. State Office Building Commission, 238 Ind. 120, 149 N.E.2d 273 (1958), State ex rel. State Building Commission of West Virginia v. Bailey, 151 W.Va. 79, 150 S.E.2d 449 (1966), and Greer v. Georgia, 233 Ga. 667, 212 S.E.2d 836 (1979). Thus we believe, that the attempted placement of a member of the Legislature as chairperson of this administrative board is a violation of the doctrine of separation of powers as found in the Nebraska Constitution, Article II, Section I.

This attempted appointment to the Board of a member of the Legislature also raises two other constitutional issues. Article IV, Section 10 provides that:

> 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 hearin provided for; and no such person shall be appointed or elected by the Legislature.

The designation by the Legislature here of one of its members as the Chairperson of the Board would be such a legislative appointment and would be a violation of Article IV, Section 10 of the Constitution. Neeman v. Nebraska Natural Resources Commission, 191 Neb. 672 at 676, 217 N.W.2d 166 (1974).

In addition, Article III, Section 9 provides that:

> No person elected or appointed to the Legislature shall receive any civil appointment to a state office while holding membership in the Legislature or while the Legislature is in session, and all such appointments shall be void.

By virtue of this provision of LB 271, the Chairperson of the Legislature's Revenue Committee would be receiving an appointment

to another state office while holding membership in the Legislature.

Thus, the cumulative effect of all of these constitutional provisions leaves us with no choice but to conclude that this particular provision of LB 271 which provides that the Chairperson of the Legislature's Revenue Committee shall serve as the chairperson and seventh member of the Agricultural Land Valuation Advisory Board is unconstitutional.

Sincerely,
ROBERT M. SPIRE
Attorney General
(Signed) John Boehm
Assistant Attorney General

JB:bae
cc: Patrick J. O'Donnell
Clerk of the Legislature

## UNANIMOUS CONSENT - Add Co-Introducer

Mr. Chambers asked unanimous consent to have his name added as co-introducer to LB 608. No objections. So ordered.

## VISITORS

Visitors to the Chamber were 32 seniors and teachers from Red Cloud High School; 40 fourth grade students and sponsor from Valley Public Schools; 13 fourth grade students and sponsor from Benedict Elementary School; 70 sixth, seventh, and eighth grade students and sponsor from Madison City; 21 fourth grade students and teacher from North Bend Elementary School; and S.P. (Sat) Bawa-Group Leader Architect, Vinod Chowdhury-College Lecturer, Anil Sachdev-Corporate Manager, Dinesh Sareen-Architect, Dr. Alok Kumar Sharma-Veterinary Officer, and D. D. Saxena (Deepak)-Marketing Executive from India.

## RECESS

At 12:15 p.m., on a motion by Mr. Hall, the Legislature recessed until 1:30 p.m.

## AFTER RECESS

The Legislature reconvened at 1:35 p.m., Speaker Nichol presiding.

## ROLL CALL

The roll was called and all members were present except Mrs. Morehead and Mr. Warner who were excused; and Messrs. Carsten, Chambers, and Withem who were excused until they arrive.

## BILL ON FINAL READING

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 493.**

A BILL FOR AN ACT relating to liquor; to amend sections 53-180.04 and 53-180.05, Reissue Revised Statutes of Nebraska, 1943; to change penalties relating to the purchase of alcoholic liquor for or sale of alcoholic liquor to a minor or incompetent; to harmonize provisions; to provide an operative date; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

| | | | | |
|---|---|---|---|---|
| Abboud | Eret | Higgins | Lynch | Rogers |
| Baack | Goll | Hoagland | Marsh | Rupp |
| Barrett | Goodrich | Johnson, L. | Miller | Schmit |
| Beutler | Haberman | Johnson, R. | Nelson | Scofield |
| Beyer | Hall | Johnson, V. | Nichol | Sieck |
| Chizek | Hannibal | Labedz | Pappas | Smith |
| Chronister | Harris | Lamb | Peterson | Vickers |
| Conway | Hartnett | Landis | Pirsch | Wesely |
| DeCamp | Hefner | Lundy | Remmers | |

Voting in the negative, 0.

Excused and not voting, 5:

| | | | | |
|---|---|---|---|---|
| Carsten | Chambers | Morehead | Warner | Withem |

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

## MOTION - Return LB 488 to Select File

Mr. Beutler moved to return LB 488 to Select File for the following specific amendment:

Strike all of subsection (2) beginning on line 17 page 12.

The Beutler motion to return lost with 10 ayes, 22 nays, 14 present and not voting, and 3 excused and not voting.

## BILLS ON FINAL READING

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 488.** With Emergency.

A BILL FOR AN ACT relating to water resources; to amend sections 33-105, 46-226.01, 46-226.02, 46-240, 46-295, 46-296, 46-298, and 46-2,101, Reissue Revised Statutes of Nebraska, 1943, and section 46-241, Reissue Revised Statutes of Nebraska, 1943, as amended by section 2, Legislative Bill 103, Eighty-ninth Legislature, First Session, 1985; to require a fee for certain applications; to restate intent; to redefine a term; to change provisions relating to incidental and intentional underground water storage; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 40:

| | | | | |
|---|---|---|---|---|
| Abboud | DeCamp | Hefner | Marsh | Rogers |
| Baack | Goll | Higgins | Miller | Rupp |
| Barrett | Goodrich | Johnson, L. | Nelson | Schmit |
| Beyer | Haberman | Johnson, R. | Nichol | Scofield |
| Carsten | Hall | Johnson, V. | Pappas | Sieck |
| Chizek | Hannibal | Lamb | Peterson | Smith |
| Chronister | Harris | Landis | Pirsch | Vickers |
| Conway | Hartnett | Lynch | Remmers | Wesely |

Voting in the negative, 2:

| | |
|---|---|
| Beutler | Hoagland |

Present and not voting, 4:

| | | | |
|---|---|---|---|
| Eret | Labedz | Lundy | Withem |

Excused and not voting, 3:

Chambers Morehead Warner

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**LEGISLATIVE BILL 503.**

A BILL FOR AN ACT relating to liens; to provide for a lien for seed or electrical power or energy furnished 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, 44:

| | | | | |
|---|---|---|---|---|
| Abboud | Eret | Higgins | Marsh | Rupp |
| Baack | Goll | Hoagland | Miller | Schmit |
| Barrett | Goodrich | Johnson, L. | Nelson | Scofield |
| Beyer | Haberman | Johnson, R. | Nichol | Sieck |
| Carsten | Hall | Johnson, V. | Pappas | Smith |
| Chizek | Hannibal | Lamb | Peterson | Vickers |
| Chronister | Harris | Landis | Pirsch | Wesely |
| Conway | Hartnett | Lundy | Remmers | Withem |
| DeCamp | Hefner | Lynch | Rogers | |

Voting in the negative, 0.

Present and not voting, 2:

Beutler Labedz

Excused and not voting, 3:

Chambers Morehead Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 585.**

A BILL FOR AN ACT relating to anatomical gifts; to amend section 60-412.01, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to anatomical gift information on motor vehicle operators' licenses; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

| | | | | |
|---|---|---|---|---|
| Abboud | Eret | Higgins | Lynch | Rogers |
| Baack | Goll | Hoagland | Marsh | Rupp |
| Barrett | Goodrich | Johnson, L. | Miller | Schmit |
| Beutler | Haberman | Johnson, R. | Nelson | Scofield |
| Beyer | Hall | Johnson, V. | Nichol | Sieck |
| Carsten | Hannibal | Labedz | Pappas | Smith |
| Chizek | Harris | Lamb | Peterson | Vickers |
| Chronister | Hartnett | Landis | Pirsch | Wesely |
| Conway | Hefner | Lundy | Remmers | Withem |
| DeCamp | | | | |

Voting in the negative, 0.

Excused and not voting, 3:

Chambers Morehead Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 628.**

A BILL FOR AN ACT relating to agriculture; to ratify the Interstate Compact on Agricultural Grain Marketing.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

| | | | | |
|---|---|---|---|---|
| Abboud | Beutler | Chizek | Eret | Hall |
| Baack | Beyer | Conway | Goodrich | Hannibal |
| Barrett | Carsten | DeCamp | Haberman | Harris |

| | | | | |
|---|---|---|---|---|
| Hartnett | Labedz | Marsh | Pirsch | Sieck |
| Higgins | Lamb | Miller | Remmers | Smith |
| Hoagland | Landis | Nelson | Rogers | Vickers |
| Johnson, R. | Lundy | Pappas | Rupp | Wesely |
| Johnson, V. | Lynch | Peterson | Schmit | Withem |

Voting in the negative, 6:

| | | | | |
|---|---|---|---|---|
| Chronister | Hefner | Johnson, L. | Nichol | Scofield |
| Goll | | | | |

Excused and not voting, 3:

| | | |
|---|---|---|
| Chambers | Morehead | Warner |

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

## MOTION - Return LB 280A to Select File

Mr. V. Johnson moved to return LB 280A to Select File for the following specific amendment:

On page 2, in lines 2 and 9, strike "800,000" and insert "300,000"; in line 3, strike "$1,500,000" and insert "800,000"; in line 10, strike $1,100,000" and insert "$800,000"; after "Fund" on lines 2 and 9, add "and $500,000 from Federal Funds." In addition, strike Section 3.

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

The V. Johnson motion to return prevailed with 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

## SELECT FILE

**LEGISLATIVE BILL 280A.** The V. Johnson specific amendment found in this day's Journal was adopted with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

Advanced to E & R for Re-Engrossment.

## SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 250, 250A, 346, 347,

347A, 383, 383A, 421, 421A, 430, 493, 488, 503, 585, and 628.

## SELECT COMMITTEE REPORTS
### Enrollment and Review

### Correctly Re-Engrossed

The following bill was correctly re-engrossed: 552.

### Correctly Engrossed

The following bills were correctly engrossed: 97, 207, 606, 606A, and 709.

(Signed) Timothy Hall, Chairperson

### Enrollment and Review Change to LB 97

The following changes, required to be reported for publication in the Journal, have been made:
ER0060
Because of line number differences between the green copy and the bill as introduced, all amendments are to the green copy.

1. In the Schmit amendment, AM0724, adopted April 17, 1985, on page 2, line 17, "the" has been struck; in line 18 "of market licenses" has been inserted after the first "terminations"; the matter beginning with "of" in line 18 through "licenses" in line 19 has been struck; in line 23 "otherwise" has been inserted after "as"; and in line 25 strike the comma and show as stricken.

2. On page 1, line 3, "54-1165, 54-1171" has been struck and "54-1160, 54-1166" inserted; and in line 6 "harmonize provisions" has been struck and "redefine an act" inserted.

### Enrollment and Review Change to LB 606

The following changes, required to be reported for publication in the Journal, have been made:
ER0061

1. In lieu of the Pappas amendment adopted April 17, 1985, the following new section has been inserted:

"Sec. 16. A person who commercially buys farm products from a person engaged in farming operations shall post in public view for one year after the effective date of this act notice of the contents of section 9-307, Uniform Commercial Code, relating to double jeopardy in both the main office of the business and at the point of

delivery of the farm product. Notice of double jeopardy shall be furnished by the Department of Agriculture."; and the remaining sections have been renumbered accordingly.

2. In the DeCamp amendments, AM1002, adopted April 17, 1985:

a. On page 1, line 4, "U9-401" has been struck and "9-401" inserted and after the second semicolon "change of residence or place of business;" has been inserted;

b. On page 3, line 13, "U9-405" has been struck and "9-405" inserted;

c. On page 5, line 21, "U9-406" has been struck and "9-406" inserted; and

d. On page 7, line 6, underscored commas have been inserted before "if" and after "named".

3. E & R Amendment #1 has been struck.

4. On page 1, line 2, "9-402 to 9-404" has been struck and "9-401 to 9-406" inserted; the matter beginning with "provide" in line 3 through the semicolon in line 9 has been struck and "change provisions relating to buyers of farm products taking free of security interests or liens as prescribed; to provide a penalty; to change provisions relating to filing to perfect security interests; to change certain fees; to change provisions relating to financing statements, continuation statements, termination statements, statements of release, and the transmittal of information;" inserted; in line 10 "and" has been struck and "to require the posting of a notice;" inserted; and in line 11 "; and to declare an emergency" has been inserted after "sections".

5. On page 2, line 3, "; review committee; penalty" has been inserted after "goods".

6. On page 4, line 5, "fees;" has been inserted after the first semicolon.

7. On page 14, line 3, "; fee" has been inserted after "statement".

8. On page 15, line 5, "register of deeds;" has been inserted after the second semicolon.

**Enrollment and Review Change to LB 709**

The following changes, required to be reported for publication in the Journal, have been made:

ER0062

1. On page 1, line 5, "harmonize provisions" has been struck and "eliminate obsolete language" inserted.

(Signed) Mary Sommermeyer
E & R Attorney

## RESOLUTIONS

### LEGISLATIVE RESOLUTION 131.

Introduced by Hefner, 19th District.

PURPOSE: Nebraska law provides certain driving privileges for students who would normally not be old enough to obtain a driver's license. Many of the young people in this state are involved in the labor and work on the farms of their families. The purpose of this resolution is to study and assess the possibility of enacting legislation which would allow persons who are fourteen years of age or older to obtain a driving permit which could be used for driving motor vehicles, other than farm vehicles, on the public roads of this state, when the purpose of such travel is connected with farming.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

### LEGISLATIVE RESOLUTION 132.

Introduced by Agriculture and Environment Committee: R. Johnson, 34th District, Chairperson; Barrett, 39th District; Chizek, 31st District; Eret, 32nd District; Pirsch, 10th District; Remmers, 1st District; Sieck, 24th District.

PURPOSE: The purpose of this resolution is to study the role of the state and its various entities in the prevention of soil erosion.

The study shall include, but not be limited to,

1. discussion of appropriate state erosion standards;

2. complaint and enforcement procedures and powers;

3. education and incentives for compliance by landowners;

4. due process and appeals procedures for landowners deemed responsible for erosion;

5. funding assistance for correcting damage to property.

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

1. That the Agriculture and Environment Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the Committee shall upon the conclusion of its study make a report of its findings, together with its recommendations to the Legislative Council or the Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 133.**

Introduced by Agriculture and Environment Committee: R. Johnson, 34th District, Chairperson; Barrett, 39th District; Chizek, 31st District; Pirsch, 10th District; Remmers, 1st District; Sieck, 24th District.

PURPOSE: The purpose of this resolution is to study the potential for the development of acid rain and measure to avoid or abate the development of acid rain in Nebraska.

The study shall include, but not be limited to,

1. the effect on air quality of auto emissions at the current standards as established by the Clean Air Act, 42 USC section 1857, et. seq., as amended;

2. the effect on air quality of coal fire plants burning various types of coal;

3. the effect on air quality of hydropower and nuclear energy;

4. the effect on air quality of nitrogen oxide emissions, such as those from fertilizer plants;

5. the present and future electrical energy needs of the State;

6. the cost and availability of pollution abatement devices on automobiles, power plants, and manufacturing plants.

7. the effect on water and other elements of the environment of contamination from sulfur dioxide, nitrogen dioxide and carbon monoxide.

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

1. That the Agriculture and Environment Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the Committee shall upon the conclusion of its study make a report of its findings, together with its recommendations to the Legislative Council or the Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 134.**

Introduced by Pappas, 42nd District; Hoagland, 6th District.

PURPOSE: The purpose of this study is to examine the Uniform Marital Property Act in regard to Nebraska's system of marital property. The Uniform Marital Property Act should be studied in connection with the following areas:

1. Re-evaluating our personal property title system by defining "marital property" in Nebraska, regardless of which spouse earned or holds title to it.

2. Defining "individual property" owned before or during the marriage.

3. Studying the aspect of property control by either one or both spouses.

4. Studying the "opt out" provision of the act by a written marital property agreement.

5. Remedies for disputes arising during marriage as to ownership and control of property.

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

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study.

2. That the Committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or the Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 135.**

Introduced by Chizek, 31st District.

PURPOSE: The purpose of this resolution is to study the feasibility of creating a Department of Public Safety. Currently twenty-four states have such a department. A Department of Public Safety would oversee the areas of law enforcement and health and occupational safety. The study shall include, but not be limited to, the following:

(1) The cost of creating such a department;

(2) The benefits a Department of Public Safety would produce;

(3) Potential powers and duties of the department;

(4) The operations of the various Departments of Public Safety of other states; and

(5) Any other considerations the committee deems necessary to fully investigate the purpose of this resolution.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 136.**

Introduced by Smith, 33rd District.

PURPOSE: To conduct an interim study on the impact of a state-wide case management system for those persons at risk of or already prematurely or inappropriately placed in a nursing home or institutional setting.

WHEREAS, Nebraska has one of the highest percentages of elderly in the nation and since the older population is the fastest growing segment of our society and since the cost of care and types of care required by the older population is significantly greater and more complex, ways of coordinating and paying for this care need to be explored in depth.

WHEREAS, one of the biggest problems facing Nebraska is the rising costs of Medicaid to the state, it is strongly believed that a state-wide case management system would not only slow down the rising costs of Medicaid, but would lead to a much greater utilization of all existing resources.

WHEREAS, a number of states have successfully instituted mandatory state-wide case management programs for the "at-risk" elderly (those at risk of being placed in a nursing home or other institutional setting), and since Nebraska has several programs that are providing case management to the homebound "at-risk" elderly and have gathered considerable data on costs and service needs, and have kept a large number of persons in their own homes, it is:

THEREFORE, in the best interest of all Nebraskans for the Legislature to conduct an interim study on the impact of a state-wide case management system for the "at-risk" elderly on slowing cost increases and the better utilization of existing services and funding sources.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 137.**

Introduced by Smith, 33rd District.

PURPOSE: To study issues regarding a system of integrated case management for Alzheimer's Disease and the coverage of Alzheimer's Disease as a physical ailment under health insurance policies.

WHEREAS, Alzheimer's Disease is the fourth leading cause of death among older Americans, and a majority of patients in Nebraska nursing homes may have Alzheimer's Disease;

WHEREAS, the burden of care for Alzheimer's patients falls most heavily on family members, because the home environment appears to be the best environment for treatment of Alzheimer's Disease;

WHEREAS, most health insurance policies do not cover Alzheimer's Disease;

WHEREAS, the course of the disease varies widely among individuals and requires different treatment routines for each patient;

WHEREAS, Home Health Care Services are limited in their participation in care for Alzheimer's patients;

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

1. That the Public Health and Welfare Committee of the Legislature shall be designated to conduct an interim study on the following issues:

A. The formation of a state-wide integrated case management system for the treatment of Alzheimer's disease, including assisting Home Health Care Services in meeting the need for their participation in home health care of Alzheimer's Disease.

B. Health Insurance coverage for Alzheimer's disease.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations for legislation, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 138.**

Introduced by Hartnett, 45th District.

Purpose: The purpose of this resolution is to authorize the Legislature to conduct a study of the problem of growing manpower requirements and declining rosters of Nebraska's volunteer fire

departments. While no formal studies have been done, there is growing belief that it is becoming more and more difficult for volunteer fire departments to recruit and keep the manpower necessary to fulfill their mission. It is important for the legislature to study the problem to determine the impact of demographic trends (the aging of the 'baby boom' generation, and the urbanization of Nebraska's population) and other factors on manpower requirements and seek for incentives to keep people on the fire departments and aid in their recruitment so that local governments in this state can continue to take advantage of the major tax savings that these institutions provide.

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

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall, upon the conclusion of its study, make a report of its findings together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 139.**

Introduced by Telecommunications Committee: Goodrich, 20th District, Chairperson; Peterson, 21st District; Chronister, 18th District; Goll, 16th District; Higgins, 9th District; Lundy, 36th District; Pirsch, 10th District; Scofield, 49th District.

PURPOSE: The purpose of this resolution is to examine and evaluate the progress of intrastate telephone telecommunications deregulation in Nebraska and its effect on the telephone and telecommunication service provided to the people of this state. This study shall include, but not be limited to, the following:

(1) The impact of both interstate and intrastate deregulation on the citizens of Nebraska;

(2) The potential need for further deregulation of intrastate telephone service in this State;

(3) The costs of telephone deregulation, and the most equitable way to apportion these costs among the citizens of Nebraska; and

(4) Potential regulation of new telecommunications technology as it becomes available.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA,

FIRST SESSION:

1. That Telecommunications Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the Telecommunications Committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 140.**

Introduced by Vickers, 38th District; Wesely, 26th District.

PURPOSE: To study all aspects of nursing education, including but not limited to the Associate Degree in Nursing, and the future need for providing nursing education and training in our state to meet the anticipated medical manpower needs of the citizenry for educated and trained nurses in the most effective and efficient manner possible. The study shall include, but not be limited to, the following issues:

(1) The present and future needs of the citizenry for trained and educated nurses in the various health care delivery systems located in the diverse geographical areas of the state, including the level or extent of the education, training, licensure, or specialization requirements of the nurses;

(2) The current requirements for licensure, certification and/or registration of the various types of nurses and the anticipated or proposed changes in these requirements;

(3) The present nursing school curriculums; how and by whom these curriculums are established and how and by whom should the curriculums be established in the future to meet the anticipated nursing needs of the state;

(4) The current clinical experience requirements for the various types or levels of nursing; how and by whom the clinical facilities are provided whereby the required clinical experience may be attained; and the future clinical experience requirements and reasonably anticipated clinical facilities and practice settings available to meet those requirements;

(5) The present nursing education delivery system, public, private, and proprietary, and the statutory changes to facilitate implementation of the findings of (1) through (4) above in the most effective and efficient manner possible.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF

NEBRASKA, FIRST SESSION:

1. That the Education Committee and the Public Health & Welfare Committee of the Legislature be designated to conduct a joint study to carry out the purposes of this resolution.

2. That the Chairman of the Education Committee and the Chairman of the Public Health & Welfare Committee jointly appoint a task force including a representative from each of the following groups, associations, or agencies to assist the joint committee to carry out the purposes of this resolution: University of Nebraska Medical Center, State Colleges, Technical Community Colleges, Private and Proprietary Institutions, State Board of Nursing, Nebraska Hospital Association, Nebraska Nursing Home Association, Department of Health - Health Systems Planning, Nebraska Coordinating Commission for Post Secondary Education, and Independent Colleges and Universities.

3. That a member of the Education Committee and a member of the Public Health and Welfare Committee act as Co-Chairpersons of the task force and that staff personnel from each committee provide staffing assistance for the task force.

4. That the task force submit a report of its findings and recommendations to the joint committee on or before November 1, 1985, and that the joint committee hold a public hearing on said report of the task force and thereafter make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 141.**

Introduced by Hoagland, 6th District.

WHEREAS, traffic laws and rules of the road are contained in Chapters 39 and 60 of the Nebraska statutes; and

WHEREAS, many offenses denominated as misdemeanors in those chapters are of a less serious nature than offenses denominated as infractions in those chapters; and

WHEREAS, a rational relationship between the crime and its punishment is required and may not exist in Chapters 39 and 60.

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

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 142.**

Introduced by Hoagland, 6th District.

WHEREAS, a bill to appoint rather than elect Clerks of the District Court was introduced in the 89th Legislature and referenced to the Judiciary Committee; and

WHEREAS, a public hearing was held and the committee desires more information concerning this question; and

WHEREAS, it is imperative that the court system be designed to best serve the public and opinions differ concerning whether elected or appointed clerks would enhance this service.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 143.**

Introduced by Chizek, 31st District; Schmit, 23rd District.

PURPOSE: The current agricultural crisis in Nebraska has, among its various effects, reemphasized the need for development of the state's inherent economic resources, including a review of the role of state government in such development via Article XIII, section 3, of the Constitution of the State of Nebraska. The purpose of this resolution is to study any statutory or constitutional revisions necessary to provide a proper state role in strengthening such development, specifically, but not limited to, the areas of:

(1) Existing or proposed state-chartered corporations extending economic opportunities to all Nebraskans;

(2) Enhancing development of Nebraska's economy through the correlation of agricultural, industrial, and service and energy

technology components;

(3) The feasibility of allowing nonprofit economic services through various state agencies; and

(4) Financing alternatives for any current economic service programs dependent upon federal funding.

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

1. That the Agriculture and Environment Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the Agriculture and Environment Committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 144.**

Introduced by Pirsch, 10th District.

PURPOSE: The purpose of this resolution is to study mirrored or one-way glass, adhesive film, or other glaze or applications which are attached to windshields or side or rear windows of motor vehicles. The study should examine the most modern, state-of-the-art technological processes which are involved in manufacturing and producing such materials in an effort to determine which levels of light transmittancy are optimal for purposes of driver safety and performance.

The study should also examine the effects such products have on the safety of law enforcement officers as they approach stopped motor vehicles, and whether it is more difficult for those officers to spot crimes in progress because of those products.

Statutes and regulations, both at the state and federal levels, should be analyzed to determine how other states are addressing the above mentioned issues.

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

1. That a committee of the Legislature shall be designated to conduct an interim study and to hold any public hearings necessary to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 145.**

Introduced by Pirsch, 10th District.

PURPOSE: The purpose of this resolution is to study the pervasive problem of missing and runaway children in our society. Particular attention should be focused on those adults who knowingly provide shelter and care for or hide children who have escaped from law enforcement custody or group or foster homes in which they have been placed. Should those adults have a duty to report such children to law enforcement agencies? Statutes in other states should be examined to determine how they, if at all, are attempting to resolve this problem.

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

1. That a committee of the Legislature shall be designated to conduct an interim study and to hold any public hearing necessary to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 146.**

Introduced by Pirsch, 10th District.

PURPOSE: The purpose of this resolution is to study the Board of Parole in Nebraska. The study should examine, but not be limited to the following issues:

1. The composition of the board,

2. Criteria for appointment to the board,

3. The desirability of an annual evaluation of the board members, including input from the community,

4. And the feasibility of directly notifying victims of sexual assault of the assailant's release.

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

1. That a committee of the Legislature shall be designated to

conduct an interim study and to hold any public hearings necessary to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 147.**

Introduced by Pirsch, 10th District.

PURPOSE: In 1983 the Nebraska Legislature enacted into law a requirement that, in all cases where a court orders a presentence investigation, the investigation must include any written statements submitted to the county attorney or probation officer by a victim of the crime. If no written statements are submitted to the probation officer, the officer must certify to the court that he or she has attempted to contact the victim and if he or she contacted the victim, the officer offered to accept the written statements of the victim or to reduce the victim's oral statements to writing.

One of the purposes of this resolution shall be to determine if the above mentioned requirements are being complied with. Are victims being notified that they have the right to submit a victim impact statement to the court? Are probation officers attempting to contact all victims of a crime? Do probation offices maintain records of the percentages of victims successfully contacted and of victims who submit written statements? If so, such percentages and other statistics should be compiled and examined.

In 1981 the Legislature enacted the Victims' Bill of Rights (Section 81-1848), which entitles victims and witnesses of crime to certain right under the criminal justice system. Are local law enforcement agencies, county attorneys, and others in the criminal justice system assuring that those rights are being protected? Does the statute provide specific guidance to those in the criminal justice system so that each party knows their duties in assuring that the rights are being fully enforced?

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

1. That a committee of the Legislature shall be designated to conduct an interim study and to hold any public hearings necessary to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the

Legislative Council or Legislature.

Referred to the Executive Board.

## SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolution: LR 96.

## GENERAL FILE

**LEGISLATIVE BILL 236.** Title read. Considered.

Standing Committee amendments, AM0608, found in the Journal on page 1087 for the Forty-Third Day were considered.

Mr. Haberman offered the following amendment to the Standing Committee amendments:

Amend the amendment to read 50% to counties 50% to the state.

**MR. BEUTLER PRESIDING**

Mr. Hall moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. V. Johnson moved for a call of the house. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

Mr. V. Johnson requested a roll call vote on the Haberman amendment.

Voting in the affirmative, 19:

| | | | | |
|---|---|---|---|---|
| Baack | Goodrich | Labedz | Nichol | Rogers |
| Carsten | Haberman | Lamb | Pappas | Scofield |
| Chizek | Hall | Lundy | Peterson | Smith |
| Chronister | Higgins | Lynch | Remmers | |

Voting in the negative, 25:

| | | | | |
|---|---|---|---|---|
| Abboud | Chambers | Hannibal | Hoagland | Landis |
| Barrett | Conway | Harris | Johnson, L. | Marsh |
| Beutler | Eret | Hartnett | Johnson, R. | Miller |
| Beyer | Goll | Hefner | Johnson, V. | Nelson |

Pirsch Rupp Sieck Vickers Wesely

Present and not voting, 1:

Withem

Absent and not voting, 1:

DeCamp

Excused and not voting, 3:

Morehead Schmit Warner

The Haberman amendment lost with 19 ayes, 25 nays, 1 present and not voting, 1 absent and not voting, and 3 excused and not voting.

The Chair declared the call raised.

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

Mr. Chizek 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 amendments were adopted with 28 ayes, 1 nay, 16 present and not voting, and 4 excused and not voting.

Mr. Chambers moved to indefinitely postpone LB 236.

Mr. Chambers asked unanimous consent to withdraw his pending motion. No objections. So ordered.

Mr. DeCamp offered the following amendment:
Change 50% to 100%

Mr. Conway moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The DeCamp amendment lost with 13 ayes, 20 nays, 12 present and not voting, and 4 excused and not voting.

Mr. Chambers offered the following amendment:

In Committee amendment: Line 2: Strike "fifty" and insert "twenty-five".

Messrs. Baack, Eret, and Pappas asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. V. Johnson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The Chambers amendment lost with 12 ayes, 20 nays, 10 present and not voting, and 7 excused and not voting.

Mr. Chambers moved to indefinitely postpone LB 236.

Mr. Hall moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Chambers requested a record vote on his motion to indefinitely postpone LB 236.

Voting in the affirmative, 8:

| | | | | |
|---|---|---|---|---|
| Abboud | Goll | Hannibal | Rupp | Wesely |
| Chambers | Goodrich | Harris | | |

Voting in the negative, 25:

| | | | | |
|---|---|---|---|---|
| Barrett | Haberman | Johnson, V. | Marsh | Rogers |
| Beyer | Hall | Labedz | Miller | Scofield |
| Carsten | Hefner | Landis | Nelson | Sieck |
| Chizek | Hoagland | Lundy | Nichol | Smith |
| Chronister | Johnson, L. | Lynch | Remmers | Withem |

Present and not voting, 9:

| | | | | |
|---|---|---|---|---|
| Beutler | DeCamp | Higgins | Peterson | Vickers |
| Conway | Hartnett | Lamb | Pirsch | |

Excused and not voting, 7:

| | | | | |
|---|---|---|---|---|
| Baack | Johnson, R. | Pappas | Schmit | Warner |
| Eret | Morehead | | | |

The Chambers motion lost with 8 ayes, 25 nays, 9 present and not voting, and 7 excused and not voting.

Mr. Remmers moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 30 ayes, 0 nays, and 19 not voting.

Mr. Chambers requested a record vote on the advancement of the bill.

Voting in the affirmative, 29:

| | | | | |
|---|---|---|---|---|
| Baack | DeCamp | Johnson, V. | Miller | Rupp |
| Barrett | Haberman | Labedz | Nelson | Scofield |
| Beyer | Hall | Landis | Nichol | Sieck |
| Carsten | Hefner | Lundy | Pirsch | Smith |
| Chizek | Higgins | Lynch | Remmers | Withem |
| Chronister | Hoagland | Marsh | Rogers | |

Voting in the negative, 8:

| | | | | |
|---|---|---|---|---|
| Abboud | Chambers | Goodrich | Harris | Wesely |
| Beutler | Goll | Hannibal | | |

Present and not voting, 6:

| | | | | |
|---|---|---|---|---|
| Conway | Johnson, L. | Lamb | Peterson | Vickers |
| Hartnett | | | | |

Excused and not voting, 6:

| | | | | |
|---|---|---|---|---|
| Eret | Morehead | Pappas | Schmit | Warner |
| Johnson, R. | | | | |

Advanced to E & R for Review with 29 ayes, 8 nays, 6 present and not voting, and 6 excused and not voting.

## SELECT COMMITTEE REPORTS
### Enrollment and Review

### Correctly Re-Engrossed

The following bills were correctly re-engrossed: 183 and 413.

(Signed) Timothy Hall, Chairperson

**Enrollment and Review Change to LB 183**
**(Final Reading Copy)**

The following changes, required to be reported for publication in the Journal, have been made:
ER0063

1. The first portion of the Landis amendment adopted April 23, 1985, has been incorporated into the Final Reading copy as follows:

a. On page 1, line 2, "and" has been inserted after the last comma; in line 3 "and 53-179," has been struck; and the matter beginning with "to" in line 7 through the semicolon in line 9 has been struck;

b. Section 7 has been struck and the remaining sections renumbered accordingly; and

c. On page 20, line 15, "and" has been inserted after the third comma and "and 53-179," has been struck.

**Enrollment and Review Change to LB 413**
**(Final Reading Second Copy)**

The following changes, required to be reported for publication in the Journal, have been made:
ER0064

1. In lieu of the Conway amendment adopted April 23, 1985:

a. On page 1, line 3, "the authorization of certain travel and the" has been inserted after the second "to"; and

b. On page 3, line 4, "When travel is" has been struck, shown as stricken, and "Travel" inserted; and the matter beginning with the comma in line 5 through line 6 has been struck and shown as stricken.

(Signed) Mary Sommermeyer
E & R Attorney

**PRESENTED TO THE GOVERNOR**

Presented to the Governor on April 23, 1985, at 3:15 p.m., were the following bills: 250, 250A, 346, 347, 347A, 383, 383A, 421, 421A, 430, 493, 488, 503, 585, and 628.

(Signed) Pam Moravec, Enrolling Clerk

**UNANIMOUS CONSENT - Print in Journal**

Mr. Conway asked unanimous consent to print the following amendment to LB 553 in the Journal. No objections. So ordered.

(Amendment printed separate from the Journal and on file in the Clerk's Office - Room 1102 - AM1007.)

Mr. Warner asked unanimous consent to print the following amendment to LB 505 in the Journal. No objections. So ordered.

AM1149

(Amendments to Standing Committee amendments)

1. Insert new sections as follows:

"Sec. 28. The Legislature hereby recognizes and establishes that providing an adequate financing system for primary and secondary public schools of the state is ultimately a state responsibility. The Legislature further finds that any financing system must not unduly rely upon excessive or unfair property taxes as the financing base for such education system.

Therefore, recognizing the above facts, the Legislature hereby establishes that after fiscal year 1986-87, no more than fifty per cent of the total operational costs of the public school system shall be derived from taxes on real property and that the Legislature shall from time of passage of this legislative bill begin the process necessary to accomplish the above-stated goals.

Sec. 29. For purposes of providing the increased state revenue required due to sections 26 and 28 of this act, there shall be imposed, effective July 1, 1985, a sales and use tax of one per cent in addition to the tax imposed under Chapter 77, article 27. Such tax shall be interpreted, collected, remitted, and enforced by the Tax Commissioner under the provisions of Chapter 77, article 27. Except for the proceeds derived from motor vehicles, trailers, and semitrailers, which shall be credited to the Highway Allocation Fund, all proceeds from the additional tax established by this section shall be used to provide aid to schools to insure compliance with sections 26 and 28 of this act.".

2. Renumber remaining sections accordingly.

## RESOLUTIONS

**LEGISLATIVE RESOLUTION 148.**

Introduced by Beutler, 28th District.

PURPOSE: The purpose of this interim study is to examine the effectiveness, the degree of uniformity in representation, and the proper utilization of resources, the state's public defender system in response to LB 514, the Public Defender Act.

The purpose of this interim study is to examine the degree of uniformity in representation, the allocation of resources, and the effectiveness of the state's public defender system. There are two public defender systems established by statute. Section 29-1804 provides for the establishment of public defenders on a county by county basis. Section 29-1805.01 to 29-1805.11 creates the office of judicial district public defender, which to date has not been used.

Legislative Bill 514, introduced in the Eighty-Ninth Legislature, First Session, seeks to reorganize the existing public defender system. The bill would create a state defender system as a centrally administered organization with staff.

Costs of the existing public defender system and providing appointed counsel for criminal defendants have been rapidly escalating, placing a constantly increasing financial burden on the counties. Appointment of counsel which may be inadequately trained in criminal defense may result in poor representation which could be grounds of appeal. Such appeals are costly and may fail to protect the defendant's rights. The responsibilities of the public defender in protecting the rights of indigent criminal defendants and the increasing costs and financial burdens imposed upon the counties mandate an efficient system of competent public defenders.

In order to accomplish its purpose the study shall include, but not be limited to, the following:

(1) Examination of Legislative Bill 514 and its potential implementation;

(2) Examination of the escalating costs to the counties of the existing public defender system;

(3) Examination of the effectiveness of the current county public defender system;

(4) Public defender systems in other jurisdictions; and

(5) Any other matters necessary for a comprehensive examination of these concerns.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 149.**

Introduced by Beutler, 28th District.

PURPOSE:

The State of Nebraska has ground water supplies which are abundant and generally of high quality in comparison to national water quality levels. It is recognized that surface water quality is improving as point sources of pollution are brought under treatment programs. However, because of the inherent characteristics of ground water supplies, the protection of this vital resource is difficult to monitor.

There is a need to examine the nature, extent, and sources of ground water pollution in Nebraska. The purpose of this study is to investigate recognized sources of groundwater pollution, examine current practices which may be potentially damaging to ground water supplies in the future, and to assess the advisability of legislation which would ensure that the quality of the state's water supplies is maintained. This study shall include, but not be limited to, the following:

(1) The nature, extent, and causes of major ground water pollution in Nebraska;

(2) Proposals specifically relating to the nature, extent, and regulation of nitrate contamination and other chemicals endangering Nebraska's water supplies;

(3) The pollution of water supplies and other environmental dangers relating to spills or leakage from petroleum or chemical storage tanks;

(4) The nature and extent of concerns related to "insectigation" and "chemigation" and whether such irrigation practices should be regulated, and if so, recommendations on how this should be accomplished;

(5) The nature of the health hazard to humans, livestock, other animals, and plants from ground water pollution of the types aforementioned;

(6) Methods of stabilizing or reversing such types of pollution including available alternatives and their economic impact; and

(7) Any other relevant matters necessary for a comprehensive examination of this concern.

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

1. That the Agriculture and Environment Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 150.**

Introduced by Sieck, 24th District; Wesely, 26th District; V. Johnson, 8th District; Hefner, 19th District.

PURPOSE: The purpose of this resolution is to study and assess the needs of the elderly and disabled for community-based, in-home, and institutional long-term care services. With five per cent of the elderly population residing in long-term care facilities and with the number of Nebraska citizens over the age of sixty-five projected to double in the next thirty-five years, it is important that health care costs be brought under control. This study should specifically focus on:

(1) The development of a state-wide continuum of care evaluation programs for the elderly to provide appropriate home health services or institutional health care services;

(2) The development of a reimbursement system in the Medicaid Program which will provide a cost-effective continuation of long care services from home care to institutional care;

(3) The development of a Certificate of Need process which focuses on the actual needs for all aspects of health care services for the elderly;

(4) The development of a system that provides incentives for the longevity of ownership of health care facilities; and

(5) The impact the previously enumerated changes would have on the costs and quality of home health care, hospital, and nursing home care. This study shall seek the impact of private sector health care providers.

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

1. That the Public Health and Welfare Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That such committee shall, upon the conclusion of its study, make a report of its findings, together with its recommendations, to

the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 151.**

Introduced by Vickers, 38th District.

PURPOSE: The purpose of this resolution is to study alternative financing methods in order to control the cost to the state of providing special education programs. The study shall examine alternative financing methods presented by opponents to Legislative Bill 714, Eighty-ninth Legislature, First Session and others. In addition, the study shall examine methods to better define the role of the state in the combined federal, state, and local special education system.

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

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the Education Committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 152.**

Introduced by Vickers, 38th District.

PURPOSE: The purpose of the study proposed by this resolution shall be to investigate the potential for cooperation with contiguous states in providing educational services to certain handicapped persons. To maintain quality and access to programs at a reasonable cost to taxpayers, states must, in the face of declining or shifting populations, begin to investigate the possibility of interstate cooperative programs and facilities.

Specifically the study shall address the potential for joint operation of schools for the hearing impaired, visually impaired, and multihandicapped with the State of Iowa.

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

1. That a Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the Education Committee shall make every effort to meet with its counterpart in the Iowa Legislature to discuss the potential for joint operation of special schools for the hearing or visually impaired and multihandicapped.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 153.**

Introduced by Vickers, 38th District.

PURPOSE: WHEREAS, the issue of the financing of public education has been before the Legislature during the past and current sessions, and;

WHEREAS, financing of public education relies primarily on property tax, and the Legislature has been seeking solutions to more fairly distribute the cost of such education among the various sources of revenue, and;

WHEREAS, the current formula is in need of reassessment in order to define the service role the state plays in furthering education and the financing thereof, and;

WHEREAS, the 1984 Legislature adopted a role and mission statement for education in the State of Nebraska in LB 994;

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE 89th LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Education Committee undertake a study of the current formula and articulate principles that will help determine the terms of the distribution formula in the future so that support of public education at all levels will be based on sound educational principles and will meet the long term education goals of the state.

2. That the Education Committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 154.**

Introduced by Miller, 37th District.

WHEREAS, over 22% of Nebraska's population is age 55 and

older and is the fastest growing segment of our society: by the year 2020, that number will increase to 28%; and

WHEREAS, older Nebraskans are increasingly dependent on social security, social welfare and pension benefits as their primary source of income; and

WHEREAS, despite this income, the incidence of older people facing financial hardship is growing along with the rising costs to the taxpayer to support the retired; and

WHEREAS, retirement policies trap increasing numbers of older Nebraskans who are able and willing to work.

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

1. That a committee of the Legislature be designated to conduct an interim study to evaluate state employment policies as they relate to the employment and retention of workers age 60 and older.

2. That such committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 155.**

Introduced by Miller, 37th District.

PURPOSE: The purpose of this resolution is to study the feasibility and desirability of allowing group self-insurance pools among Nebraska political subdivisions. The study shall include, but not be limited to, an examination of programs in other states which allow group self-insurance pools for political subdivisions.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 156.**

Introduced by Haberman, 44th District; Scofield, 49th District;

Nichol, 48th District; Vickers, 38th District; Rogers, 41st District.

PURPOSE: To explore the advantages and disadvantages of creating district government services in Nebraska. The object of such districts would be to provide consistent and uniform services to the people of the state, while at the same time enlarging the contributing property tax base so that the drain on the state's finances caused by ninety-three counties providing duplicate services, regardless of population or geographical necessity, could be decreased. Government services that could benefit from cooperation include, but would not be limited to, creation of full time district attorneys offices, district jails that would meet the current jail standards, creation of "justice centers" which could serve as district courthouses and bases for professional law enforcement personnel to serve the district. Community health and social services could also be made available through such centers. In some instances existing facilities could be used to house the district services, in others, new facilities might be constructed.

The proposed districts could be drawn along both geographical and population lines so that both distance and service load could be balanced among the various districts. In some cases distances might dictate that some centers serve a smaller population than others, but the state could still avoid duplicating the same service ninty-three times.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 157.**

Introduced by Wesely, 26th District.

WHEREAS, the burden of providing medical services for the medically indigent is not evenly distributed among the health care providers of the state; and

WHEREAS, this imbalance places limitations on the development of a competitive health care system in the State of Nebraska; and

WHEREAS, there is a need to study the current funding

mechanism and system for providing medical care to the medically indigent and to examine alterations in the current system of providing for such care in a manner which promotes a competitive health care system; and

WHEREAS, assistance programs, in particular assistance programs for children, should be examined in relation to the impact that poverty has on medical care and the cost of such care; and

WHEREAS, the goals, availability, need for, and effectiveness of current assistance programs should be reviewed to ensure such programs promote economic self sufficiency, independence, and individual self-reliance.

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

1. That the Public Health and Welfare Committee be designated to conduct an interim study to examine the need to alter the provision of medical services to the medically indigent to promote a competitive health care system, including the possible development of a medically indigent pool as a mechanism to reduce the disproportionate burden placed on certain health care providers in the state.

2. That the study also review other assistance programs in relation to the need to promote self sufficiency for those persons being served by the programs.

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 158.**

Introduced by Wesely, 26th District; Rupp, 22nd District.

WHEREAS, the traditional roles and responsibilities of federal, state, and local governments with regard to the delivery of human services are in a state of transition owing to the implementation of the new federalism; and

WHEREAS, the State of Nebraska and its several governmental subdivisions are jointly charged with the responsibility for the provision of human services, including mental retardation, mental health, substance abuse, aging, public assistance, and general health services; and

WHEREAS, recent state legislative action, e.g. the state administration of social services and the state assumption of the costs of medicaid, have affected traditional roles and responsibilities

between state and local government in the delivery of human services; and

WHEREAS, the proper relationship and respective administrative and fiscal responsibilities of each level of government has been a subject of ongoing discussion and debate; and

WHEREAS, the State of Nebraska needs to establish a workable public policy delineating the appropriate roles and responsibilities of each level of government in the provision of these important services; and

WHEREAS, it would be beneficial to make the roles and responsibilities of state government more uniform among the various services.

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

1. That the Public Health and Welfare Committee shall be designated to conduct an interim study of the state-local relationship for the funding of and responsibility for the following human service delivery systems:

a. The relationship of the Department of Public Institutions with local governments for community mental retardation, mental health, and substance abuse services.

b. The relationship of the Department of Health with local health departments.

c. The relationship of the Department of Aging with local area agencies on aging.

d. The relationship of the Department of Social Services with local human service and public assistance programs.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 159.**

Introduced by Wesely, 26th District.

WHEREAS, the Public Health and Welfare Committee has received numerous inquiries and concerns regarding the administration and processing of complaints filed against health professionals licensed by the Department of Health; and

WHEREAS, it should be the public policy of the State of Nebraska to provide for strict, equitable, judicious, and timely disciplinary procedures for any profession licensed by the state.

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

1. That the Public Health and Welfare Committee shall be designated to conduct an interim study to determine what appropriate legislative and administrative actions should be taken to improve health professional disciplinary proceedings by the Department of Health and the Office of the Attorney General.

2. That the committee upon the conclusion of the study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 160.**

Introduced by Wesely, 26th District.

WHEREAS, the need to streamline the current procedural process for the Certificate of Need program has been an issue of ongoing discussion and debate; and

WHEREAS, legislative proposals submitted during recent sessions indicate a need to re-examine the Certificate of Need process; and

WHEREAS, the trend toward a competitive health care system in Nebraska and nationally indicate a need to re-evaluate the efficacy and efficiency of the Certificate of Need process.

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

1. That the Public Health and Welfare Committee shall be designated to conduct an interim study to review the Certificate of Need process in Nebraska, including:

a. The effectiveness of the current Certificate of Need procedural process.

b. The effect of the Certificate of Need process on the health care needs of the citizens of the State of Nebraska and on health care providers.

c. The effect of the process on the Medicaid program and its reimbursement policies.

2. That such committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 161.**

Introduced by Wesely, 26th District.

WHEREAS, the rights of the patient or his or her legal representative to access the patient's medical records is not well defined in the State of Nebraska; and

WHEREAS, questions regarding the confidentiality of medical records and the rights of health care providers and third parties to disclose and redisclose such medical information have also been raised during the last two legislative sessions; and

WHEREAS, there is public need to clarify the right of access to medical records by the patient and the right of the patient to restrict access to other parties.

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

1. That the Public Health and Welfare Committee shall be designated to conduct an interim study to identify the need for legislation providing for the confidentiality, disclosure, and access to a patient's medical records.

2. That such committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 162.**

Introduced by Wesely, 26th District.

WHEREAS, in 1982, the Legislature established the authority for the creation and maintenance of a cancer registry which would provide a central data bank of accurate, precise, and current information to assist in the research for the prevention, cure, and control of cancer for the State of Nebraska, and

WHEREAS, in 1982, the Legislature established the authority for creation of a Cancer Registry Fund, but did not appropriate funds for this purpose, and

WHEREAS, the Department of Health, while having the authority to establish a Cancer Registry Fund, did not assume this authority for lack of funding, and

WHEREAS, efforts are being made in the private sector to establish a cancer registry, and

WHEREAS, the Legislature established the Nebraska Cancer

Research program in 1981 which program has been operational since 1982, and

WHEREAS, ready access to accurate and current information at a reasonable cost is essential for conducting research and epidemiology studies in Nebraska.

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

1. That the Public Health and Welfare Committee be designated to study the current status of the Nebraska Tumor Registry, to develop a forecast of when the registry will be fully operational, and to determine whether the data requirements set forth by the Legislature in 1982 can be met by the private sector.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 163.**

Introduced by Wesely, 26th District.

WHEREAS, the Disabled Person and Family Support Act has demonstrated the virtues of developing safety net programs designed to maintain persons in their own homes or in independent living situations; and

WHEREAS, the program has been very successful in coordinating and identifying available services for persons who apply for assistance under the program; and

WHEREAS, such an inter-agency public/private case management system is highly beneficial to the provision of quality services which reduce duplication of services and promote self sufficiency.

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

1. That the Public Health and Welfare Committee shall be designated to conduct an interim study to determine the feasibility of expanding the concept developed by the Disabled Person and Family Support Program to other human service programs.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 164.**

Introduced by Wesely, 26th District; Hoagland, 6th District.

WHEREAS, professionals recognize that child abuse and neglect are hidden problems unreported because the victims are fearful of retaliation, and

WHEREAS, the status and effectiveness of the current abuse and neglect statutes has been the subject of an ongoing discussion and numerous legislative bills during recent legislative sessions, and

WHEREAS, recent court decisions have ruled the current definitions of abuse and neglect to be vague and unconstitutional, and

WHEREAS, questions regarding child abuse and protection have in the recent past been referred both to the Public Health and Welfare Committee and the Judiciary Committee.

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

1. That the Public Health and Welfare Committee and the Judiciary Committee be designated to conduct a joint interim study to develop more precise definitions of child abuse and neglect and to examine the need to make other alterations in the current abuse and neglect statutes.

2. That such 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 165.**

Introduced by Wesely, 26th District; Hoagland, 6th District.

WHEREAS, 1,046 cases of abuse and neglect of incompetent or disabled adults wee investigated in 1984, and

WHEREAS, a study by the House Select Committee on Aging estimated that one out of every twenty-five elderly persons is abused or neglected annually, and

WHEREAS, professional recognize that adult abuse and neglect are hidden problems unreported because the victims are fearful of retaliation, and

WHEREAS, present criminal statutes do not include the elderly as a protected group, and

WHEREAS, recent court decisions have ruled the present definitions of abuse and neglect to be vague and unconstitutional.

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

1. That the Judiciary Committee and the Public Health and Welfare Committee shall be designated to conduct a joint interim study to develop more precise definitions of adult abuse and neglect and to examine the need for other alterations in the current statutes regarding adult abuse and neglect.

2. That such committees shall upon the conclusion of their study make a report of its findings, together with their recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 166.**

Introduced by Wesely, 26th District.

WHEREAS, universal telephone service is an important policy question which the legislature will face, and

WHEREAS, basic telephone rates in Nebraska are projected to increase as a result of the divestiture of the Bell System, and

WHEREAS, telephone service is essential to the elderly and can make the difference between institutionalization and maintaining independent living for many elderly persons.

THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a committee of the Legislature be designated to determine:

a. what will be the future rates of increase for telephone service in Nebraska over the next five (5) years, and

b. will the rate of increase on local telephone rates affect the access of telephone service to the elderly, especially low-income and rural elderly, and

c. what programs or regulatory structures are appropriate to respond to the effects of divestiture on universal service.

2. That such committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 167.**

Introduced by Withem, 14th District; Scofield, 49th District; Baack, 47th District.

PURPOSE: To conduct an in depth study of the impact of the New Federalism on Cities of the First and Second Class and Villages in the State of Nebraska. The deteriorating agricultural economy is a direct threat to the social and economic viability of municipalities in rural Nebraska. Reduced domestic spending and the mounting federal deficit have and will continue to erode funding for programs which benefit rural Nebraska. The impact of the New Federalism is producing a dramatic decline in rural communities. As elements of that impact, the study should focus on the following areas:

A) PLANNING

The study should examine the posture of State government toward planning since Nebraska law requires a comprehensive plan as a prerequisite to municipal regulation in the form of zoning. In addition, the study should examine methods for assisting Nebraska municipalities in planning efforts in the areas of enabling legislation for planning, funding and the distribution of Community Development Block Grants.

B) ECONOMIC DEVELOPMENT

The study should examine "strategic planning" for economic development in Nebraska's municipalities to assist in the distribution of development funds and the promotion of the above-mentioned communities.

C) Any other necessary functions of local government affected by the decrease in federal funding.

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

1. That the Standing Committee on Urban Affairs shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 168.**

Introduced by Withem, 14th District.

WHEREAS, there is need to examine the current funding of and

responsibility for local emergency medical services, and

WHEREAS, the role of state and local government for emergency services and the proper relationship and respective administrative and fiscal responsibilities of each level of government for such services requires closer scrutiny and discussion.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE, FIRST SESSION:

1. That the Public Health and Welfare Committee shall be designated to conduct an interim study of local emergency medical services in the state and the state-local relationship for the funding and administration of such services.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 169.**

Introduced by Landis, 46th District.

PURPOSE: The purpose of this resolution is to study the personnel classification system of the State of Nebraska. The study would focus on compliance with state and federal laws particularly in the areas of equal pay and affirmative action.

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

1. That a committee chaired by the chairperson of 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. The staff of the committee shall be comprised of staff from the Government, Military and Veterans Affairs Committee and the Legislative Fiscal Office and any other appropriate staff to be determined at a later date.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 170.**

Introduced by Landis, 46th District.

PURPOSE: The Nebraska economy is experiencing a crisis based, in part, on the level of dependency that the economy has on agriculture. A way to alleviate some of the state's dependency on agriculture is to diversify the economy with other industries. Currently, one of the fastest growing industries in the country is the military industry. The military arms industry has an uncertain economic future because of its dependency on federal policy. Given this uncertain future, there is a clear and present need for this state to assess the potential problems created by depending on the military arms industry for jobs, income, and taxes.

The study shall address the following topics: The current level of importance of the military arms industries on local and state economies within Nebraska; the impact of the military arms industry on local and state economies in terms of jobs supported, income generated, support maintained, and taxes generated; and the potential liabilities and benefits on increasing Nebraska's dependency on this industry.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 171.**

Introduced by Landis, 46th District.

PURPOSE: The Nebraska election laws should be helpful and comprehensible to citizens and election officials who utilize the election process. Many areas in the law need to be better defined, more clearly organized, and standardized for better application. The purpose of this resolution is to study all election statutes in order to make any changes necessary to improve the participation of Nebraskans in the election process.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make

a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 172.**

Introduced by Landis, 46th District.

PURPOSE: The basic structure of county government in Nebraska has remained unchanged since Nebraska achieved statehood. There have been a number of recent attempts to make substantive changes in the structure of county government. County government is a creature of the state. The purpose of the study is to examine the structure of county government with a specific focus on the issue of home rule charters.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 173.**

Introduced by Landis, 46th District.

PURPOSE: The purpose of this study is to review the impact of energy purchases, particularly of natural gas, upon expenditures of the state and political subdivisions thereof. The study should specifically consider the feasibility of establishing, by statute, a coordinated method of purchase of energy by the state and its agencies and political subdivisions thereof and any contractual or alternative methods of purchasing practicable to the goal of lowering public expense.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make

a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 174.**

Introduced by Landis, 46th District.

PURPOSE: The purpose of this study is to assess the effects of increasing the membership of the State Racing Commission. LB 467 was introduced in the Eighty-Ninth Legislature, First Session, and, if passed, would increase the commission from three to seven members. The study should focus on the efficiency and effectiveness of the commission to govern racing in Nebraska and what impact increasing the membership would have on the duties performed.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 175.**

Introduced by Lamb, 43rd District.

PURPOSE: The purpose of this resolution is to provide a means to assess the excellence and financing of education as it relates to Class I school districts.

Particular emphasis should be placed in the following areas:

(1) State aid distribution formula;
(2) Transportation;
(3) Local control and participation;
(4) Free high school tuition;
(5) Teacher pupil ratios;
(6) Reorganization or merger with K-12 districts;
(7) Representation and election procedures of school boards;
(8) Teacher placement;
(9) Quality of education; and
(10) Financing.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 176.**

Introduced by Lamb, 43rd District.

PURPOSE: The purpose of the resolution is to study the causes and means to prevent railroad fires.

(1) During 1984 railroads have caused two hundred eighty-six of the total nine hundred fifty-six fires on nonforested lands.

(2) Land adjacent to tracks has suffered considerable loss due to fires.

(3) Additional measures are necessary for the prevention of fires that will cause losses.

(4) The question of compensation for losses suffered and equitable reimbursement should be addressed.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 177.**

Introduced by Lamb, 43rd District.

PURPOSE: The present documentary stamp tax has extreme discrepancies. The exemptions are the contributing factor. There are twenty-two exemptions or exceptions to the tax. These exemptions are confusing to the public and difficult to interpret by the Register of Deeds or county clerks.

The purpose of this resolution is to determine if some of the exemptions to the documentary stamp tax should be eliminated.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 178.**

Introduced by Public Works Committee: Schmit, 23rd District, Chairperson; Beyer, 3rd District; DeCamp, 40th District; Harris, 27th District; Lamb, 43rd District; Lynch, 13th District; Nelson, 35th District; Smith, 33rd District; and Goodrich, 20th District; Peterson, 21st District.

PURPOSE: This resolution is proposed to study the effects of federal deregulation of the telecommunications industry on Nebraska ratepayers. Issues which will be considered shall include but not be limited to (1) how federal deregulation will affect ratepayers in Nebraska, independent of whether the telecommunications industry in Nebraska remains highly regulated (2) how federal changes will affect local service rates and long distance rates for rural and urban ratepayers; (3) the extent to which the Legislature should direct the Public Service Commission in implementing a state policy with respect to the telecommunications industry; (4) the preservation of universal service in Nebraska, including a review of whether subsidized service should be provided to low-income ratepayers; and (5) a study of revenues which are currently collected by telecommunications companies in Nebraska, and a determination of how federal and state policies with respect to revenue issues would affect those revenues in the future. Revenue issues shall include (a) the extent to which rates should be regulated by the Public Service Commission, and whether rates of return to companies should be legislatively prescribed; (b) whether the Legislature should mandate the allowance of intrastate long-distance competition, (c) whether the Legislature should prescribe minimum or maximum charges for local service, (d) the structure and level of access charges, and (e) the bypass issue, and to what extent user volume discounts should be allowed or prescribed.

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

1. That the Public Works Committee of the Legislature shall conduct an interim study and hold any public hearings necessary to carry out the purposes of this resolution.

2. That the Public Works Committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council prior to the commencement of the 1986 legislative session.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 179.**

Introduced by Public Works Committee: Schmit, 23rd District, Chairperson; Beyer, 3rd District; DeCamp, 40th District; Harris, 27th District; Lamb, 43rd District; Lynch, 13th District; Nelson, 35th District; Smith, 33rd District.

PURPOSE: This resolution is intended to study certain issues which relate to railroad transportation within Nebraska. Issues which will be considered will include but not be limited to (1) railroad safety, and a determination of factors which would improve the railroad safety record of companies operating within the state; (2) the effects of closing certain railroad lines in the state on the commerce of Nebraska; (3) federal deregulation of railroad rates and the effects on the cost of energy to Nebraska consumers; and (4) a review of the payments which railroad companies and their affiliated companies make to political subdivisions in lieu of property taxes.

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

1. That the Public Works Committee of the Legislature shall conduct an interim study and hold any public hearings necessary to carry out the purposes of this resolution.

2. That the Public Works Committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council prior to the commencement of the 1986 legislative session.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 180.**

Introduced by Public Works Committee: Schmit, 23rd District, Chairperson; Beyer, 3rd District; DeCamp, 40th District; Harris, 27th District; Lamb, 43rd District; Lynch, 13th District; Nelson, 35th District; Smith, 33rd District.

PURPOSE: This resolution is intended to focus on issues related to Nebraska's policies with regard to water. Study issues will include but not be limited to (1) an owner's liability with respect to drainage of surface water and other issues related to LB 489; (2) issues related to liability for seepage from irrigation canal systems; (3) issues related to the Industrial Ground Water Regulatory Act; and (4) issues related to water development goals and planning.

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

1. That the Public Works Committee of the Legislature shall conduct an interim study and hold any public hearings necessary to carry out the purposes of this resolution.

2. That the Public Works Committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council prior to the commencement of the 1986 legislative session.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 181.**

Introduced by DeCamp, 40th District.

WHEREAS, the use of alcohol in the production of gasohol or similar products is subsidized heavily by the state and federal governments; and

WHEREAS, there are a limited number of manufacturers of alcohol products for use of gasohol; and

WHEREAS, there apparently exists a practice by certain alcohol-producing companies doing business in Nebraska of pricing their product FOB from their plant at different prices strictly dependent upon the subsidy applicable in the state of the product's destination; and

WHEREAS, the aforementioned practice by some companies may be anticompetitive, and in violation of the Fair Trade Practices Act, as well as anti-trust laws.

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

1. That the Legislature through its Banking, Commerce and Insurance Committee conduct an inquiry into the marketing of alcohol in the State of Nebraska and the surrounding states to determine if improprieties or illegalities are in fact being committed by the producers thereof, which may result in higher costs to Nebraskans and adverse effects upon state government.

2. That the Committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council prior to the commencement of the 1986 legislative session.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 182.**

Introduced by Smith, 33rd District.

PURPOSE: The purpose of this resolution is to study minimum standards for nursing home insurance which would be administered by the Nebraska Department of Insurance. Such standards would include the minimum coverage which could be offered in a nursing home insurance policy.

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

1. That the Banking, Commerce, and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the Banking, Commerce, and Insurance Committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 183.**

Introduced by Smith, 33rd District.

PURPOSE: To study alternatives in providing essential services for the elderly living in rural towns where commercial and retail businesses are no longer available and to assess what impact community-based services have on the economies of rural towns in Nebraska.

WHEREAS, towns of 1,000 people or fewer have lost much of

their commercial and retail business as a significant percentage of rural residents are going to larger cities for these services, and

WHEREAS, the number of farms in Nebraska has dropped 50 percent in 40 years as fewer people are operating larger farms, and

WHEREAS, the faltering agricultural economy in Nebraska is forcing even more people to move from rural communities to areas with better job opportunities, and

WHEREAS, more than 40 percent of the residents of many Nebraska communities are 65 years of age and older, and

WHEREAS, many of the elderly receive programs and services designed to promote independence and prevent unnecessary institutionalization.

THEREFORE, BE IT RESOLVED BY THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA:

1. That a committee of the Legislature be designed to conduct an interim study:

a. to research alternatives in providing essential services for the elderly living in rural towns where commercial and retail businesses are no longer available, and

b. to assess what impact community-based services have on the economies of rural towns in Nebraska.

2.That such a committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 184.**

Introduced by DeCamp, 40th District.

WHEREAS, existing federal law has for many years given each state the right to determine whether it will permit bank ownership to cross its borders; and

WHEREAS, the States' ability to preserve self determination in regard to interstate banking has been steadily eroding for several years, as is evident from the spread of "non-banks," and by such innovations as "near banks" operated by Sears, American Express, and Merrill Lynch, and Citicorp's Service Centers in Omaha; and

WHEREAS, through the inventive use of loopholes and existing law, interstate banking has become a fact of life in Nebraska and across the nation; and

WHEREAS, the Nebraska Legislature is presently considering the passage of legislation which would authorize interstate bank ownership within a specified 11-state region on a reciprocal basis; and

WHEREAS, other states have already adopted reciprocal regional interstate banking laws, and additional states are presently considering such legislation.

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

1. That the Nebraska Legislature's Banking, Commerce and Insurance Committee conduct an inquiry into the following issues relating to interstate banking:

a) The extent to which interstate banking already exists in Nebraska;

b) The effects on the Nebraska financial industry if the Legislature adopts the concepts offered in LB 452, presently being considered by the Nebraska Legislature;

c) The effects on the Nebraska financial industry if the Legislature fails to adopt any measures relating to interstate banking; and

d) The options, other than those proposed in LB 452, which are available for Nebraska, and their possible effects on the State's financial industry.

2. That the Committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council prior to the commencement of the 1986 legislative session.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 185.**

Introduced by DeCamp, 40th District.

WHEREAS, the Legislature recognizes that health care costs continue to rise at a rate faster than other items in the general economy; and

WHEREAS, mandating various types of insurance benefits is being proposed as a means for offsetting such costs; and

WHEREAS, in 1974, Congress enacted the Employee Retirement Income Security Act (ERISA) which creates a federal preemption of state laws "related to" employee benefit plans; and

WHEREAS, many employers are self-insuring under the ERISA preemption to cut their benefit costs by avoiding mandated benefits and avoiding paying a premium tax; and

WHEREAS, more than 50% of the insured public is now covered by ERISA exemptions; and

WHEREAS, as the insured segment of the group health benefits market shrinks, the impact of mandated benefits laws may raise the

cost of insurance to the regulated insured public and they threaten the integrity of state regulations; and

WHEREAS, the additional cost of mandated benefits are borne by those who can least afford it, including small employers, farmers and the individual policy-holders.

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

1. That the Legislature's Banking, Commerce and Insurance Committee examine the financial impact upon individual and group policyholders, small businesses and farmers due to legislation:

a) Requiring inclusion of coverage for specific benefits (i.e., alcoholism treatment, mental health, substance abuse);

b) Requiring payment to any licensed provider or to specific types of providers (otherwise known as nondiscrimination or freedom-of-choice laws); and

c) Requiring continuation or coversion of coverage.

2. Due to the magnitude of this study, and the large amount of costs involved in the necessary research, joint financing should be requested from the Legislature and the insurance industry to conduct this study; and

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, prior to the commencement of the 1986 legislative session.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 186.**

Introduced by DeCamp, 40th District.

WHEREAS, the United States Supreme Court has rendered a majority opinion that the Alabama Premium Tax Law, which applies a tax differential to domestic and foreign insurance companies, favoring the domestic companies, may be unconstitutional; and

WHEREAS, Nebraska law imposes a tax differential to domestic and foreign insurance companies, which favors domestic companies, and may similarly be unconstitutional; and

WHEREAS, every effort must be made to avoid an extraordinarily large claim for refunds which may severely affect state revenue; and

WHEREAS, the application of a uniform premium tax to both domestic and foreign insurance companies may work an undue hardship on some domestic insurance companies; and

WHEREAS, a change in the State's premium tax laws should be

undertaken only after all parties have had an opportunity to fully inform the Legislature of the impact of such a tax on the insurance industry.

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

1. That the Legislature's Banking, Commerce and Insurance Committee conduct an inquiry into the financial impact of the United States Supreme Court decision pertaining to premium tax on Nebraska's insurance industry; and

2. That due to the magnitude of the study, and the large amount of costs involved in the necessary research, joint financing should be requested from the Legislature and the insurance industry to conduct this study; and

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, prior to the commencement of the 1986 legislative session.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 187.**

Introduced by DeCamp, 40th District.

WHEREAS, in 1982, the people of Nebraska adopted Initiative 300, which amended the Nebraska Constitution by restricting the ownership of real estate by corporations for the purposes of farming or ranching; and

WHEREAS, after nearly three years, the effects of Initiative 300, whether beneficial or detrimental, have not yet been determined with any certainty; and

WHEREAS, several groups representing segments of the agricultural industry have recently announced that they favor reexamination of the merits and bases for Initiative 300; and

WHEREAS, Nebraska's agricultural industry is in turmoil, and that a contributing factor toward that result is the low value of agricultural real estate; and

WHEREAS, amendment of Initiative 300 may be necessary in order to (1) alleviate low farm land and ranch land values by allowing expanded corporate ownership of such real estate under certain circumstances and (2) encourage the economic development of the state by promoting corporate investment in the production and processing of agricultural products.

NOW, THEREFORE, BE IT RESOLVED BY THE

MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Nebraska's Banking, Commerce and Insurance Committee conduct an inquiry into the economic affects of Initiative 300 on Nebraska, and determine whether the Legislature should consider a proposal to amend Initiative 300 and, if so, the form of such an amendment; and

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council prior to the commencement of the 1986 legislative session.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 188.**

Introduced by Miscellaneous Subjects Committee: Hefner, 19th District, Chairperson; Conway, 17th District; Haberman, 44th District; Hartnett, 45th District; Higgins, 9th District; V. Johnson, 8th District; Pappas, 42nd District.

PURPOSE: The Nebraska Liquor Control Commission appointed a task force to review the Nebraska Liquor Control Act and to make any recommendations on totally redrafting the act. Some of the recommendations have been considered by the Legislature. It is the purpose of this resolution to review the recommendations of the task force and any recommendations of the Nebraska Liquor Control Commission. In the review of these recommendations the committee should consider a redraft of the act based on its own recommendations.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 189.**

Introduced by Miscellaneous Subjects Committee: Hefner, 19th District, Chairperson; Conway, 17th District; Haberman, 44th

District; Hartnett, 45th District; Higgins, 9th District; V. Johnson, 8th District; Pappas, 42nd District.

PURPOSE: The Nebraska Bingo and Lottery Control Act contains the regulations for bingo, pickle card lotteries, lotteries conducted by nonprofit organizations, raffles, and lotteries conducted by cities and counties. The regulations for each of these are contained within a single act. Confusion develops in the interpretation and enforcement of the act. The purpose of this resolution is to study the possibility of separating the regulation of bingo, pickle card lotteries, lotteries conducted by nonprofit organizations, raffles, and lotteries conducted by cities and counties into separate acts.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 190.**

Introduced by Revenue Committee: V. Johnson, 8th District, Chairperson; Hartnett, 45th District; Hefner, 19th District; Landis, 46th District; Pirsch, 10th District; Rogers, 41st District; Sieck, 24th District; and Abboud, 12th District.

PURPOSE:

The purpose of this resolution is to study the feasibility of offering an income tax credit to persons who invest in companies which invest capital in Nebraska businesses. This study should focus on the provisions of Legislative Bill 222, Eighty-ninth Legislature, First Session, 1985, and should examine the implications of pursuing such a policy. Similar legislation in other states also should be examined, along with the effect that offering credits of this type has had in other states with respect to investment and revenue.

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

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of

this resolution.

2. That the Revenue Committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 191.**

Introduced by Revenue Committee: V. Johnson, 8th District, Chairperson; Hartnett, 45th District; Hefner, 19th District; Landis, 46th District; Miller, 37th District; Pirsch, 10th District; Rogers, 41st District; Sieck, 24th District.

PURPOSE:

The purpose of this resolution is to propose a study regarding the taxation of community antenna television service, commonly known as cable TV. The study should include an examination of the taxes which currently are paid by cable TV companies in Nebraska, methods which are used to tax these companies in other states, and the propriety of including cable TV companies under the statutory definition of public service entities, which are subject to a franchise tax.

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

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the Revenue Committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 192.**

Introduced by V. Johnson, 8th District.

PURPOSE: The purpose of this resolution is to propose a study of the feasibility of merging the Nebraska School for the Visually Handicapped and the Nebraska School for the Deaf. The study should focus on the quality of education that could be provided under such a set-up, the cost-effectiveness of a merger of this type, the manner in which other states provide education for the deaf and

visually impaired, and the manner in which such a merged school would operate and be administered.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 193.**

Introduced by Rupp, 22nd District.

PURPOSE: Initiative 300, also known as the "Family Farm Amendment", was approved as an amendment to the Constitution of the State of Nebraska on November 2, 1982. Initiative 300's restrictions on the ownership and use of farmland has caused uncertainty as to what types of farming and ranching operations will be permitted in the state and laws which affect the right to own, use, and dispose of property and the right to pursue a business or to engage in gainful employment raise numerous legal questions. In addition, Initiative 300's effect on the ownership and use of land may have a corresponding impact on related industries such as food processing. The purpose of this resolution is to study the intent and purpose of Initiative 300, the basis upon which it was approved, and the impact it has on the economy of the State of Nebraska and the welfare of its citizens.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 194.**

Introduced by Rupp, 22nd District.

PURPOSE: The purpose of this resolution is to explore the diminishing revenue base available for fish and wildlife management, including revenue necessary for law enforcement in this area, and to determine methods of replacing revenues lost due to the increasing issuance of fee-exempt hunting and fishing permits.

This study is necessary because fish and wildlife management is supported in large part by hunting and fishing permit fees. Significant numbers of permits are furnished without charge to Nebraska residents who are sixty-five years of age or older and certain veterans. The demand for such fee-exempt permits will increase dramatically in future years due to an increasing life expectancy and the aging of the fee-exempt veteran population. The increasing fee-exempt permits will cause additional pressure on an already strained fish and wildlife management revenue base.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 195.**

Introduced by Beutler, 28th District.

PURPOSE: The purpose of this study shall be to study the feasibility and merits of introducing legislation to implement a "junior drivers license" program or to establish curfew hours for licensed drivers who are minors. Recent legislative actions such as strengthening the driving while intoxicated laws, raising the legal drinking age, and the seat belt legislation under consideration, indicate the public's and this body's concern for safety on our roads.

In order to accomplish its purpose the study shall include, but not be limited to, the following:

(1) Examination of the "junior license" concepts which other states have adopted;

(2) Examination of curfew legislation which other states have adopted;

(3) Examination of those studies completed which show that such legislation reduce traffic accidents and fatalities of primarily those in

their teen years;

(4) Inquiries to those states which have enacted legislation of this type as to its effectiveness, and any other relevant matters; and

(5) Any other issues which may reduce traffic accidents and fatalities and which are necessary for a complete analysis of this issue.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 196.**

Introduced by Beutler, 28th District.

PURPOSE: Recognizing Nebraska's commitment to maintaining its generally high quality of water and the Department of Environmental Control's declaration that an emergency and remedial response fund is the most apparent deficiency in the state's water quality legislation, the purpose of this interim study shall be to document the need and determine what provisions shall be included in a Nebraska "Superfund" or a comprehensive environmental response and liability act. In order to accomplish this purpose the following specific matters shall be examined:

(1) The nature and extent of pollutants and hazardous chemical contaminations occurring in the state;

(2) Proposals specifically relating to the nature, extent, and regulation of pollutants and hazardous chemicals endangering Nebraska's water supplies;

(3) State "Superfunds" throughout the nation which have already been adopted and their effectiveness;

(4) Existing disposal methods of hazardous substances and pollutants including resource recovery, recycling, incineration, neutralization and reduction;

(5) Existing Nebraska statutes pertaining to hazardous substances and pollutants; and

(6) Any other relevant matters necessary for a comprehensive examination of the topic of establishing a state "Superfund".

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF

NEBRASKA, FIRST SESSION:

1. That the committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 197.**

Introduced by Withem, 14th District.

PURPOSE:

To study the financial health and stability of Sanitary and Improvement Districts in the later stages of development and to study its revenue generating abilities to cover expenses.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 198.**

Introduced by Withem, 14th District.

PURPOSE: To study the effectiveness of Motor Vehicles Manufacturer's Warranty duties.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 199.**

Introduced by Revenue Committee: V. Johnson, 8th District, Chairperson; Hartnett, 45th District; Hefner, 19th District; Landis, 46th District; Miller, 37th District; Pirsch, 10th District; Rogers, 41st District; Sieck, 24th District.

PURPOSE: The purpose of this resolution to examine the eligibility of the disabled for the homestead exemption based on income. It shall consider the equity of existing homestead exemption laws and the application of income eligibility standards. The study shall also examine the possibility of expanding the homestead exemption based on income eligibility for veterans and their spouses.

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

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the Revenue Committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 200.**

Introduced by Revenue Committee: V. Johnson, 8th District, Chairperson; Hartnett, 45th District; Hefner, 19th District; Landis, 46th District; Miller, 37th District; Pirsch, 10th District; Rogers, 41st District; Sieck, 24th District.

PURPOSE: The purpose of this resolution is to examine current tax policy respecting financial institutions in Nebraska. The study shall examine:

(1) Fair and equitable taxation of financial institutions in relation to different types of financial institutions and different types of taxpayers;

(2) The taxation of investments by financial institutions of securities exempt from taxation under 26 USC 103;

(3) Appropriate levels and method of taxation to promote solvency of financial institutions;

(4) Appropriate levels and method of taxation of financial institutions to promote the formation and attraction of capitol and promote incentives for financial institutions to make appropriate

levels of credit available; and

(5) How tax policy affects financial portfolios of financial institutions.

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

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution and that the chairperson of the Revenue Committee designate the Bank Tax Task Force to study and analyze the issues in this study resolution.

2. That the Revenue Committee shall upon the conclusion of the study make a report of the findings of the Bank Tax Task Force, together with any recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

## NOTE

Study Resolutions 201 through 240 were introduced on April 23, 1985 (64th Legislative Day) pursuant to the Executive Board announcement. Copies of those study resolutions will be found in the 65th Legislative Day Journal, April 24, 1985 even though introduced on April 23, 1985.

## VISITORS

Visitors to the Chamber were 26 high school students and sponsor from Mankato, Kansas; and 25 fifth grade students and sponsor from Albion.

## ADJOURNMENT

At 4:31 p.m., on a motion by Mrs. Pirsch, the Legislature adjourned until 9:00 a.m., Wednesday, April 24, 1985.

Patrick J. O'Donnell
Clerk of the Legislature

# SIXTY-FIFTH DAY - APRIL 24, 1985

## LEGISLATIVE JOURNAL

## EIGHTY-NINTH LEGISLATURE
## FIRST SESSION

## SIXTY-FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, April 24, 1985

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

## PRAYER

The prayer was offered by Dr. Robert Palmer, Westminster Presbyterian Church, Lincoln, Nebraska.

## ROLL CALL

The roll was called and all members were present except Mrs. Morehead who was excused; and Messrs. Hartnett, Hoagland, R. Johnson, Lynch, Rupp, Schmit, Sieck, Vickers, and Mrs. Higgins who were excused until they arrive.

## CORRECTIONS FOR THE JOURNAL

The Journal for the Sixty-Fourth Day was approved.

## NOTE

Study Resolutions 201 through 240 found in this day's Journal were introduced on April 23, 1985 (64th Legislative Day).

## RESOLUTIONS

### LEGISLATIVE RESOLUTION 201.

Introduced by Revenue Committee: V. Johnson, 8th District, Chairperson; Hartnett, 45th District; Hefner, 19th District; Landis,

46th District; Miller, 37th District; Pirsch, 10th District; Rogers, 41st District; Sieck, 24th District.

PURPOSE: The purpose of this resolution is to undertake a comprehensive study of the overall state and local revenue and tax structure in Nebraska. The study shall examine issues related to revenue and tax structure, including, but not limited to: (1) The relative burdens placed upon property, sales, income, and miscellaneous taxes; (2) the proportionality of the income, sales, and property tax among classes of taxpayers; (3) the changes in tax incidence upon particular classes of taxpayers due to tax structure changes of the past ten years; (4) reviewing present tax exemptions, credits, and preferential rates and whether continuation of such preferences is justified; and (5) develop a tax incidence data base for use in the study.

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

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the Legislature appropriate $50,000 to conduct the study.

3. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 202.**

Introduced by Wesely, 26th District.

PURPOSE: The purpose of this study is to examine the various avenues available to the State of Nebraska which would stimulate the development of our state's economy. The study should include an inventory of the various economic development programs and initiatives now underway in Nebraska by state and local government.

The study should also examine what economic development tools other states are now using to stimulate economic growth, and how they might be applicable to Nebraska.

The study should establish an economic development model for the State of Nebraska which could be used to evaluate various development initiatives in our state and, using the development model, should evaluate the various tax incentives, jobs training programs, financing mechanisms, research and development

programs, and business assistance programs which are now underway, being developed, or proposed for implementation, to ascertain their impact on Nebraska's economy.

In undertaking this study, the Committee should work with the various state, local, and federal officials active in this area, and should actively solicit input and advice from persons in the private sector concerning the viability, attractiveness, and competitiveness of various economic development alternatives.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 203.**

Introduced by Wesely, 26th District.

PURPOSE: One important part of promoting 'economic development' in the state is the promotion of technology development and transfer, through research centers, innovation centers, incubator centers, and technical assistance centers. These projects seek to assist businesses through basic research which expands the range of human knowledge, applied research aimed at converting that knowledge into usable products, technical assistance programs designed to get usable knowledge to the people who can use it, and programs which assist inventors and entrepreneurs in establishing viable businesses to produce and sell new products.

In Nebraska a number of initiatives have been launched in recent years by state and local governments and by private firms with these aims in mind, and a number of other initiatives have been proposed. There is a need to coordinate the various initiatives now underway, and to evaluate what further initiatives would be beneficial and cost-effective. This study should seek to:

1. Inventory current research and development initiatives now underway in state and local governments and private industry in Nebraska. The inventory should group programs by their function, and should include the funding, target audience, organizational structure, and goals of each program.

2. Assess what, if any, duplicative efforts are now underway, and

what, if any, areas need further attention.

3. Encourage joint efforts, and consolidate duplicative efforts wherever possible, in an attempt to increase the effectiveness of current efforts while improving efficiency.

4. Identify what efforts should be left to the private sector to eliminate unnecessary competition between the public and private sector, and what efforts are needed by government to provide services where private industry is unwilling or unable to act.

5. Consider the need for an over-arching agency to coordinate these various initiatives and programs, and consider whether such an agency would provide more visibility, greater access, and more efficiency or would merely add an unnecessary layer of bureaucracy and stifle innovative work.

6. Consider what further efforts are needed in the research and development area to strengthen Nebraska's economy, and consider what agencies or organizations should have responsibility for such efforts.

7. Investigate what functions are now being carried out by which parties, and determine what functions are best suited to the role and mission of each party.

8. Consider what types of industries should be targeted for research and development efforts, and what possible impacts targeting various industries could have on Nebraska.

9. Recommend administrative actions which could lead to more effective economic development programs.

10. Recommend statutory changes which could lead to more effective economic development programs.

11. Identify the costs of various program alternatives and the potential benefits to the state, both in the long run and the short run.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall work with knowledgeable persons from state and local government and private industry, to assist the committee in carrying out the purposes of this resolution.

3. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 204.**

Introduced by Wesely, 26th District.

PURPOSE: The state's agricultural economy and related industries is undergoing a profound transformation, which has and will continue to create problems of severe economic dislocation. The traditional values of our state reside in the preservation of our family farms, small towns, and neighborhoods.

Cooperatives have historically emerged as an important option for people who are suffering from the consequences of economic dislocation to gain better control over their circumstances, and cooperatives can open the way to direct cooperation between our farms and our rural and urban communities by encouraging the formation of food production and consumer cooperatives. Cooperatives have also proven to be an important option for urban neighborhoods suffering from blight by providing the opportunity for decent and affordable housing, and many other consumer needs. The major obstacle confronting emerging cooperatives is the initial capitalization needed to begin.

The purpose of this resolution is to study the formation of a Cooperative Advisory and Development Council, which would:

A. Provide training and technical assistance to cooperatives and co-op groups with respect to all phases of cooperative development and administration;

B. Provide financial assistance to cooperatives and co-op groups for feasibility studies and other technical services as may be necessary in order to insure the success of new and expanding cooperative enterprises;

C. Encourage the direct linkage between farm production cooperative enterprises and food consumer cooperatives for the purpose of minimizing the costs of packaging and distribution;

D. Conduct marketing research in order to identify specialized markets in which cooperative enterprises can best serve both producers and consumers;

E. Establish a network of technical and financial resources in order to expand and increase the development of housing cooperatives;

F. Administer a Nebraska Cooperative Loan Fund (NCLF); and

G. Conduct fund raising efforts in order to increase the revenues available through the NCLF.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the

Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 205.**

Introduced by Withem, 14th District; Wesely, 26th District.

PURPOSE: In 1980 the Legislature passed LB 954, which included the adoption of the Nebraska Building Energy Conservation Standard, and in 1983 updated that standard by the adoption of LB 124. The purpose of this resolution is to study changes in building technology since 1983 which may require legislative revision of sections 81-1609 through 81-1625, and, federal legislative or administrative policy which may have subsequently impacted said sections and particularly enforcement provisions.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 206.**

Introduced by Wesely, 26th District.

PURPOSE: To study the organizational structure of the Nebraska State Historical Society. Although the Society receives the majority of its funding from the State, its organizational structure is somewhat unique. The Society is governed by its Board, which in turn is elected by the membership. Election procedures are determined by the Society's Constitution.

The purpose of this study is to generally examine the Society's organizational structure to determine if there are any changes which might be made to help the Society better serve the State of Nebraska.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 207.**

Introduced by Wesely, 26th District.

PURPOSE: A valid patent provides a legal monopoly in exchange for public disclosure of an invention. However, if a court later decides that the patent was improperly issued, then the invention was disclosed to competitors with no corresponding benefit. Many states are now establishing Trade Secrets Acts to provide protection to businesses for patentable or unpatentable information.

The purpose of this resolution is to examine the need for a Trade Secrets Act in Nebraska, to examine the Uniform Trade Secrets Act proposed by the National Conference of Commissioners on Uniform State Laws, and to determine the best form for a trade secrets act in our state in order to protect commercially valuable information.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 208.**

Introduced by Wesely, 26th District.

PURPOSE: In 1984 the Legislature passed LB 767, which established an 18-month motor fuel testing program in the Department of Agriculture, in an effort to determine the need for a permanent motor fuel testing program in Nebraska. The program consists of spot-checks and inspection-on-complaints of gasoline and gasohol sold at service stations and by pipelines to determine compliance with ASTM standards and state gasohol statutes. The purpose of this resolution is to examine the evidence gathered during this testing program and the experience of the program, and

determine whether or not a permanent fuel testing/enforcement program is needed in Nebraska. Specifically, the study should address:

1. Whether, based on the samples gathered and experience in other states, a motor fuel testing program is necessary to protect the consumer or whether market forces are adequate for this protection;

2. Whether a fuel inspection program should include annual inspections of all stations, inspection on a random basis, or only inspection upon complaint;

3. What petroleum products should be tested, a select few petroleum products or all petroleum products;

4. What enforcement provisions should be part of the program, and what penalties should apply to violators;

5. What specifications should be applied to blended and unblended petroleum products, and what type of testing should be used;

6. What is an adequate turn-around time for samples tested, and what is the best way to meet that turn-around time;

7. Should the testing and analysis be done on a contractual basis, or should the state acquire equipment and perform the tests and analyses, and how would the turn-around time on samples, the adequacy of evidence in court, and the cost of the program be affected by this decision;

8. For various options which are deemed to be adequate programs, what are the estimated startup and operating costs;

9. How do these costs measure up against the anticipated protection to the consumer; and

10. How should a testing program be funded.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 209.**

Introduced by Wesely, 26th District.

PURPOSE: Over the last few years State agencies have been significantly increasing their use of computers for data processing, word processing, and various other purposes. As a result, more state

employees are spending a greater part of their time using video display terminals (VDTs). Recent studies have suggested that the use of VDTs over extended periods can have serious health risks to the employee.

The purpose of this study is to examine the evidence regarding the use of VDTs and their possible health risk to employees, and to determine whether policies or guidelines should be in effect for employees who use VDTs to protect their health. If guidelines are deemed appropriate, the committee should develop and recommend such guidelines as are necessary to protect the health of state employees.

The committee should also make the evidence gathered during the study available to employers and employees in private industry, to assist them in developing such guidelines and policies as are appropriate to their place of work.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 210.**

Introduced by Wesely, 26th District; DeCamp, 40th District.

PURPOSE: Much of Nebraska's 'energy policy', and the Nebraska Energy Office, was established during a time of crisis, when shortages of energy sources were occurring or thought to be imminent. The current situation, at lest for the near-term, appears to be one of a relatively stable energy supply to meet the needs of Nebraskans. Given the changing nature of the energy situation, a broad reassessment of the various components and programs which make up Nebraska's 'energy policy' appears warranted. The study should include:

A. An assessment of the current energy programs operated by the Nebraska Energy Office and other agencies, to assess the current duties, responsibilities, roles, and functions, to examine whether these are still valid under current conditions, and to examine whether existing programs meet the needs of Nebraskans;

B. To examine the basic energy needs of low-income Nebraskans

and the various existing programs designed to help them meet those needs, and to examine what changes in existing programs, or new programs such as state-funded weatherization or utility winter shut-off policies, are justified to meet the special needs of these Nebraskans;

C. To examine the long-term prospects for energy supplies, including both availability and price, to investigate what (if any) current policies and programs are necessary to assure adequate supplies of energy at reasonable costs to Nebraskans in the future, and to examine what steps energy suppliers are now taking in terms of long-range planning to meet future needs;

D. To examine the balance of trade problems created as a result of the importation of 95% of our energy needs, the effects of this trade deficit on our state's economy, and the need to develop in-state sources of energy to offset energy imports;

E. To investigate what progress has been made in encouraging the growth of renewable energy in Nebraska, and what further efforts may be necessary to effect a smoother transition from short-term energy sources such as petroleum and natural gas to renewable and sustainable energy sources.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 211.**

Introduced by Banking, Commerce and Insurance Committee: DeCamp, 40th District, Chairperson; Beyer, 3rd District; Haberman, 44th District; Harris, 27th District; Higgins, 9th District; Labedz, 5th District; Pappas, 42nd District.

PURPOSE: The purpose of this resolution is to examine generally the conduct of the banking industry within the State of Nebraska, and to exercise legislative oversight over existing legislation governing the subject. In addition, inquiry may be made into any specific and related areas of concern brought to the attention of the committee which it believes may warrant consideration by the legislature during the Eighty-Ninth Legislature, second session.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council, prior to the commencement of the 1986 legislative session.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 212.**

Introduced by Banking, Commerce and Insurance Committee: DeCamp, 40th District, Chairperson; Beyer, 3rd District; Haberman, 44th District; Harris, 27th District; Higgins, 9th District; Labedz, 5th District; Pappas, 42nd District.

PURPOSE: The purpose of this resolution is to examine generally the conduct of commerce within the State of Nebraska, and to exercise legislative oversight over existing legislation governing the subject. In addition, inquiry may be made into any specific and related areas of concern brought to the attention of the committee which it believes may warrant consideration by the Legislature during the Eighty-Ninth Legislature, second session.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council, prior to the commencement of the 1986 legislative session.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 213.**

Introduced by Banking, Commerce and Insurance Committee: DeCamp, 40th District, Chairperson; Beyer, 3rd District; Haberman, 44th District; Harris, 27th District; Higgins, 9th District; Labedz, 5th District; Pappas, 42nd District.

PURPOSE: The purpose of this resolution is to examine generally the conduct of the insurance industry within the State of Nebraska, and to exercise legislative oversight over existing legislation governing the subject. In addition, inquiry may be made into any specific and related areas of concern brought to the attention of the committee which it believes may warrant consideration by the Legislature during the Eight-Ninth Legislature, second session.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council, prior to the commencement of the 1986 legislative session.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 214.**

Introduced by Sieck, 24th District; Beyer, 3rd District; Abboud, 12th District.

PURPOSE: The purpose of this resolution is to study benefits that direct marketing of agricultural, vegetable, and horticultural crops offer to both the producers and consumers of this state and to examine the feasibility of producing alternative crops and various other crop diversification methods. Specifically the study shall focus on:

(1) The feasibility of various state agencies providing financial, technical, and administrative assistance to producers attempting to establish direct marketing programs;

(2) Possible changes that could be made in statutes or agency rules and regulations to encourage the development of direct marketing programs;

(3) The potential of producing various alternative crops in this state and what markets could be secured for these alternative crops;

(4) Different methods of crop diversification and how such diversification could be promoted by state agencies, the Cooperative Extension Service, the University of Nebraska, and private organizations; and

(5) Present activities by state agencies, the Cooperative Extension Service, the University of Nebraska, and private organizations in the previous mentioned areas and how such activities may be better

coordinated.

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

1. That the Agriculture and Environment Committee of the Legislature be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the Agriculture and Environment Committee shall, upon the conclusion of its study, make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 215.**

Introduced by Sieck, 24th District; Carsten, 2nd District; Marsh, 29th District.

PURPOSE: The purpose of this resolution is to study the Nebraska Forest Service and the value that trees, woodlands, and shelterbelts contribute toward the overall betterment of this great state.

Due to the recent trend of clearing out shelterbelts to expand farming operations, a study should be undertaken by the Nebraska Legislature to determine the value trees, woodlands, and shelterbelts have in the way of conservation, wildlife, and aesthetic pleasure. This study should determine what state programs and possible tax incentives could be implemented to help preserve our trees.

The Nebraska Forest Service offers a variety of programs to the general public in Nebraska. Since 1978, funds from the federal government have decreased fifty per cent, and there are indications that all federal assistance to state forestry agencies will soon be terminated. The Nebraska Legislature shall conduct a study of the Nebraska Forest Service, its role and mission, funding alternatives, and the impact on Nebraska citizens and on other private and public activities if its programs are eliminated.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall, upon the conclusion of its study, make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 216.**

Introduced by Lundy, 36th District; Sieck, 24th District; Baack, 47th District; Miller, 37th District; Chizek, 31st District.

PURPOSE: The purpose of this resolution is to study the Nebraska Visitors' Development Act and in particular examine the Division of Travel and Tourism in the Department of Economic Development. The lodging tax provided for in the Nebraska Visitors' Development Act generates significant revenue to finance the Division of Travel and Tourism. This study should include a review of:

(1) The expenditures by the Division of Travel and Tourism designed to promote the tourism industry in Nebraska;

(2) The services and grants the division offers to local towns and villages for the purpose of tourism promotion;

(3) The overall effectiveness of the Division of Travel and Tourism in promoting the tourism industry in this state;

(4) The feasibility of moving the Division of Travel and Tourism to some other state agency other than the Department of Economic Development; and

(5) The possibility of creating a separate tourism board or commission within state government to take over the duties of the Division of Travel and Tourism.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 217.**

Introduced by Schmit, 23rd District; Sieck, 24th District; Nelson, 35th District; Beyer, 3rd District.

PURPOSE: The purpose of this resolution is to study the feasibility of reinstating a Motor Vehicle Inspection Program in Nebraska in one form or another. Since a number of years have now

passed since the Motor Vehicle Inspection Program was repealed by this body, this study should review:

(1) The impact the absence of this program has had on the public safety of Nebraska motorists;

(2) Possible changes in statutes to allow law enforcement officers to better detect and monitor mechanical deficiencies in motor vehicles; and

(3) The feasibility of implementing a Motor Vehicle Inspection Program operated by the state with state employees performing the motor vehicle inspections.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 218.**

Introduced by Chronister, 18th District; Beutler, 28th District; R. Johnson, 34th District;, Sieck, 24th District; Nelson, 35th District; Schmit, 23rd District.

PURPOSE: The purpose of this resolution is to study the levels and affects of nitrates in both the groundwater and surface water of this state. This study shall include a review of:

(1) Present nitrate levels in municipal wells and the relationship between nitrate levels in those wells and neighboring irrigation wells;

(2) The permissible nitrate levels and levels at which there is danger to the general public;

(3) The relationship between groundwater nitrate levels, past and present;

(4) The relationship that large commercial feedlots have on nitrate levels in the groundwater in their immediate areas;

(5) The effect potential new farming techniques will have on decreasing or increasing nitrate levels now and in the future;

(6) Educational programs that are presently offered by various government agencies and the impact these programs are having; and

(7) What are the proper methods of lowering dangerous nitrate levels and what methods are most cost-efficient and achieve the best results.

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

1. That the Agriculture Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the Agriculture Committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 219.**

Introduced by Withem, 14th District; Hartnett, 45th District; Chizek, 31st District.

WHEREAS, the organization of public school education in the State of Nebraska is a topic of considerable discussion during the 1985 session; and

WHEREAS, while school organization is important, it is not the only educational question that needs to be discussed by this Legislature; and

WHEREAS, the role of the State in the funding of public education continues to be a question that needs addressing;

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

1. That the Standing Committee on Education be designated to study the State's role in the funding of education and SPECIFICALLY, the State's role in distributing its resources in such a manner as to provide the opportunity for all students to receive an equal education and, as much as possible, that each student has equal financial resources supporting his education.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 220.**

Introduced by Public Works Committee: Schmit, 23rd District, Chairperson; Beyer, 3rd District; DeCamp, 40th District; Harris, 27th District; Lamb, 43rd District; Lynch, 13th District; Nelson, 35th

District; Smith, 33rd District.

PURPOSE: This resolution is intended to review policies, procedures, and decision-making with respect to roads and highways within the state. It has been almost 20 years since the Nebraska highway system has undergone a comprehensive study. Issues to be studied shall include but not be limited to (1) review of the process which affords the Department of Roads a 290 million dollar budget with limited legislative oversight; (2) study of current bidding procedures and to review whether current statutory provisions have been effective in limiting bid-rigging and other violations; (3) review decision-making process with respect to the construction, repair and maintenance of roads and highways in Nebraska, and a review of the procedures which are followed when highway construction fails to meet the standards for which a particular highway was constructed; (4) a review of the Highway Commission and its rules and procedures; and (5) matters related to highway safety.

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

1. That the Public Works Committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council prior to the commencement of the 1986 legislative session.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 221.**

Introduced by Schmit, 23rd District.

PURPOSE: The intent of this resolution is to examine the feasibility of using our renewable water resources in a manner which would generate revenue for the State of Nebraska and income for the citizens of the state. In certain areas of the state, there is an excess of surface and ground water. There is not sufficient money in the state's treasury to develop these water resources. Even if the money to develop the water resources was found, it does not appear that the benefits to be derived from irrigating farm crops would outweigh the cost of development, because of the low prices for commodities. However, in many portions of the United States, water is becoming an increasingly precious and scarce commodity. The Legislature should examine the possibility of amending the state's water use policy to allow the sale and shipment of the state's surplus water to those areas which would be willing to purchase it.

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

1. That the Public Works Committee of the Legislature shall conduct an interim study and hold any public hearings necessary to carry out the purposes of this resolution.

2. That the Public Works Committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council prior to the commencement of the 1986 legislative session.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 222.**

Introduced by Schmit, 23rd District.

PURPOSE: This resolution is intended to examine issues related to the generation of electrical power within Nebraska. Because a major portion of the power generated for use by Nebraskans emanates from coal, a non-renewable energy source, this study will focus on the feasibility of generating power from renewable energy sources. The study will focus on the benefits, detriments, and feasibility of generating power from cereal grains grown within Nebraska, from hydro-electric power, from the use of biomass, from nuclear power, and from such other means as may be practicable.

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

1. That the Public Works Committee of the Legislature shall conduct an interim study and hold any public hearings necessary to carry out the purposes of this resolution.

2. That the Public Works Committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council prior to the commencement of the 1986 legislative session.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 223.**

Introduced by Vickers, 38th District.

PURPOSE: In the last several years, the educational service units have become key components of the state's kindergarten through

twelfth grade educational system. Historically, the educational service units have been active in pooled purchasing and distribution of education materials and equipment as well as providing instructional services in special education, music, foreign language, and gifted education and support services in nursing and other areas. With the passage of Laws 1984, LB 994 and the placement of the educational service units administratively under the State Board of Education and the creation of a broadened role in helping schools meet approval and accreditation standards and evaluate teachers, the educational service units have become an even more critical factor in assuring that quality educational services are available on a statewide basis.

Nine counties remain outside the educational service unit support network. Legislative bill 414, Eighty-ninth Legislature, First Session, 1985, proposed to fill the gaps in the service network by including all counties in an educational service unit. The purpose of the study shall be to examine current and potential educational service unit boundaries in order to establish rational and usable educational service units in all parts of the state.

The study shall consider the following factors related to educational service units boundaries:

1. The needs of the service population, including the characteristics and numbers of students and school districts to be served;

2. Property tax and financing bases sufficient to meet the service needs of each unit;

3. Geographic factors including distance, physical barriers, and road and highway conditions; and

4. Any other factors necessary to rationally address the goal of insuring viable and strong educational service units.

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

1. That the Education Committee of the Legislature shall conduct a study to carry out the purposes of this resolution; and

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 224.**

Introduced by Vickers, 38th District; Pappas, 42nd District.

PURPOSE: The purpose of this resolution is to initiate a study of the current organization of Nebraska public higher education to determine whether or not a reorganization is feasible and will produce a better delivery system of quality collegiate education for all Nebraska citizens. Such a study should pay particular attention to:

(1) The historical development of higher education;

(2) The role, scope, and mission of each institution and the delivery of educational programs;

(3) The effectiveness and cost of systemwide offices;

(4) The geographical service areas of each institution and the programs which are being delivered to each service area;

(5) The feasibility of cooperative programs within and between current systems of higher education and proposed systems;

(6) The role, effectiveness, and cost of the Nebraska Coordinating Commission for Postsecondary Education;

(7) The costs of existing delivery systems as compared to projected costs of proposed systems;

(8) The relationship of vocational, academic, and continuing education programs; and

(9) The systems of postsecondary education as proposed in LB 695, Eighty-ninth Legislature, First Session, 1985, by the Governor's Citizens' Commission for the Study of Higher Education and other systems that may be proposed.

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

1. That the Education and Appropriations Committees of the Legislature, with the Nebraska Coordinating Commission for Postsecondary Education as staff, shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the Education and Appropriations Committees shall, upon the conclusion of this study, make a report of its findings, together with recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 225.**

Introduced by Barrett, 39th District; DeCamp, 40th District.

PURPOSE: The purpose of this study is to examine the procedures by which miscellaneous claims against the State of Nebraska are considered for approval or denial by the State Claims Board and the Legislature. There are currently no statutory or other formal

guidelines for determining what claims are appropriate for consideration and allowance. This present situation often results in unnecessary confusion among claimants and public officials. The interim study should include an examination of the pertinent statutory provisions; an historical analysis of the types of claims allowed and disallowed; an identification of other states' claim procedures, their common characteristics and practices; and such other relevant information as may be required. The study should further include recommendations for establishing rational procedures for processing miscellaneous claims against the State of Nebraska.

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

1. That the Business and Labor Committee and the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the Business and Labor Committee and the Banking, Commerce and Insurance Committee shall upon the conclusion of their study make a report of its findings, together with its recommendations, to the Legislative Council or the Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 226.**

Introduced by Barrett, 39th District; Vickers, 38th District.

PURPOSE: The purpose of this study is to examine Nebraska's Workmen's Compensation law with regard to the basic intent of workmen's compensation and in comparison with other states' laws, in order to determine whether the maximum weekly income benefit amount is adequate, and whether the maximum and minimum weekly income benefit amounts and also income benefits payable to current beneficiaries, should be automatically and periodically adjusted to reflect change in the state average weekly wage and the cost of living.

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

1. That the Business and Labor Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the Business and Labor Committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 227.**

Introduced by Barrett, 39th District; Hall, 7th District.

PURPOSE: The purpose of this study is to examine issues concerning the Nebraska Employment Security Law, including whether the maximum weekly benefit amount for unemployment insurance is fair and adequate and whether it should be automatically and periodically adjusted to reflect change in the state average weekly wage and the cost of living. The study may also include consideration of possible legislation as recommended by the Department of Labor on issues within its administrative jurisdiction.

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

1. That the Business and Labor Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the Business and Labor Committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 228.**

Introduced by Barrett, 39th District.

PURPOSE: The purpose of this study is to examine the feasibility of establishing a statewide, rather than the present city by city, system for the examination and licensure of plumbers in Nebraska.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 229.**

Introduced by Hartnett, 45th District.

Purpose: The purpose of this resolution is to authorize the Legislature to conduct a study of the residential real estate sale and the potential problems that might arise from a lack of knowledge with regard to the rights and responsibilities of all parties (buyers, sellers and agents for either). With the increasing popularity of sales by the homeowner and dual-agency sales (with buyer and seller represented by a single real estate agent) there is a need to determine:

1) What the requirements should be with regard to disclosure of legal obligations amongst the parties;

2) What specific legal obligations should be disclosed; and

3) The role of the Real Estate Commission.

The study should involve, but not be limited to, all of these issues and should have as its ultimate goal a determination of the best way to insure that all parties to residential real estate transactions are aware of their rights and responsibilities without placing undue burdens or hardships on any of them.

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

1. That the Banking, Commerce, and Insurance Committee of the Legislature be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall, upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 230.**

Introduced by Labedz, 5th District.

PURPOSE: The purpose of this resolution is to study the following two concepts for the financial support of elementary and secondary education in Nebraska: (1) Income tax credits for parents who incur educational expenses, including tuition, at any elementary or secondary school in Nebraska; and (2) educational vouchers to be used to pay for educational expenses, including tuition, at any elementary or secondary school in Nebraska.

The study shall include, but not be limited to, the following:

(a) What educational choices will be made available to parents

under both concepts which are not, practically speaking, currently available, particularly with regard to low-income families;

(b) The effect of competition between public and private education and the benefits and detriments of diversity in educational choices for parents;

(c) The estimated cost to the state to implement either concept as compared to the present cost and estimated future costs of public education in Nebraska;

(d) The effect on the cost of elementary and secondary public education in the event the choice of private elementary and secondary education would not be available to parents in Nebraska; and

(e) The extent to which either concept will cause further government regulation of private schools.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 231.**

Introduced by Wesely, 26th District.

Mission: This task force shall review current community/public health services occurring in the state, the available data concerning the costs and effectiveness of current community/public health services delivery systems, and shall recommend to the Director of Health a State Plan for the Organization of Community/Public Health Services.

In addition this task force shall work cooperatively with the Governors' Health Promotion Coordinating Council, and shall serve as a resource for information and advice to the State Board of Health, the Director of Health, the State Legislature, and the Bureau of Community Health Services, to develop a plan for a comprehensive program of statewide community/public health services.

Therefore, the Charge to the Community Health Services Task Force is to:

1) Analyze current public health services provided throughout the state;

2) investigate various alternative systems for the provision of community/public health services throughout the state;

3) develop a plan for providing community health/public services statewide, including services to be provided, costs and source of funds and quality standards.

Specific Tasks to be accomplished include, but are not limited to:

1) Develop a "Working Definition" of Community Health Services/Public Health Services, to establish a framework within which the task force will operate.

2) Review the 1990 Model Standards for Community Health Services and make recommendations regarding their implementation in Nebraska.

3) Make recommendations regarding the revision of state statutes pertaining to local health services, boards of health, etc.

4) Study and define alternative delivery systems for Community/Public Health Services, in order to develop a model departmental policy on delivery mechanisms.

5) Work cooperatively with the Department's Health Promotion programs to promote the initiation of additional community health coalitions, as an integral part of the alternative delivery systems.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 232.**

Introduced by Hoagland, 6th District.

PURPOSE: To study issues of criminal law, criminal procedure and law enforcement in Nebraska. In order to accomplish this purpose this study may include but shall not be limited to the following topics:

1) Methods of improvement of current criminal law and procedures.

2) Effectiveness of current criminal sanctions.

3) Current problems in law enforcement and prosecution.

4) Any other matters necessary for a proper and complete analysis of these issues.

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

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 233.**

Introduced by Sieck, 24th District; Nelson, 35th District.

PURPOSE: The agricultural economy of the state is dependent on the conservation of our soil and water resources. It has been estimated that over 200 million tons of soil are eroded annually from land within the State of Nebraska. Almost 8.5 million acres of land in the state are eroding at an annual rate in excess of the tolerable soil loss limit of 5 tons per acre, per year. Over 3 million acres of irrigated corpland needs improved irrigation water management to reduce erosion and prolong the life and maintain the quality of our ground water supplies. The loss of topsoil and water supply and quality declines could seriously curtail efforts to sustain agricultural production in the future. The current estimate of the cost of implementing the conservation practices needed in the state is 738 million dollars. Due to concern over the loss of our valuable soil and water resources, the Governor's Office, the Natural Resources Commission, the Nebraska Association of Resources Districts, the Policy Research Office, the Department of Environmental Control, the Nebraska Department of Agriculture, the Soil Conservation Service, the Agricultural Stabilization and Conservation Service, and the Cooperative Extension Service are presently developing a State Soil and Water Conservation Strategy. The purpose of this study is to determine the appropriate level of state funding for the Nebraska Soil and Water Conservation Fund.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 234.**

Introduced by Harris, 27th District.

PURPOSE: The purpose of this resolution is to study the public

education employee retirement system, specifically with reference to current proscriptions in the school retirement system that detrimentally impact members who leave the retirement system and wish to return at a later date. Sections 79-1514 and 79-1522, Nebraska Revised Statutes, and the impact those two sections have upon individuals who wish to return to the Nebraska education and educational retirement system, should be the focus of this study.

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

1. That the Retirement Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the Retirement Committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or to the Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 235.**

Introduced by Harris, 27th District.

PURPOSE: The purpose of this resolution is to examine the opportunities for the public power industry in Nebraska to stabilize electrical rates by various positive measures. These factors may include but not be limited to load factor improvement by increased off-peak sales, load management programs, management of peak-demand cooperation in power supply planning, and seasonal exchange of power.

In addition, measures to facilitate the implementation of these and other strategies should be studied to identify whether legislation is necessary for implementation.

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

1. That the Public Works Committee of the Legislature shall be designated to conduct an interim study and hold any public hearings necessary to carry out the purposes of this resolution.

2. That the Public Works Committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council prior to the commencement of the 1986 legislative session.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 236.**

Introduced by Withem, 14th District.

PURPOSE: The purpose of this resolution is to examine the special education services available to certain high-need handicapped students in the public school system with special emphasis upon the availability of special education services to persons with severe behavioral disorders.

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

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the Education Committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or to the Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 237.**

Introduced by Conway, 17th District.

Study economic development opportunities in northeast Nebraska

Whereas Nebraska needs continued study of methods of stimulating this state's economic climate; and

Whereas each area of Nebraska has resources and opportunities available that are unique to that region; and

Whereas the portion of the Missouri River between Gavins Point Dam and Ponca State Park currently has markedly limited levels of use; and

Whereas increased attention to economic development may yield opportunities that will increase the level of well-being in northeast Nebraska and the state as a whole.

Now, therefore be it resolved by the members of the Eighty-Ninth Legislature of Nebraska, First Session:

That the Legislature study economic development opportunities in northeast Nebraska with particular emphasis on controlled recreational usage of the Missouri River.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 238.**

Introduced by Chronister, 18th District.

PURPOSE: The purpose of this resolution is to conduct a study of the Nebraska Ground Water Quality Protection Strategy. The topics for consideration shall include, but not be limited to:

(1) Alternatives for raising revenue for emergency and remedial response fund (State Superfund) for planning and clean-up of ground water contamination when no other monies are available for such purposes;

(2) Alternative funding mechanisms to support the development and administration of programs identified within the Nebraska Ground Water Quality Protection Strategy;

(3) Identify state and local institutional arrangements necessary to implement ground water quality protection plans and special ground water protection areas.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 239.**

Introduced by Chronister, 18th District.

PURPOSE: To conduct a study of present practices and problems in the disposal of solid waste in Nebraska and to review the effectiveness of the laws governing them, with emphasis on the following issues:

(1) Determination of the usage of garbage haulers or central collection by people in cities and villages;

(2) Whether cities of the second class and villages have environmentally acceptable solid waste disposal areas;

(3) In what circumstances a change in present laws would benefit cities and villages;

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

1. That a committee of the Legislature be designated to conduct an interim study to carry out the purposes of this resolution.

2. That such committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 240.**

Introduced by Chronister, 18th District.

PURPOSE:

The purpose of this resolution is to provide for the review of all matters pertaining to the disposal of low-level radioactive waste and to introduce legislation in the next legislative session which gives authority to the State of Nebraska for promulgating rules and regulations for the development and operation of a low-level radioactive waste disposal facility.

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

1. That the Agriculture and Environment Committee shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the Committee shall upon the conclusion 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

**LEGISLATIVE RESOLUTION 32CA.** Placed on Select File as amended.

E & R amendments to LR 32CA:

AM5143

Because of the page and line number differences between the green copy and the bill as introduced, all amendments are to the green copy.

1. On page 3, line 25, after "Governor" insert a comma; and in line 26 after "Legislature" insert a comma.

2. On page 4, line 2, after "Nebraska" insert

", to change to allowable number of board members, and to provide for discretion in establishing the boundaries of regent districts".

**LEGISLATIVE BILL 608.** Placed on Select File as amended.
E & R amendments to LB 608:
AM5145

1. In the Schmit amendment adopted April 17, 1985, found on page 1614 of the Journal, in line 1 strike "10" and insert "ten" and strike "25" and insert "twenty-five".

2. In the Schmit amendment, AM1016, adopted April 17, 1985, on page 9, line 15, strike the comma.

3. On page 1, strike beginning with "to" in line 4 through the semicolon in line 5.

**LEGISLATIVE BILL 102.** Placed on Select File as amended.
E & R amendments to LB 102:
AM5146

1. On page 1, line 5, strike "2-4513,".

2. On page 2, line 3, strike "to provide an operative date;".

3. On page 10, line 11, strike "13" and insert "12".

4. On page 21, line 14, strike "20 and 21" and insert "19 and 20".

5. On page 25, line 25, strike the first comma.

6. Strike original section 23 and renumber the remaining sections accordingly.

**LEGISLATIVE BILL 457.** Placed on Select File as amended.
E & R amendments to LB 457:
AM5148

1. On page 1, strike beginning with "define" in line 1 through the first semicolon in line 4 and insert "adopt the Hazardous Materials Disclosure Act;"; and in line 4 after the second semicolon insert "to provide an operative date;".

2. On page 3, line 21, strike the semicolon and insert a period.

3. On page 4, line 3, strike "; and" and insert a period.

4. On page 6, line 24, strike the comma.

5. On page 7, strike beginning with the

second "the" in line 7 through "act" in line 8 and insert "such act"; and strike beginning with "under" in line 13 through "act" in line 14 and insert "by such act".

**LEGISLATIVE BILL 408A.** Placed on Select File.
**LEGISLATIVE BILL 632A.** Placed on Select File.
**LEGISLATIVE BILL 667A.** Placed on Select File.

**LEGISLATIVE BILL 154.** Placed on Select File as amended.
E & R amendments to LB 154:
AM5147

1. In the Chambers amendment adopted April 19, 1985, found on page 1694 of the Journal, in line 2 after the last quotation marks insert "and show all the matter as stricken"; underscore beginning with "on" in line 3 through "meeting" in line 4; and in line 4 strike the period.

2. On page 1, line 3, strike the second "change"; and in line 4 strike "duties; and" and insert "eliminate a duty;" and after "section" insert "; and to declare an emergency".

3. On page 2, line 16, after "meets" insert an underscored comma.

**LEGISLATIVE BILL 518.** Placed on Select File as amended.
E & R amendments to LB 518:
AM5149

1. In the Standing Committee amendments, AM0425, adopted April 19, 1985, on page 1, line 16, after "or" insert "to".

2. On page 1, line 3, after the first comma insert "43-649,"; and in line 6 after "placements" insert "and plans".

3. On page 6, line 4, after "proceedings" insert an underscored comma.

(Signed) Timothy Hall, Chairperson

## RESOLUTION

**LEGISLATIVE RESOLUTION 241.**

Introduced by Schmit, 23rd District.

WHEREAS, the water resources of the Missouri Basin are the most important natural resource for the long-range economic future and well-being of the northern plains states and the region; and

WHEREAS, instances have occurred in recent years in which respective states of the region have been involved in disputes or conflicts regarding water resources; and

WHEREAS, it is in the best interest of Nebraska and our neighbor states of the northern plains region and Missouri Basin that every effort be made to establish interstate cooperation and to minimize interstate conflicts regarding our mutual water resources;

NOW, THEREFORE, BE IT RESOLVED, that the Nebraska Legislature believes it is imperative to establish immediate coordination on water issues between the Legislatures of Nebraska, Colorado, South Dakota, North Dakota, Montana, Iowa, Kansas, and Missouri; and the Nebraska Legislature expresses its wishes to enter into cooperative efforts with the Legislature of those states as soon as possible.

Laid over.

## ATTORNEY GENERAL'S OPINION

Opinion No. 66
April 17, 1985

Dear Senator Harris:

This is in response to your letter of April 3, 1985, in which you discuss problems with the distribution of child support payments as they are sent to the receiving parent. Your questions concern the authority of a county to hold payments while waiting for checks to clear, the authority to collect interest, and the disposition of that interest.

The clerks of the district courts, as the representatives of the courts, receive all payments resulting from judgments and decrees, and disburse payments to the proper parties. The general record keeping duties of the clerks of the courts are set out in Neb.Rev.Stat. §§25-2204 to 25-2214 (Reissue 1979). Section 25-2214 provides as follows: "The clerk of each of the courts shall exercise the powers and perform the duties conferred and imposed upon him by other provisions of this code, by other statutes, and the common law."

Sections 42-358 and 42-358.01 to 42-358.07 set out the duties of the clerks of the district courts in the collection of child support. It should be noted that the Legislature was quite specific as to the duties of the clerks of the district courts in keeping records of delinquencies

(§42-358.01) and in computing interest on delinquencies, and in keeping the court informed (§42-358.02(3)). There are no specific statutes setting out time constraints in the disbursement of child support once payment (a check) is received from the obligor.

Section 24-337.03(1) sets out the duties of the clerks of the district courts in matters of money and property it has received:

> Whenever any money or other property is received by the clerk of the district court, he or she shall carefully manage it and may, when the money cannot immediately be paid out to its rightful owner, deposit the money in interest-bearing accounts in insured banking or savings institutions. Any interest accrued from such deposit shall be paid over to the county treasurer to be credited to the county general fund.

It would therefore appear that the clerk would be required to use generally sound fiscal practices in the disbursement of child support. It would follow then, that the allowance of a reasonable time for checks to clear would be proper. Conversely, issuance of child support payments without awaiting clearance of the checks could, in the case of an insufficient fund or no fund check, result in personal liability or subject the clerk to the possibility of being charged with neglect of duty due to the fact that county funds would be expended for a debt that is not an obligation of the county.

In view of the above, it is our opinion that the procedure of payment is discretionary with the clerks consistent with sound fiscal practices, and that interest which accrues is credited to the general fund pursuant to Neb.Rev.Stat. §24-337.03(1) (Reissue 1979).

Sincerely,
ROBERT M. SPIRE
Attorney General
(Signed) Royce N. Harper
Assistant Attorney General

RNH:cw
cc: Patrick J. O'Donnell
Clerk of the Legislature

## RESOLUTIONS

**LEGISLATIVE RESOLUTION 95.** Read. Considered.

LR 95 was adopted with 30 ayes, 0 nays, and 19 not voting.

**LEGISLATIVE RESOLUTION 109.** Read. Considered.

LR 109 was adopted with 30 ayes, 0 nays, and 19 not voting.

**LEGISLATIVE RESOLUTION 97.** Read. Considered.

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

Mr. Chambers moved for a call of the house. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

Mr. Chambers requested a roll call vote on the adoption of LR 97.

Voting in the affirmative, 18:

| | | | | |
|---|---|---|---|---|
| Baack | Eret | Hartnett | Marsh | Vickers |
| Chambers | Goodrich | Higgins | Nelson | Wesely |
| Chizek | Hall | Johnson, V. | Scofield | Withem |
| Conway | Harris | Labedz | | |

Voting in the negative, 18:

| | | | | |
|---|---|---|---|---|
| Barrett | DeCamp | Johnson, L. | Miller | Remmers |
| Beyer | Goll | Lamb | Peterson | Rupp |
| Carsten | Hannibal | Landis | Pirsch | Schmit |
| Chronister | Hefner | Lundy | | |

Present and not voting, 8:

| | | | | |
|---|---|---|---|---|
| Beutler | Lynch | Pappas | Smith | Warner |
| Haberman | Nichol | Rogers | | |

Excused and not voting, 5:

| | | | | |
|---|---|---|---|---|
| Abboud | Hoagland | Johnson, R. | Morehead | Sieck |

LR 97 lost with 18 ayes, 18 nays, 8 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

## ATTORNEY GENERAL'S OPINION

Opinion No. 67
April 19, 1985

RE: LB 453

Dear Senators DeCamp and Pappas:

You have requested our opinion as to whether LB 453 is in violation of the Nebraska Constitution and the Constitution of the United States of America. Specifically, you have questioned whether LB 453 violates the supremacy clause of the United States Constitution or is special legislation in contravention of Article III, Section 18, of the Nebraska Constitution. For purposes of this analysis, we are relying on the form of LB 453 which was first read on January 21, 1985.

The first step in the analysis is to determine whether or not LB 453 violates the Commerce Clause of the United States Constitution. Article I, Section 8, paragraph 3 of the United States Constitution grants to Congress the power "to regulate commerce . . . among the several states." However, in the absence of conflicting federal legislation, the states retain authority to regulate matters of legitimate local concerns even though interstate commerce may, in some manner, be affected. Lewis v. B.T. Investment Managers, Inc., 447 U.S. 27 (1980). Generally, state regulation which does not overtly discriminate against interstate commerce for the benefit of local business may survive constitutional scrutiny if narrowly drawn.

> Where the statute regulates evenhandedly to effectuate a legitimate local public interest, and its effects on interstate commerce are only incidental, it will be upheld unless the burden imposed on such commerce is clearly excessive in relation to the putative local benefits . . . If a legitimate local purpose is found, then the question becomes one of degree. And the extent of the burden that will be tolerated will of course depend on the nature of the local interest involved, and on whether it could be promoted as well with a lesser impact on interstate activities.

Pike v. Bruce Church, Inc., 397 U.S. 137, 142 (1970).

It is our opinion that LB 453 would survive constitutional scrutiny under the Commerce Clause. First, LB 453 does not discriminate between in-state and out-of-state bank holding companies. Both are prohibited from acquiring a non-bank bank. (The term non-bank bank refers to banks which do not both accept demand deposits and make commercial loans.) Secondly, the State of Nebraska has a legitimate interest in control of financial institutions within its borders. "{B}oth as a matter of history and as a matter of present commercial reality, banking and related financial activities are of profound local concern." Lewis v. B.T. Investment, supra at 38. Even though interstate attributes of banking are subject to extensive federal control, local authorities are still afforded a significant latitude in

regulating financial institutions. Finally, the burden on interstate commerce proposed by LB 453 is narrowly drawn. LB 453 would only prevent acquisitions of a non-bank bank by a bank holding company. The proposed legislation would not prevent the acquisition of a non-bank bank by other out-of-state investors or investment groups. As LB 453 meets the test of Pike v. Bruce Church, it would not be a violation of the Commerce Clause.

Article VI, paragraph 2 of the United States Constitution provides that "the laws of the United States . . . shall be the supreme law of the land." If federal preemption has occurred, it would exist pursuant to Section 4(c)(8) of the Bank Holding Company Act. Section 4 generally prohibits bank holding companies from acquiring an interest in non-banking enterprises. However, Section 4(c)(8) allows a company, with the approval of the Federal Reserve Board, to acquire shares of any company whose activities are "so closely related to banking or managing or controlling banks as to be a proper incident thereto." The Federal Reserve Board has found that a non-bank bank is an authorized non-banking subsidiary under Section 4 and has found itself constrained by Section 4 and Regulation Y to approve the acquisition of a non-bank bank by an out-of-state bank holding company. Chase Manhatten Corporation, ___ Federal Reserve Bulletin ___ (February 1985).

Section 7 of the Bank Holding Company Act provides:

> The enactment by the Congress of the Bank Holding Company Act of 1956 shall not be construed as preventing any state from exercising such powers and jurisdiction which it now has or may hereafter have with respect to banks, bank holding companies, and subsidiaries thereof.

The question then becomes, if Section 4 allows a bank holding company to acquire a non-banking subsidiary, with the approval of the Federal Reserve Board, may the states prevent the acquisition of a non-bank subsidiary under Section 7? It is our opinion that the state may prevent acquisitions of non-bank subsidiaries by a bank holding company.

It has been held that Section 7 "applies only to state legislation that operates within the boundaries marked by the Commerce Clause." Lewis v. B.T. Investments, supra at 49. Also, it is clear that Section 7 authorizes the states to prohibit entirely bank holding companies, or multi-bank holding companies. Commercial National Bank of Little Rock v. Board of Governors of the Federal Reserve, 451 F.2d 86 (1971). The United States Court of Appeals for the Fifth Circuit found that the Federal Reserve Board could not allow a bank holding company to acquire a subsidiary which would offer insurance services when state law did not allow a bank holding company subsidiary to engage in insurance activities. Florida Association of

Insurance Agents v. Board of Governors of the Federal Reserve, 551 F.2d 334 (1979). The Board of Governors of the Federal Reserve System has also indicated that it would not be able to authorize the acquisition of a non-bank subsidiary by a bank holding company when such an acquisition would be prohibited by state law. Chase Manhattan Corporation, supra. We would caution that this is murky territory through which no clear path can be found. However, it is our opinion that legal authority, as it now exists, indicates that it would not be a violation of the supremacy clause for the State of Nebraska to prohibit the acquisition of a non-bank bank by a bank holding company.

The final hurdle for LB 453 to overcome is that of the question of special legislation. Article III, Section 18, states in 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 whatsoever; . . . In all other cases where a general law can be made applicable, no special law shall be enacted.

The Nebraska Supreme Court, in construing Article II, Section 18, has set forth the following standard:

> The Legislature may make a reasonable classification of persons, corporations, and property for purposes of legislation concerning them, but the classification must rest upon real differences of situation and circumstances surrounding the members of the class, relative to the subject of legislation, which render appropriate its enactment.

The Court has also said:

> The rule established by the authorities is that, while it is competent for the Legislature to classify, the classification, to be valid, must rest on some reason of public policy, some substantial difference of situation or circumstances, that would naturally suggest the justice or expediency of diverse legislation with respect to the object classified.

United Community Services v. Omaha National Bank, 162 Neb. 786, 77 N.W.2d 576 (1956).

LB 453 prevents a bank holding company from controlling a bank, unless the bank both accepts deposits that the depositor has a legal right to withdraw on demand and engages in the business of making commercial loans. This is an attempt to close the definitional loophole in the Bank Holding Company Act which would allow an out-of-state bank holding company to acquire what is called a non-bank bank. However, specifically excluded from the prohibition are industrial loan and investment companies, licensed under Chapter 8, Article 4 of the Nebraska Revised Statutes. The problem is that

an industrial loan and investment company operates substantially in the same manner as a non-bank bank. While some attributes may be different, there does not appear to be any rational, legitimate basis to allow a bank holding company to acquire an industrial loan and investment company, but not a non-bank bank.

We would also point out that §8-1509 prohibits a bank holding company from acquiring, holding, or operating a state chartered institution acquired under §§8-1506 to 8-1510 as a non-bank subsidiary under Section 4 of the Federal Bank Holding Company Act of 1956. This section would prohibit a bank holding company from acquiring an industrial loan and investment company. But for the different treatment of an industrial loan and investment company in LB 453, the proposed legislation could arguably be considered a tightening of state regulations against bank holding companies acquiring non-bank subsidiaries. However, with the exclusion of industrial loans and investment companies from its prohibitions, LB 453 may very well be in violation of Article III, Section 18 of the Nebraska Constitution as special legislation.

We understand that the Banking Committee has adopted amendments to LB 453. However, as they have not officially been attached to the bill by the full legislature, we shall not comment on those provisions at this time.

Sincerely,
ROBERT M. SPIRE
Attorney General
(Signed) Timothy E. Divis
Assistant Attorney General

TED:dr

**UNANIMOUS CONSENT - Member Excused**

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

**MOTION - Place LB 556 on General File**

Mrs. Labedz renewed her pending motion found in the Journal on page 1595 to place LB 556 on General File pursuant to Rule 3, Section 19.

**SPEAKER NICHOL PRESIDING**

Mr. DeCamp 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 Labedz motion prevailed with 27 ayes, 11 nays, 8 present and not voting, and 3 excused and not voting.

**MOTION - Place LB 219 on General File**

Mr. Rogers renewed his pending motion found in the Journal on page 1598 to place LB 219 on General File pursuant to Rule 3, Sec. 19.

Mrs. Pirsch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Rogers moved for a call of the house. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

Mr. Rogers requested a roll call vote on his motion to place LB 219 on General File.

Voting in the affirmative, 28:

| | | | | |
|---|---|---|---|---|
| Abboud | DeCamp | Hefner | Miller | Rupp |
| Baack | Eret | Higgins | Nelson | Schmit |
| Barrett | Goodrich | Johnson, L. | Nichol | Scofield |
| Beyer | Haberman | Johnson, R. | Remmers | Sieck |
| Chronister | Hall | Labedz | Rogers | Smith |
| Conway | Hartnett | Lamb | | |

Voting in the negative, 16:

| | | | | |
|---|---|---|---|---|
| Beutler | Hannibal | Lundy | Pappas | Warner |
| Carsten | Johnson, V. | Lynch | Pirsch | Wesely |
| Chambers | Landis | Marsh | Vickers | Withem |
| Goll | | | | |

Present and not voting, 2:

Chizek Harris

Excused and not voting, 3:

Hoagland Morehead Peterson

The Rogers motion prevailed with 28 ayes, 16 nays, 2 present and not

voting, and 3 excused and not voting.

The Chair declared the call raised.

## SELECT COMMITTEE REPORT
### Enrollment and Review

**LEGISLATIVE BILL 236.** Placed on Select File as amended.
E & R amendments to LB 236:
AM5150

1. On page 2, line 13, strike the comma and show as stricken.
2. On page 3, line 16, strike "2" and insert "3".

### Correctly Re-Engrossed

The following bill was correctly re-engrossed: 280A.

(Signed) Timothy Hall, Chairperson

### UNANIMOUS CONSENT - Print in Journal

Mr. Lynch asked unanimous consent to print the following amendment to LB 393 in the Journal. No objections. So ordered.

AM0939

(Amendments to Standing Committee Amendments)

1. On page 11, line 8, strike "supplies, materials, equipment,", show as stricken, and insert "personal property" and strike "contractual" and show as stricken.

Mr. Lynch asked unanimous consent to print the following amendment to LB 393 in the Journal. No objections. So ordered.

AM1121

(Amendments to AM0877)

1. Insert the following new section:

"Sec. 16. That section 23-1112, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-1112. (1) When it is necessary for any county officer or his or her deputy or assistants, except any county sheriff or his or her deputy, to

travel on business of the county, he or she shall be allowed mileage at the rate of ~~twenty-one~~ twenty and one half cents per mile for each mile actually and necessarily traveled by the most direct route~~,~~ if the trip or trips be made by automobile, but if travel by rail or bus shall be economical and practical, he or she shall be allowed only the actual cost of rail or bus transportation, upon the presentation of his or her bill for the same accompanied by a proper voucher~~,~~ to the county board of his or her county in like manner as is provided for as to all other claims against the county.

(2) Any future adjustments made to the reimbursement rate provided in subsection (1) of this section ~~,~~ shall be deemed to apply to all provisions of law which refer to this section for the computation of mileage.".

2. On page 12, line 15, after "23-324.08," insert "and 23-1112,".

3. Renumber the remaining sections accordingly.

Mr. Eret asked unanimous consent to print the following amendment to LB 284 in the Journal. No objections. So ordered.

AM1143

(Amendments to Standing Committee Amendments)

1. In the Standing Committee amendments, beginning on page 1483 of the Journal, on page 1, line 14, strike the quotation marks and the second period; and after line 14 insert the following new section:

"Sec. 42. No chemigation supply well shall be located within eighteen hundred yards of a municipal water supply well.".

## SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolutions: LR 95 and LR 109.

## GENERAL FILE

**LEGISLATIVE BILL 715.** Title read. Considered.

Standing Committee amendments, AM0523, printed separate from

the Journal and referred to on page 915 were considered.

Mr. V. Johnson renewed his pending amendment, AM1042, found in the Journal on page 1581 to the Standing Committee amendments.

The V. Johnson amendment was adopted with 17 ayes, 0 nays, 29 present and not voting, and 3 excused and not voting.

Mr. Withem renewed his pending amendment, AM1103, found in the Journal on page 1686 to the Standing Committee amendments.

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

Mr. Beutler moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The Withem amendment was adopted with 18 ayes, 6 nays, 21 present and not voting, and 4 excused and not voting.

Mr. Hefner offered the following amendment to the Standing Committee amendments:
AM1106

(Amendments to Am0523)

1. On page 40, reinstate the stricken matter beginning with "The" in line 2 through the semicolon in line 4 and in line 2 before the reinstated "The" insert "(n)"; in line 5 strike "(n)" amd insert "(o)"; and in line 18 strike "(o)" and insert "(p)".

2. On page 41, line 13, strike "(p)" and insert "(q)".

Messrs. DeCamp, Chronister, and Lundy asked unanimous consent to be excused until they return. No objections. So ordered.

The Hefner amendment was adopted with 20 ayes, 3 nays, 19 present and not voting, and 7 excused and not voting.

Pending.

## MESSAGE FROM THE GOVERNOR

April 24, 1985

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 272, 272A, 508, 368, 705, 209, 209A, 253 and 253A were received in my office on April 18, 1985.

These bills were signed by me on April 24, 1985 and delivered to the Secretary of State.

Sincerely,
(Signed) ROBERT KERREY
Governor

RK/jm

## VISITORS

Visitors to the Chamber were 46 fourth grade students and sponsor from Catlin Elementary School, Omaha; Senator Hannibal's daughter, Julie; 48 fifth and sixth grade students and sponsor from Kenesaw; 90 fourth grade students and sponsor from Aurora Elementary School; 9 juniors and teacher from Rising City High School; 6 eighth grade students and teacher from District 17 - Weissert School; 24 ninth grade students and sponsor from Friend; 10 juniors and sponsor from Ralston High School; 43 fourth grade students and sponsor from Milliken Park School, Fremont; 12 seniors and instructor from Rising City High School; C. W. Ripley from Springview; Mr. Yu-Shiu Miao, Mr. Yung-Hua Yang, Mr. Yu-Ting Peng, Mr. Shar Chou, Mr. Chih-Pin Tsou, Mr. Chin-Chiao Lu, Mr. Mao-Hsiung Lin, Mr. Jui-Ding Lin, and Mr. Kuang-Hung Lu, Wheat Procurement Mission - Republic of China (Taiwan); and Dan McGuire, Bob Rauner, Vic Haas, and Ron Stoddard.

## RECESS

At 11:53 a.m., on a motion by Mr. Eret, the Legislature recessed until 1:30 p.m.

## AFTER RECESS

The Legislature reconvened at 1:32 p.m., Speaker Nichol presiding.

## ROLL CALL

The roll was called and all members were present except Messrs. Carsten, DeCamp, Hall, Hannibal, Harris, Hoagland, L. Johnson, Schmit, Warner, Mesdames Morehead, Smith, and Ms. Scofield who were excused until they arrive.

## GENERAL FILE

**LEGISLATIVE BILL 715.** The pending Standing Committee amendments, as amended, referred to in this day's Journal were adopted with 26 ayes, 2 nays, 12 present and not voting, and 9 excused and not voting.

Mr. Beutler 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. Haberman requested a record vote on the advancement of the bill.

Voting in the affirmative, 27:

| | | | | |
|---|---|---|---|---|
| Beutler | Hannibal | Landis | Nelson | Sieck |
| Chambers | Hartnett | Lundy | Pappas | Vickers |
| Chizek | Higgins | Lynch | Pirsch | Warner |
| Conway | Hoagland | Marsh | Rogers | Wesely |
| Eret | Johnson, V. | Miller | Scofield | Withem |
| Hall | Labedz | | | |

Voting in the negative, 20:

| | | | | |
|---|---|---|---|---|
| Abboud | Carsten | Haberman | Johnson, R. | Peterson |
| Baack | Chronister | Harris | Lamb | Remmers |
| Barrett | Goll | Hefner | Morehead | Rupp |
| Beyer | Goodrich | Johnson, L. | Nichol | Smith |

Excused and not voting, 2:

DeCamp Schmit

Advanced to E & R for Review with 27 ayes, 20 nays, and 2 excused and not voting.

## RESOLUTION

**LEGISLATIVE RESOLUTION 242.**

Introduced by Schmit, 23rd District; Conway, 17th District; Rupp, 22nd District; Nichol, 48th District; Haberman, 44th District; Remmers, 1st District; Rogers, 41st District; Hefner, 19th District; Lamb, 43rd District; Nelson, 35th District; Sieck, 24th District; R. Johnson, 34th District; Vickers, 38th District; Beyer, 3rd District; Scofield, 49th District; Baack, 47th District;; Eret, 32nd District; Chronister, 18th District;

WHEREAS, Nebraska, ranking third in total commercial livestock slaughter, recognizes the importance of the cattle and hog industry upon the economy of this great state; and

WHEREAS, the American livestock producers have been adversely affected by the imports of both hogs and cattle from Canada over the last two years; and

WHEREAS, the swine industry has witnessed a dramatic increase in subsidized Canadian imports, including 447, 465 hogs in 1983 and 1,302,017 hogs in 1984, costing the American producer $4.67 per cwt or approximately 940 million dollar; and

WHEREAS, the Nebraska beef industry is facing a similar problem with Canadian imports of live cattle reaching 753,438 head in the United States in 1984 and with 16,872 Canadian cattle entering Nebraska during the first quarter of 1985; and

WHEREAS, the strong United States dollar makes the American market very attractive for Canadian beef, a factor which the American cattle producer has no control or influence on, but which punishes the American cattle producer as a result of inappropriate government policy.

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

1. That the members of the Legislature recognize and support the United States Department of Commerce's preliminary ruling that the Canadian federal and provincial governments are subsidizing pork exports to the United States.

2. That the Legislature support the countervailing duties on Canadian hogs and pork products imposed by the United States Department of Commerce and request that these duties be extended indefinitely.

3. That the Legislature further urges the United States Department of Commerce to impose these same countervailing duties on imports of Canadian cattle and beef products.

4. That a penalty be imposed by the United States Department of Commerce upon any person that causes cattle or swine to be brought into the United States from Canada through any other point

other than the port of entries, that the penalty on swine shall be $15 cwt and cattle shall be $20 cwt, and that the illegally imported cattle or swine shall be returned to Canadian authorities.

5. That a copy of this resolution be delivered to the Governor and to the members of the Nebraska congressional delegation.

Laid over.

## GENERAL FILE

**LEGISLATIVE BILL 273.** Title read. Considered.

Standing Committee amendments, AM0274, found in the Journal on page 765 for the Thirty-First Day were considered.

Mr. Goodrich renewed his pending amendment, AM0832, found in the Journal on page 1695.

Mrs. Higgins moved the previous question. The question is, "Shall the debate now close?" The motion lost with 11 ayes, 9 nays, and 29 not voting.

Mr. Abboud moved the previous question. The question is, "Shall the debate now close?" The motion lost with 10 ayes, 14 nays, and 25 not voting.

Mr. DeCamp 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. Goodrich moved for a call of the house. The motion prevailed with 14 ayes, 2 nays, and 33 not voting.

Mr. Goodrich requested a roll call vote on his amendment.

Voting in the affirmative, 17:

| | | | | |
|---|---|---|---|---|
| Abboud | Chronister | Haberman | Lamb | Peterson |
| Baack | Eret | Hefner | Lynch | Remmers |
| Beyer | Goll | Johnson, R. | Pappas | Rogers |
| Carsten | Goodrich | | | |

Voting in the negative, 29:

| | | | | |
|---|---|---|---|---|
| Beutler | Chizek | Conway | DeCamp | Hall |

| | | | | |
|---|---|---|---|---|
| Hannibal | Johnson, V. | Miller | Rupp | Vickers |
| Hartnett | Labedz | Morehead | Schmit | Warner |
| Higgins | Landis | Nelson | Scofield | Wesely |
| Hoagland | Lundy | Nichol | Sieck | Withem |
| Johnson, L. | Marsh | Pirsch | Smith | |

Present and not voting, 2:

Barrett Harris

Absent and not voting, 1:

Chambers

The Goodrich amendment lost with 17 ayes, 29 nays, 2 present and not voting, and 1 absent and not voting.

The Chair declared the call raised.

Messrs. Chronister, Hefner, Conway, Peterson, and DeCamp offered the following amendment to the Standing Committee amendments:

1. On page 2, after line 6 insert a new amendment as follows:

"12. On page 60, strike the new matter in lines 20 through 26."

2. On page 2, after line 23 insert two new amendments as follows:

"14. On page 69, strike the new matter in lines 17 and 24.

15. On page 70, strike the new matter in lines 15, 19, and 22 through 26."

Renumber remaining committee amendments accordingly.

Mr. Beutler requested a ruling of the Chair on whether the Chronister et al. amendment is germane to the Standing Committee amendments.

The Chair ruled the amendment not germane to the Standing Committee amendments.

Mr. Pappas offered the following amendment to the Standing Committee amendments:

AM1054

1. On page 6, line 12, strike "the", show as stricken, and insert "<u>each</u>"; and in line 13 after "year" insert "<u>commencing on or after January 1, 1983,</u>".

The Pappas amendment was adopted with 26 ayes, 0 nays, and 23 present and not voting.

The Standing Committee amendments, as amended, were adopted with 27 ayes, 3 nays, and 19 present and not voting.

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

Mr. V. Johnson renewed his pending amendment, AM0465, found in the Journal on page 857.

The V. Johnson amendment was adopted with 30 ayes, 1 nay, 17 present and not voting, and 1 excused and not voting.

Mr. DeCamp renewed his pending amendment found in the Journal on page 1201.

**MR. LAMB PRESIDING**

Messrs. Carsten, Rupp, and Schmit asked unanimous consent to be excused until they return. No objections. So ordered.

The DeCamp amendment lost with 8 ayes, 19 nays, 19 present and not voting, and 3 excused and not voting.

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

Mr. V. Johnson renewed his pending amendment, AM0842, found in the Journal on page 1241.

The V. Johnson amendment was adopted with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

Messrs. Chronister, Hefner, Peterson, Conway, and DeCamp offered the following amendment:

1. On page 60, strike the new matter in lines 20 through 26.
2. On page 69, strike the new matter in lines 17 and 24.
3. On page 70, strike the new matter in lines 15, 19, and 22 through 26.

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

The Chronister et al. amendment was adopted with 32 ayes, 3 nays, 9 present and not voting, and 5 excused and not voting.

Mr. Wesely offered the following amendment:
AM1154

1. Strike the original sections 39 to 42.

2. On page 169, line 15, strike "76" and insert "72"; in line 17 strike "39 to 42, 52 to 70," and insert "48 to 66"; in line 18 strike "77" and insert "73"; and in line 20 strike "46 to 51 and 78" and insert "42 to 47 and 74".

3. On page 170, line 10, strike "66-1047, 66-1048, 66-1050, 66-1055,".

4. Renumber remaining sections accordingly.

Messrs. DeCamp and Haberman asked unanimous consent to be excused. No objections. So ordered.

The Wesely amendment lost with 10 ayes, 17 nays, 15 present and not voting, and 7 excused and not voting.

Mrs. Pirsch asked unanimous consent to be excused. No objections. So ordered.

Mr. Pappas offered the following amendment:
AM1155

1. On page 117, line 25, reinstate the stricken "(4)"; reinstate the stricken matter beginning with "shall" in line 26 through "a" in line 27; and in line 26 before the reinstated "shall" insert "There".

2. On page 118, reinstate the stricken matter in lines 1 and 2; in line 2 after the reinstated period insert "The provisions of this subsection shall terminate on January 1, 1986."; and in line 3 strike "(4)" and reinstate the stricken "(5)".

The Pappas amendment was adopted with 26 ayes, 2 nays, 13 present and not voting, and 8 excused and not voting.

Advanced to E & R for Review with 30 ayes, 6 nays, 5 present and not voting, and 8 excused and not voting.

**MOTION - Reconsider Action on LR 88**

Messrs. Pappas, Chizek, and Mrs. Morehead moved to reconsider LR 88.

Laid over.

## RESOLUTIONS

### LEGISLATIVE RESOLUTION 243.

Introduced by R. Johnson, 34th District.

PURPOSE: The purpose of this resolution is to study how the particulars of Nebraska's agricultural economy should best be reflected in federal farm legislation. The intent is to provide specific, regional information to guide federal congressional representatives as they fashion the 1985 Farm Bill.

The study should include, but not be limited to,

1. the effect on commodity prices of a program of mandatory production controls;

2. the formulation of mandatory production controls; whether bushels produced, rather than acres under production should be the limitation imposed, for example;

3. reactions of producers and producer groups to some kinds of mandatory production controls;

4. other enhancements to commodity prices.

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

1. That the Agriculture and Environment Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution;

2. That the Committee shall upon the conclusion of its study make a report of its findings, together with its recommendations to the Legislature or the Legislative Council.

Referred to the Executive Board.

### LEGISLATIVE RESOLUTION 244.

Introduced by Sieck, 24th District.

PURPOSE: In 1978 the Legislature directed the Natural Resources Commission to analyze Nebraska's water policy issues and provide policy alternatives and recommendations for those issues (LB 957 and LR 300). Since that time the Commission has completed fourteen separate reports on water policy issues and has provided alternatives and recommendations for each report. At the current time a fifteenth report is in draft form and work has begun on a final

volume which summarizes all of the reports. Those reports deal with:

Water Quality
Instream Flow
Groundwater Reservoir Management
Selected Water Rights Issues
- Preferences in the Use of Water
- Drainage of Diffused Surface Water
- Water Right Adjudications
- Property Rights in Groundwater
- Riparian Rights
- Interstate Water Uses and Conflicts
- Transferability of Surface Water Rights

Municipal Water Needs
Supplemental Water Supplies
Water Use Efficiency
Water Energy Needs
Surface-Groundwater Integration (Draft)
Summary and Review (Underway)

The reports address all of the topics suggested by the Legislature and some added by the Natural Resources Commission. No further policy issue studies are scheduled at this time. Therefore, this is an appropriate time to review what action has been taken on the Commission's recommendations to the Governor and Legislature contained in those reports. It is also appropriate to consider in an orderly manner those Commission recommendations which remain unaddressed.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall, upon the conclusion of its study, make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 245.**

Introduced by Beutler, 28th District.

RE: Study of Legislative Council Statutes

WHEREAS, Article 4 of Chapter 50 of the Nebraska Statutes contains the statutory provisions for the Legislative Council, and were originally enacted by the first session of the Unicameral

Legislature in 1937; and

WHEREAS, some of these sections contain essentially their original provisions, and the basic outline of the Legislative Council remains primarily the same as under the original 1937 legislation, many changes have been made over the years on a piecemeal basis which have created new divisions, altered the makeup, powers and role of the Executive Board, and otherwise enlarged the agency's statutory basis and framework; and

WHEREAS, a study of these statutory provisions pertaining to the Legislative Council, how they relate to other Articles of Chapter 50 involving the organization and functioning of the Legislature itself, with the view of a codification of all relevant provisions to provide a more clear and concise legal framework for the Legislative Council and its Divisions, would serve to remove any ambiguities and obsolete provisions; and

WHEREAS, a bill was introduced by the Executive Board in 1976, LB 799, "to reorganize and delineate the powers and responsibilities of the Legislative Council and the Executive Board," which bill was defeated on Final Reading primarily because of a late concern over executive-legislative relationships; and

WHEREAS, a similar project directed at a survey of the statutes pertaining to the Legislative Council, its organization, role, and responsibilities should be undertaken again after the passage of nearly a decade.

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

1. That the Executive Board of the Legislative Council undertake a comprehensive study of the current statutes relating to the Legislative Council, which study should consider the desirability of a codification of such statutes, including the repeal of possible obsolete provisions.

2. That this project be conducted between now and the first of December, 1985, so that the results thereof, together with specific recommendations, will be available for discussion at the general Legislative Council meeting to be held prior to the 1986 legislative session.

3. That staff support and assistance for this project will be drawn from the following divisions of the Legislative Council: Research, Revisor of Statutes, Fiscal Analyst, Clerk of the Legislature, as well as from other sources as may be necessary.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 246.**

Introduced by Beutler, 28th District.

RE: Interim Study of Committee Structure and the Reference of Bills to the Appropriate Committees

WHEREAS, the role of the standing committees is significant and crucial to the legislative process in Nebraska; and

WHEREAS, there has been no major study of the structure of the standing committee system since the first session of the Unicameral Legislature convened in 1937, including their jurisdiction and operations; and

WHEREAS, the changes in and additions to the problems confronting the Legislature during recent years have raised some questions in the reference of the resulting proposals to a rather static committee structure, including some concern over unequal committee workloads; and

WHEREAS, the Executive Board of the Legislative Council, now composed of ten members, has also served as the Reference Committee since 1971, and since 1973 has been assisted in performing this function by a staff member of the Research Division of the Legislature; and

WHEREAS, changes made in committee nomenclature and thus inevitable alterations in Committee jurisdictions have largely been on a piecemeal basis; and

WHEREAS, a comprehensive study of the overall standing committee system, along with the procedure of referencing bills to these committees, appears to be overdue, one which would address these problems and concerns.

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

1. That a comprehensive study of the standing committee system, including the possible realignment of the committees, the names and jurisdiction thereof, workload equalization and any other related issues which could serve to update and improve their legislative role be undertaken jointly by the Executive Board of the Legislative Council and the Rules Committee of the Legislature.

2. That this study include the methods and procedures of referencing bills to the appropriate committees.

3. That this project be inaugurated now, and be completed prior to the annual Legislative Council meeting in December, thus allowing for dissemination and discussion of the results thereof prior to the 1986 legislative session.

4. That staff assistance for the study be assembled from the Legislature's Research Division, the office of Clerk of the Legislature,

the staff of the Rules Committee, and other staff as may be appropriate.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 247.**

Introduced by Hoagland, 6th District.

PURPOSE: The purpose of this resolution is to examine the summary jury trial process as a means of expediting the resolution of lawsuits filed in the state trial courts of Nebraska and reducing the costs of litigation to the parties and the taxpayers. In order to accomplish its purpose this study may include but shall not be limited to the following topics:

1) Examination of the summary jury trial process as it is being developed in the United States District Court for the District Court of Nebraska.

2) Analysis of the manner in which such a system could be used in to encourage the resolution of suits in the state trial courts.

3) Study of other methods of resolving disputes and reducing caseloads.

4) Any other matter necessary for a complete examination of this issue.

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

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**UNANIMOUS CONSENT - Print in Journal**

Mr. Hall asked unanimous consent to print the following amendment to LB 157 in the Journal. No objections. So ordered.

AM1084

(Amendments to AM5134)

1. Strike section 1 and insert the following new section:

"Section 1. That section 45-103, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

45-103. (1) Interest on all decrees and judgments for the payment of money, except as provided in subsections (2) and (3) of this section and except when the state or any political subdivision is a party thereto, shall ~~be~~ accrue from one hundred twenty days following the date the summons is served until the same shall be paid ~~the date of the rendition thereof~~ at ~~the~~ a rate ~~specified in section 45-104.01, as such rate may from time to time be adjusted by the Legislature until the same shall be paid~~ equal to the bond equivalent yield, as published by the Secretary of the Treasury, of the average accepted auction price for the last auction of fifty-two-week United States Treasury bills settled immediately prior to the date of judgment, except that no prejudgment interest shall accrue on any payment made prior to judgment by or on behalf of the defendant. Interest on all decrees and judgments for the payment of money when the state or any political subdivision is a party thereto shall accrue from the date of rendition thereof until the same shall be paid at a rate equal to the bond equivalent yield, as published by the Secretary of the Treasury, of the average accepted auction price for the last auction of the fifty-two-week United States Treasury bills settled immediately prior to the date of judgment. The State Court Administrator shall distribute notice of such rate and any changes to it to all Nebraska judges to be in effect two weeks after the date published by the Secretary of the Treasury.

If ~~; Provided, if~~ such judgment or decree shall be founded upon any contract, either verbal or written, by the terms of which a greater rate of interest, not exceeding the amount allowed by law, than the rate specified in section 45-104.01, as such rate may from time to time be adjusted by the Legislature, shall have been agreed upon, the rate of interest upon such judgment or decree shall be the same as provided for by the terms of the contract upon which the same was founded. Interest on a judgment appealed to the district court shall be determined in accordance with subsection (3) of section 24-541.06.

Prejudgment interest shall be paid directly to the plaintiff. Payment shall be made by issuing a check

directly for such interest in the plaintiff's name only. Such interest shall not be included in computing fees for attorneys.

(2) This section shall not apply to any action arising under Chapter 42 or to any action arising under Nebraska law in which judgment interest rates are otherwise specifically provided.

(3) If a plaintiff has refused to accept an offer by defendant to confess judgment pursuant to section 25-906 or 25-907 or sections 25-1309 to 25-1312 and if the judgment is for an amount equal to or less than the amount confessed, no interest shall accrue between the time of the offer to confess judgment and the time of rendition of the judgment.".

Mr. DeCamp asked unanimous consent to print the following amendment to LB 273 in the Journal. No objections. So ordered.

AM1080

1. On page 70, line 1, after "state" insert ", except that this shall not apply to any transaction which is subject to the sales tax under sections 77-2701 to 77-2713".

2. On page 92, after line 15, insert the following new subsection:

"(7) When a written contraact exists for a construction, reconstruction, alteration, or improvement project outside the state, a contractor may apply for a refund of the sales and use tax paid to Nebraska on tangible personal property actually incorporated into such a project outside the state. Every claim shall be in writing and shall state the specific grounds upon which the claim is founded."; and in line 16 strike strike "(7)", show as stricken, and insert "(8)".

Messrs. DeCamp and Conway asked unanimous consent to print the following amendment to LB 717 in the Journal. No objections. So ordered.

AM0667

1. Strike the original sections and any amendments thereto and insert the following new sections:

"Section 1. As used in sections 1 to 5 of this act, unless the context otherwise requires:

(1) Business shall mean any company which engages in the activity of soliciting, receiving, accepting, maintaining, or holding deposits;

(2) Average deposits shall mean the amount determined by adding the total of the deposits on the last day of each calendar quarter during the year and dividing such sum by four;

(3) Deposit shall mean (a) the unpaid balance of any money or its equivalent received in Nebraska or received from or on the account of a Nebraska resident by a company in the usual course of business and for which it has given credit or is obligated to give credit either conditionally or unconditionally to an account, including interest credited, or evidenced by instrument on which company is primarily libel or (b) the value of shares in any investment company received in Nebraska or received from or owned by any Nebraska resident which may be redeemed, accessed by, or otherwise be directly or indirectly subject to any check or negotiable or transferable order of withdrawal. Deposit shall include, but not be limited to, balances in any checking, sharedraft, of negotiable order of withdrawal account or similar transaction account using investment company shares, any time or savings deposit whether or not evidenced by an instrument, the value of face amount certificates issued by any investment company and free credit or other credit balances held by any broker dealer. Deposit shall not include any balances held or received in escrow, amounts received or held by trust companies or bank trust departments, amounts received for rent deposits, utility deposits, or other similar security deposits, or amounts deposited to hold identified property for subsequent purchase.

(4) Money shall mean a medium of exchange authorized or adopted by a domestic or foreign government as a part of its currency; and

(5) Tax Commissioner shall mean the Tax Commissioner of the State of Nebraska.

Sec. 2. There is hereby imposed for each year a business activities tax on the average deposits of each business. Commencing on January 1, 1985, and each year thereafter, such tax shall be imposed at the rate of thirty cents for each thousand dollars of the average deposits in each business. Commencing on January 1, 1991, and each year thereafter, the rate of the business

activities tax shall be twenty cents per thousand dollars of average deposits held by each business.

Sec. 3. The tax imposed by section 2 of this act shall be due on March 15 of each year. Such tax shall be collected by the Tax Commissioner, deposited with the State Treasurer, and credited by the State Treasurer to the General Fund.

Sec. 4. The provisions of sections 77-2714 to 77-27,135 relating to filing of returns, the determination of deficiencies, penalties, interest, the collection of delinquent amounts, filing for refunds, and appeal procedures shall apply to the tax imposed under sections 1 to 5 of this act.

Sec. 5. Any business that is in the possession of the Department of Banking and Finance, the Department of Insurance, or a similar federal regulatory agency, shall not be liable for any tax imposed under section 2 of this act during the time the business is in such possession. A business that is operating under the protection of the bankruptcy act shall continue to be subject to and liable for the tax imposed by section 2 of this act.

Sec. 6. That section 77-2734.03, Revised Statutes Supplement, 1984, be amended to read as follows:

77-2734.03. (1) Any (a) corporation subject to tax under section 44-1213, 77-908, 77-909, or 81-523, (b) electric cooperative organized under Chapter 70, article 14, or (c) credit union shall be credited, in the computation of the tax due under ~~the provisions of~~ the Nebraska Revenue Act of 1967, with the amount paid during the taxable year as taxes in lieu of intangible tax.

(2) There shall be allowed to corporate taxpayers a credit for nonhighway use motor vehicle fuels as provided in section 66-452.

(3) There shall be allowed to corporate taxpayers a renewable energy source systems credit or a builder's credit as provided in sections 66-1048 and 66-1050.

(4) Taxpayers shall be credited, in the computation of the tax due under sections 77-2715 and 77-2734.02, with the amount of tax paid during the taxable year pursuant to sections 1 to 5 of this act. Such credit shall not be refundable and shall only be

used for the taxable year in which it was paid, except that a taxpayer which is operated in the form of a partnership or a subchapter S corporation may distribute the credit to its partners or shareholders in the same manner as income is distributed under sections 77-2714 to 77-27,135.

Sec. 7. That original section 77-2734.03, Revised Statutes Supplement, 1984, and also section 21-17,126, Reissue Revised Statutes of Nebraska, 1943, are repealed.".

Mr. Warner asked unanimous consent to print the following amendment to LB 505 in the Journal. No objections. So ordered.

AM1162

(Amendments to Standing Committee amendments)

1. Insert new sections as follows:

"Sec. 28. The Legislature hereby recognizes and establishes that providing an adequate financing system for primary and secondary public schools of the state is ultimately a state responsibility. The Legislature further finds that any financing system must not unduly rely upon excessive or unfair property taxes as the financing base for such education system.

Therefore, recognizing the above facts, the Legislature hereby establishes that after fiscal year 1985-86, no more than fifty-one per cent of the total operational costs of the public school system shall be derived from taxes on real property and that the Legislature shall from time of passage of this legislative bill begin the process necessary to accomplish the above-stated goals.

Sec. 29. For purposes of providing the increased state revenue required due to sections 26 and 28 of this act, there shall be imposed, effective July 1, 1985, a sales and use tax of one per cent in addition to the tax imposed under Chapter 77, article 27. Such tax shall be interpreted, collected, remitted, and enforced by the Tax Commissioner under the provisions of Chapter 77, article 27. Except for the proceeds derived from motor vehicles, trailers, and semitrailers, which shall be credited to the Highway Allocation Fund, all proceeds from the additional tax established by this section shall be used to provide aid to schools to insure compliance with sections 26 and 28 of this act.".

2. Renumber remaining sections accordingly.

Mr. DeCamp asked unanimous consent to print the following amendment to LB 157 in the Journal. No objections. So ordered.

AM1100

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. That section 45-103, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

45-103. (1) Interest on all decrees and judgments for the payment of money, except as provided in subsections (2) to (5) of this section and except when the state or any of its political subdivisions is a party thereto, shall begin accruing ~~be from~~ one hundred twenty days following the date the summons is served ~~the date of the rendition thereof~~ at the rate ~~specified in section 45-104.01, as such rate may from time to time be adjusted by the Legislature~~ of ten per cent until the date of rendition of the judgment. ~~until the same shall be paid~~

Prejudgment interest shall be paid directly to the plaintiff. Payment shall be made by issuing a check directly for such interest in the plaintiff's name only. Such interest shall not be included in computing fees for attorneys.

(2) The interest provided for in subsection (1) of this section shall not accrue on any payment made prior to judgment by or on behalf of the defendant.

(3) If a plaintiff has refused to accept an offer by the defendant to confess judgment pursuant to section 25-906 or 25-907 or sections 25-1309 to 25-1312 and if the judgment is for an amount equal to or less than the amount confessed, no interest shall accrue between the time of the offer to confess judgment and the time of rendition of the judgment.

(4) Subsection (1) of this section shall not apply to any action arising under Chapter 42, and this section shall not apply to any action arising under Nebraska law in which judgment interest rates are otherwise specifically provided.

(5) Subsection (1) of this section shall not apply to any cause of action under any theory of

recovery arising out of a contractual relationship, agreement, or policy of insurance which provides for the payment of benefits for hospital, surgical, medical, dental, psychological, or other health care services written, issued, or administered by any third party including, but not limited to, a health and accident insurance company, a hospital service corporation, or a health maintenance organization.

(6) Interest on all decrees and judgments for the payment of money shall commence on the date of the rendition thereof at the rate specified in section 45-104.01, as such rate may from time to time be adjusted by the Legislature, until the same shall be paid. If ~~; PROVIDED, if~~ such judgment or decree shall be founded upon any contract, either verbal or written, by the terms of which a greater rate of interest, not exceeding the amount allowed by law, than the rate specified in section 45-104.01, as such rate may from time to time be adjusted by the Legislature, shall have been agreed upon, the rate of interest upon such judgment or decree shall be the same as provided for by the terms of the contract upon which the same was founded. Interest on a judgment appealed to the district court shall be determined in accordance with subsection (3) of section 24-541.06.

Sec. 2. This act shall be operative for all causes of action accruing on or after January 1, 1986.

Sec. 3. If any section in this act or any part of any section shall be declared invalid or unconstitutional, such declaration shall not affect the validity or constitutionality of the remaining portions thereof.

Sec. 4. That original section 45-103, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

2. Strike E & R amendment 1.

Mrs. Labedz asked unanimous consent to print the following amendment to LB 408 in the Journal. No objections. So ordered.

AM1140

(Amendments to AM0212)

1. Insert the following new sections:

"Sec. 38. That section 28-1101, Revised Statutes Supplement, 1984, be amended to read as follows:

28-1101. As used in this article, unless the context otherwise requires:

(1) A person advances gambling activity if, acting other than as a player, he or she engages in conduct that materially aids any form of gambling activity. Conduct of this nature includes, but shall not be limited to, conduct directed toward (a) the creation or establishment of the particular game, contest, scheme, device, or activity involved or (b) the acquisition or maintenance of premises, paraphernalia, equipment, or apparatus therefor;

(2) Bookmaking shall mean advancing gambling activity by unlawfully accepting bets from members of the public as a business upon the outcome of future contingent events;

(3) A person profits from gambling activity if, other than as a player, he or she accepts or receives money or other property pursuant to an agreement or understanding with any person whereby he or she participates or is to participate in the proceeds of gambling activity;

(4) A person engages in gambling if he or she bets something of value upon the outcome of a future event, which outcome is determined by an element of chance, or upon the outcome of a game, contest, or election, or conducts or participates in any lottery, raffle, or scheme not authorized or conducted pursuant to sections 28-1114 to 28-1116.01 or section 28-1116.02, or conducts or participates in any bingo or lottery by the sale of pickle cards not authorized or conducted pursuant to the Nebraska Bingo and Lottery Control Act, but a person does not engage in gambling by:

(a) Entering into a lawful business transaction;

(b) Playing an amusement device or a coin-operated mechanical game which confers as a prize an immediate, unrecorded right of replay not exchangeable for something of value;

(c) Conducting or participating in a prize contest;

(d) Conducting or participating in a contest, lottery, raffle, or gift enterprise conducted in accordance with the provisions of sections 28-1113 to 28-1116.01 or section 28-1116.02; or

(e) Participating in or conducting bingo, a

lottery, a raffle, or a lottery by the sale of pickle cards pursuant to the Nebraska Bingo and Lottery Control Act;

(5) Gambling device shall mean any device, machine, paraphernalia, writing, paper, instrument, article, or equipment that is used or usable for engaging in gambling, whether that activity consists of gambling between persons or gambling by a person involving the playing of a machine. Gambling device shall also include any mechanical gaming device, computer gaming device, electronic gaming device, or video gaming device which has the capability of awarding monetary prizes, free games redeemable for monetary prizes, or tickets or stubs redeemable for monetary prizes, except as authorized in the furtherance of parimutuel wagering. Bingo supplies and equipment as defined in section 9-129, pickle cards as defined in section 9-140.01, pickle card units as defined in section 9-140.05 in the possession of a distributor licensed under section 9-178, and tickets, cards, and other items used in the playing phases of schemes defined in sections 28-1113 to 28-1116.01 or section 28-1116.02 are not gambling devices within this definition;

(6) Lottery shall mean a gambling scheme in which (a) the players pay or agree to pay something of value for chances, represented and differentiated by numbers or by combinations of numbers or by some other medium, one or more of which chances are to be designated the winning ones, (b) the winning chances are to be determined by a drawing or by some other method based on an element of chance, and (c) the holders of the winning chances are to receive cash or prizes redeemable for cash. ~~Lottery shall not include any gambling scheme which uses any mechanical gaming device, computer gaming device, electronic gaming device, or video gaming device which has the capability of awarding monetary prizes, free games redeemable for monetary prizes, or tickets or stubs redeemable for monetary prizes.~~ Nothing in this subdivision shall be construed to include any bingo as defined in section 9-127, any raffle as defined in this section, or any scheme using pickle cards pursuant to the Nebraska Bingo and Lottery Control Act;

(7) Something of value shall mean any money or

property, any token, object, or article exchangeable for money or property, or any form of credit or promise directly or indirectly contemplating transfer of money or property or of any interest therein, or involving extension of a service or entertainment;

(8) Prize contest shall mean any competition in which one or more competitors are awarded something of value as a consequence of winning or achieving a certain result in the competition and (a) the value of such awards made to competitors participating in the contest does not depend upon the number of participants in the contest or upon the amount of consideration, if any, paid for the opportunity to participate in the contest or upon chance and (b) the value or identity of such awards to be made to competitors is published before the competition begins;

(9) Gift enterprise shall mean a game in which prizes are offered and awarded to participants in such games when no payment is required for participation therein. For business promotion purposes only, such games may require as a condition of participation the evidence of the purchase of a product or other property, except that the price charged for such product or other property shall be no greater than it would be if no game were involved; and

(10) Raffle shall mean any gambling scheme in which: (a) Participants pay or agree to pay something of value for an opportunity to win something of value; (b) winning opportunities are represented by tickets or cards differentiated by numbers sequentially enumerated; and (c) winners are determined by a random drawing of the tickets or cards. At least eighty per cent of all prizes awarded shall be merchandise that is not redeemable or convertible into cash directly or indirectly by the licensed organization. Nothing in this subdivision shall be construed to include any bingo as defined in section 9-127 nor any lottery by the sale of pickle cards as defined in section 9-140.01.

Sec. 40. That section 28-1116, Revised Statutes Supplement, 1984, be amended to read as follows:

28-1116. (1) Any county, city, or village may establish and conduct lotteries when the proceeds of such lotteries are used for community betterment purposes and the awarding of prizes to participants.

Such lotteries shall be subject to regulation by the Department of Revenue.

(2) No county, city, or village shall establish and conduct such a lottery, including an electronic video lottery, until such course of action has been approved by a majority of the registered voters of such county, city, or village casting ballots on the issue at a regular election or a special election called for the purpose of considering such action.

When the question of whether a lottery shall be established is submitted to a vote of the registered voters of the county, city, or village, such question shall specify whether mechanical, computer, electronic, or video gaming devices may be utilized in the operation of such lottery.

(3) Nothing in this section shall prohibit the governing body of any governmental subdivision conducting an electronic video lottery from ending its electronic video lottery at any time without the approval of the people.

Sec. 41. That section 28-1116.02, Revised Statutes Supplement, 1984, be amended to read as follows:

28-1116.02. Any county, city, or village ~~which has authorized, established, or is conducting~~ may conduct a lottery ~~which uses any~~ utilizing mechanical gaming ~~device~~ devices, computer gaming ~~device~~ devices, electronic gaming ~~device~~ devices, or video gaming devices ~~device on April 4, 1984, may conduct such lottery only~~ within the boundaries of such county or the corporate limits of such city or village until ~~January 1, 1985~~ September 15, 1987, at which time such lottery shall be terminated. No governmental subdivision shall conduct a lottery utilizing mechanical, computer, electronic, or video gaming devices until an election is held pursuant to section 28-1116 on or after the operative date of this act.".

2. On page 30, line 6, strike "and" and insert "28-1101," and before "Revised" insert "28-1116, and 28-1116.02,".

3. Renumber the remaining sections accordingly.

## VISITORS

Visitors to the Chamber were 22 students and sponsors from St. Mary's School, Belleuve; and 18 third and fourth grade students and sponsor from Dorchester.

## ADJOURNMENT

At 4:40 p.m., on a motion by Mr. Lundy, the Legislature adjourned until 9:00 a.m., Thursday, April 25, 1985.

Patrick J. O'Donnell
Clerk of the Legislature

# SIXTY-SIXTH DAY - APRIL 25, 1985

# LEGISLATIVE JOURNAL

# SIXTY-SIXTH DAY - APRIL 25, 1985

## LEGISLATIVE JOURNAL

## EIGHTY-NINTH LEGISLATURE
## FIRST SESSION

## SIXTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, April 25, 1985

Pursuant to adjournment, the Legislature met at 9:03 a.m., Speaker Nichol presiding.

## PRAYER

The prayer was offered by Senator Labedz.

## ROLL CALL

The roll was called and all members were present except Mr. Goodrich who was excused; and Messrs. Beutler, Chambers, Chizek, Conway, Hannibal, Harris, Hoagland, R. Johnson, Withem, and Mrs. Higgins who were excused until they arrive.

## CORRECTIONS FOR THE JOURNAL

The Journal for the Sixty-Fifth Day was approved.

## MESSAGE FROM THE GOVERNOR

April 24, 1985

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

Dear Mr. O'Donnell:

Engrossed Legislative Bill 662 was received in my office on April

18, 1985.

This bill was signed by me on April 24, 1985 and delivered to the Secretary of State.

Sincerely,
(Signed) ROBERT KERREY
Governor

RK/jeb

## UNANIMOUS CONSENT - Add Co-Introducer

Ms. Scofield asked unanimous consent to have her name added as co-introducer to LR 216. No objections. So ordered.

## RESOLUTIONS

**LEGISLATIVE RESOLUTION 86.** Read. Considered.

LR 86 was adopted with 31 ayes, 0 nays, and 18 not voting.

**LEGISLATIVE RESOLUTION 241.** Read. Considered.

LR 241 was adopted with 30 ayes, 0 nays, and 19 not voting.

## MOTION - Introduce New Bill

Mr. DeCamp moved to introduce a new bill by the Banking, Commerce, & Insurance Committee, Req 1103.

The DeCamp motion prevailed with 31 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

## BILL ON FIRST READING

The following bill was read for the first time by title:

**LEGISLATIVE BILL 726.** By Banking, Commerce and Insurance Committee: DeCamp, 40th District, Chairperson; Beyer, 3rd District; Haberman, 44th District; Harris, 27th District; Higgins, 9th District; Labedz, 5th District; Pappas, 42nd District; Schmit, 23rd District.

A BILL FOR AN ACT relating to insurance; to repeal a provision authorizing certain refunds; and to repeal section 44-156, Reissue Revised Statutes of Nebraska, 1943.

## GENERAL FILE

**LEGISLATIVE BILL 717.** Title read. Considered.

Corrected Standing Committee amendments, AM1077, found in the Journal on page 1750 for the Sixty-Fourth Day were considered.

Mr. V. Johnson offered the following amendment to the Standing Committee amendments:

On page 1 of the standing committee amendment, line 23, after "corporations" insert ", which are financial institutions,"

The V. Johnson amendment was adopted with 20 ayes, 0 nays, 25 present and not voting, and 4 excused and not voting.

Mr. Beutler moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 3 nays, and 20 not voting.

The Standing Committee amendments, as amended, were adopted with 26 ayes, 8 nays, 12 present and not voting, and 3 excused and not voting.

Mr. V. Johnson asked unanimous consent to withdraw his pending amendment, AM0596, found in the Journal on page 982. No objections. So ordered.

Messrs. DeCamp and Conway renewed their pending amendment, AM0667, found in the Journal on page 1875.

Mr. Conway offered the following amendment to the pending DeCamp-Conway amendment:

To amend the DeCamp and Conway amendment to LB 717 (AM667 found on p. 1875) as follows:

1. On p. 1, line 6, strike "company" and add "separately chartered or incorporated business entity";

2. On p. 2, strike lines 21 through 26;

3. On p. 3, strike lines 1 through 3; and add the following new section:

Section 2. There is hereby imposed for each year a business activities, tax on the average deposits of each business. Such tax shall be imposed at the following rate on deposits held by each business:

1. Ten cents for each thousand dollars on the first ten million dollars of deposits;

2. Twenty cents for each thousand dollars on all deposits in excess of ten million dollars but not in excess of twenty million dollars; and

3. Thirty cents for each thousand dollars on all deposits in excess of twenty million dollars.

Pending.

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

## EASE

The Legislature was at ease from 10:40 a.m. until 10:51 a.m.

## GENERAL FILE

**LEGISLATIVE BILL 717.** The Conway pending amendment to the DeCamp-Conway amendment was considered.

Mrs. Higgins moved for a call of the house. The motion prevailed with 9 ayes, 0 nays, and 40 not voting.

The Chair declared the call raised.

Messrs. Hannibal and Chizek 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, 5 nays, and 19 not voting.

Mr. Conway moved for a call of the house. The motion prevailed with 20 ayes, 0 nays, and 29 not voting.

Mr. Conway requested a roll call vote on his amendment.

Voting in the affirmative, 20:

| | | | | |
|---|---|---|---|---|
| Baack | Chronister | Hefner | Miller | Pirsch |
| Barrett | Conway | Higgins | Morehead | Remmers |
| Beyer | DeCamp | Labedz | Nichol | Schmit |
| Carsten | Haberman | Lamb | Peterson | Smith |

Voting in the negative, 21:

| | | | | |
|---|---|---|---|---|
| Beutler | Hoagland | Lundy | Rogers | Vickers |
| Eret | Johnson, L. | Lynch | Rupp | Warner |
| Goll | Johnson, V. | Marsh | Scofield | Wesely |
| Harris | Landis | Pappas | Sieck | Withem |
| Hartnett | | | | |

Present and not voting, 4:

| | | | |
|---|---|---|---|
| Chambers | Hall | Johnson, R. | Nelson |

Excused and not voting, 4:

| | | | |
|---|---|---|---|
| Abboud | Chizek | Goodrich | Hannibal |

The Conway amendment lost with 20 ayes, 21 nays, 4 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

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

Mr. Lundy moved the previous question. The question is, "Shall the debate now close?" The motion lost with 7 ayes, 10 nays, and 32 not voting.

Mrs. Labedz moved to bracket LB 717 until May 2, 1985.

Pending.

## BILLS ON FIRST READING

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

**LEGISLATIVE BILL 273A.** By V. Johnson, 8th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 273, Eighty-ninth Legislature, First Session, 1985.

**LEGISLATIVE BILL 715A.** By V. Johnson, 8th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 715, Eighty-ninth Legislature, First Session, 1985.

## VISITORS

Visitors to the Chamber were 15 fifth grade students and teacher from Dorchester; 20 fourth and fifth grade students and sponsor from Lockwood School in District 1, Merrick County; 30 fourth grade students and sponsor from Rosehill School, Omaha; 70 fourth grade students and teachers from Crestridge Elementary School, Omaha; 17 kindergarten through second grade students and teachers from District 83, St. Edwards; 82 fourth grade students and teachers from Norris Elementary School, Firth; 21 third through eighth grade students and teacher from District 83, Genoa; 24 fourth grade students and sponsor from Karen Western School of Ralston, Omaha; and 125 seniors and teachers from Millard South High School, Omaha.

## RECESS

At 11:58 a.m., on a motion by Mrs. Smith, the Legislature recessed until 1:30 p.m.

## AFTER RECESS

The Legislature reconvened at 1:32 p.m., Speaker Nichol presiding.

## ROLL CALL

The roll was called and all members were present except Mr. Goodrich who was excused; and Messrs. Abboud and R. Johnson who were excused until they arrive.

## UNANIMOUS CONSENT - Print in Journal

Messrs. Wesely, Chizek, Pappas, and Ms. Scofield asked unanimous consent to print the following amendment to LR 88 in the Journal. No objections. So ordered.

AM1170

1. In LR 88, beginning on page 1608 of the Journal:

a. In line 5 of the fourth "Whereas", after "economy" insert "and competes for the limited resources available for essential public services and economic growth in all sectors of the state and national economy";

b. In line 3 of the fifth "Whereas", after "crisis" insert "and will continue to adversely affect the distribution of resources away from providing essential goods and services to all the state's citizens"; and

c. In line 7 of the first "Resolved", after "countries" insert ", including onsite inspection".

Mr. DeCamp asked unanimous consent to print the following amendment to LB 505 in the Journal. No objections. So ordered.

AM1177

1. Strike the original sections and all amendments thereto and insert the following new section:

"Section 1. That sections 1 to 16, 26 to 36, 38, and 39, Legislative Bill 662, Eighty-ninth Legislature, First Session, 1985, are repealed.".

## GENERAL FILE

**LEGISLATIVE BILL 717.** The Labedz pending motion found in this day's Journal to bracket until May 2, 1985 was renewed.

Mr. Lynch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The Labedz motion lost with 8 ayes, 24 nays, 14 present and not voting, and 3 excused and not voting.

Mr. DeCamp asked unanimous consent to withdraw the pending DeCamp-Conway amendment, AM0667, found in the Journal on page 1875. No objections. So ordered.

Mr. Hoagland 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. Haberman requested a record vote on the advancement of the bill.

Voting in the affirmative, 28:

| | | | | |
|---|---|---|---|---|
| Baack | Chambers | Eret | Harris | Hoagland |
| Beutler | Chizek | Hall | Hartnett | Johnson, V. |

| | | | | |
|---|---|---|---|---|
| Landis | Miller | Pappas | Schmit | Warner |
| Lundy | Morehead | Pirsch | Sieck | Wesely |
| Lynch | Nelson | Rogers | Vickers | Withem |
| Marsh | Nichol | Rupp | | |

Voting in the negative, 17:

| | | | | |
|---|---|---|---|---|
| Abboud | Chronister | Haberman | Higgins | Lamb |
| Barrett | Conway | Hannibal | Johnson, L. | Peterson |
| Beyer | DeCamp | Hefner | Johnson, R. | Remmers |
| Carsten | Goll | | | |

Present and not voting, 3:

| | | |
|---|---|---|
| Labedz | Scofield | Smith |

Excused and not voting, 1:

Goodrich

Advanced to E & R for Review with 28 ayes, 17 nays, 3 present and not voting, and 1 excused and not voting.

## ATTORNEY GENERAL'S OPINIONS

Opinion No. 71
April 24, 1985

Dear Senator Warner:

This is in response to your letter of April 18, 1985, concerning LB 271. As you point out, pursuant to Amendment 4 to the Nebraska Constitution, LB 271 would establish a different method for valuing agricultural land based on income generating capacity rather than market value. Your question is whether the Nebraska Constitution, including Amendment 4, nevertheless prohibits an individual's agricultural land from being valued at more than its fair market value.

Article VIII, Section 1, of the Nebraska Constitution provides in part that, "Taxes shall be levied by valuation uniformly and proportionately upon all tangible property and franchises, . . ." Amendment 4 was a specific exception to this provision and provided as follows: "The Legislature may provide that agricultural land and horticultural land used solely for agricultural or horticultural purposes shall constitute a separate and distinct class of property for

purposes of taxation."

We cannot ignore the fact that the plain intent behind Amendment 4 was to allow agricultural land to be valued in a different manner than other property, in other words by some means other than market value. LB 271 implements Amendment 4 by doing just that, valuing agricultural land solely on the basis of its income producing capacity without regard to market value. Under LB 271 the market value of agricultural land is no longer a relevant factor and the fact that some agricultural land may receive a higher value under this method than its market value or selling price is simply no longer relevant. In short, there is nothing in the Constitution that would prohibit this result, rather to the contrary, Amendment 4 specifically permits such a result.

This is not to say, however, that the Legislature could not correct this potential problem by an amendment to LB 271. Amendment 4, of course, is only implemented by legislation, and it is this legislation which will determine the parameters for valuing agricultural land.

Sincerely,
ROBERT M. SPIRE
Attorney General
(Signed) John Boehm
Assistant Attorney General

JB:ejg
cc: Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 72
April 24, 1985

Dear Senator Sieck:

This is in response to your letter of April 11, 1985. In that letter you ask whether the state could rebuild the All Faiths Chapel at the Nebraska Center for Women in York should it be destroyed, or in the alternative whether the state could appropriate funds to insure the same. As you point out state buildings are normally self-insured. This chapel is presently being constructed with private donations but will apparently become state property.

Your question is premised on the proposition that the First Amendment principle of separation of church and state prevented the construction of such a facility with state funds. We do not believe that this underlying proposition is necessarily correct. The First Amendment to the United States Constitution provides merely that "Congress shall make no law respecting an establishment of religion,

or prohibiting the free exercise thereof; . . . ." Of course this principle applies to the states as well.

The question is simply one of whether the construction of a non-denominational facility for the voluntary use of inmates at a state correctional facility with state funds constitutes the establishment of a religion. Federal case law would indicate that it does not. In Cruz v. Beto, 405 U.S. 319 (1972), Judge Rehnquist in his dissent noted as follows:

> Under the First Amendment, of course, Texas may neither "establish a religion" nor may it "impair the free exercise" thereof. Petitioner alleges that voluntary services are made available at prison facilities so that Protestants, Catholics, and Jews may attend church services of their choice. None of our prior holdings indicates that such a program on the part of prison officials amounts to the establishment of a religion.

Id. at 323-24. Likewise, in O'Hair v. Andrus, 613 F.2d 931 (D.C. Circ. 1979), the court found that some use of public property for religious services may occur without constituting an establishment of religion. In so doing the court noted that "the Naval Academy can properly provide a chapel for voluntary religious worship, notwithstanding the accessibility of Annapolis and its churches." Id at 937. See also Anderson v. Laird, 466 F.2d 283 (D.C. Circ. 1972), in which Judge Leventhal indicated that the rulings upon military chaplains justify any other aid involved in making Sunday chapel available on a voluntary basis.

The same logic that is true for military chapel facilities would apply equally to such facilities at state correctional institutions where individuals are also restricted in their ability to attend religious services outside these institutions. Merely, making a facility available, on a non-denominational basis, for the voluntary use of such individuals in the exercise of their religious beliefs would not appear to constitute the establishment of a religion as prohibited by the First Amendment. Consequently, if the state would not be prohibited from constructing such a facility, it would likewise not be prohibited from insuring such a facility or rebuilding it in the event that it was otherwise destroyed.

Sincerely,
ROBERT M. SPIRE
Attorney General
(Signed) John Boehm
Assistant Attorney General

JB:bae
cc: Patrick J. O'Donnell
Clerk of the Legislature

## UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendment to LB 717 in the Journal. No objections. So ordered.

To amend LB 717 (as amended by the corrected Standing Committee amendments (AM1077) on p. 1750) as follows:

1. On p. 6, strike "bank," on line 13; and strike lines 14 through 16; and add "company which engages in the activity of soliciting, receiving, accepting, maintaining, or holding deposits;

## SELECT FILE

**LEGISLATIVE BILL 404.** Considered.

Mr. DeCamp asked unanimous consent to withdraw his pending amendment, AM1003, found in the Journal on page 1565, and his pending amendment found in the Journal on page 1636. No objections. So ordered.

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

Mrs. Higgins moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 2 nays, and 20 not voting.

Mr. Lamb requested a machine vote on the advancement of the bill.

Advanced to E & R for Engrossment with 25 ayes, 19 nays, 4 present and not voting, and 1 excused and not voting.

**LEGISLATIVE BILL 408.** E & R amendments, AM5133, found in the Journal on page 1577 for the Sixtieth Day were adopted.

Mrs. Labedz asked unanimous consent to withdraw her pending amendment, AM1082, found in the Journal on page 1599. No objections. So ordered.

Mr. Hefner renewed his pending amendment, AM1056, found in the Journal on page 1610.

The Hefner amendment was adopted with 29 ayes, 0 nays, 19 present and not voting, and 1 excused and not voting.

Mrs. Labedz renewed her pending amendment, AM1083, found in the Journal on page 1634.

The Labedz amendment was adopted with 26 ayes, 0 nays, 22 present and not voting, and 1 excused and not voting.

Mrs. Labedz renewed her pending amendment, AM1140, found in the Journal on page 1880.

Mr. Hoagland requested a ruling of the Chair on whether the Labedz amendment is germane to the bill.

The Chair ruled the amendment not germane to the bill.

Mr. Chambers challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

Mr. Hall moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Chambers moved for a call of the house. The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Mrs. Labedz requested a record vote on the Chambers motion to overrule the Chair.

Voting in the affirmative, 17:

| | | | | |
|---|---|---|---|---|
| Baack | DeCamp | Higgins | Labedz | Pappas |
| Chambers | Haberman | Johnson, R. | Lynch | Rupp |
| Chizek | Hall | Johnson, V. | Nelson | Vickers |
| Conway | Hartnett | | | |

Voting in the negative, 28:

| | | | | |
|---|---|---|---|---|
| Abboud | Eret | Lamb | Peterson | Sieck |
| Barrett | Goll | Landis | Pirsch | Smith |
| Beutler | Hannibal | Lundy | Remmers | Warner |
| Beyer | Hefner | Marsh | Rogers | Wesely |
| Carsten | Hoagland | Miller | Scofield | Withem |
| Chronister | Johnson, L. | Morehead | | |

Present and not voting, 3:

Harris Nichol Schmit

Excused and not voting, 1:

Goodrich

The Chambers motion lost with 17 ayes, 28 nays, 3 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

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

Mr. Conway offered the following amendment:
AM1146

1. Insert the following new sections:

"Sec. 33. That section 9-184, Revised Statutes Supplement, 1984, be amended to read as follows:

9-184. Accompanying the quarterly reports required in section 9-183, the distributor shall pay to the department the following taxes: (1) Two dollars per unit on each unit sold by the distributor; and (2) an amount equal to two per cent of the pickle card gross proceeds of each pickle card unit sold by the distributor, computed by using the price for which all pickle cards in the unit will be sold by the purchasing organizations. Such tax shall be credited to the General Fund of the state. The distributor shall include the tax due under this section in the selling price of units and shall ~~not~~ separately state such tax on the invoice.

Sec. 42. That original sections 9-140.07, 9-140.08, and 9-146, Reissue Revised Statutes of Nebraska, 1943, and sections 9-126, 9-140.09, 9-145, 9-148, 9-153, 9-184, 9-185, 9-187 to 9-189, and 28-1105, Revised Statutes Supplement, 1984, are repealed.

Sec. 43. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

2. On page 29, line 26, strike "This" and insert "Sections 1, 2, 4, 8 to 10, 16 to 27, 29 to 32, 35, and 41 of this".

3. On page 30, line 1, after the period insert "The remaining sections of this act shall become operative on their effective date."; strike beginning with "9-140.07" in line 2 through "sections" in line 4; in line 4 strike "9-126,"; in line 5 strike "9-140.09, 9-145, 9-148, 9-153,"; and in line 6 after the second comma insert "and" and strike "to 9-189, and 28-1105".

4. In AM0902, beginning on page 1405 of the Journal, strike amendment 6 and renumber the remaining amendment accordingly.

5. In the Conway amendment, beginning on page 1506 of the Journal, strike amendment 2 and renumber the remaining amendment accordingly.

6. Renumber the remaining sections accordingly.

The Conway amendment was adopted with 25 ayes, 1 nay, 21 present and not voting, and 2 excused and not voting.

Pending.

## SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolutions: LR 86 and LR 241.

## SELECT FILE

**LEGISLATIVE BILL 408.** Considered.

Mr. Chambers requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 31:

| | | | | |
|---|---|---|---|---|
| Abboud | Conway | Hoagland | Landis | Nichol |
| Baack | Eret | Johnson, L. | Lundy | Pappas |
| Barrett | Hall | Johnson, R. | Lynch | Rogers |
| Beutler | Hartnett | Johnson, V. | Miller | Rupp |
| Beyer | Hefner | Labedz | Morehead | Scofield |
| Chizek | Higgins | Lamb | Nelson | Wesely |
| Chronister | | | | |

Voting in the negative, 5:

Chambers DeCamp Marsh Remmers Sieck

Present and not voting, 11:

Carsten Harris Pirsch Smith Warner
Goll Peterson Schmit Vickers Withem
Hannibal

Excused and not voting, 2:

Goodrich Haberman

Advanced to E & R for Engrossment with 31 ayes, 5 nays, 11 present and not voting, and 2 excused and not voting.

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

## STANDING COMMITTEE REPORTS
### Appropriations

**LEGISLATIVE BILL 59.** Placed on General File as amended.
Standing Committee amendments to LB 59:
AM1160

1. On page 2, line 9, after the period insert "The forty-five day period shall not commence running until the creditor has supplied all necessary verification and forms required by agency rules to process payments, such goods or services have actually been received, and the agency has completed a verification that the services and goods were received."; strike beginning with "a" in line 11 through "year" in line 12 and insert "the rate specified in section 45-104.01, as such rate may from time to time be adjusted by the Legislature,"; in line 12 after the period insert "An agency which makes payments for services or goods provided for third parties shall not be required to pay interest if the account is not paid within a forty-five day period."; in line 14 after "unless" insert "(1)"; and in line 15 after "creditor" insert "or (2) the account is to be paid in whole or in part from federal funds and interest payments are not an allowable cost for purposes of federal financial participation.

As used in this section dispute shall include, but not be limited to, situations when all necessary verifications have not been received, all applicable agency rules have not been complied with, or required accounting documents have not been property completed by the creditor".

2. Insert the following new sections:

"Sec. 3. In instances when an invoice submitted to an agency is filled out incorrectly or when there is any defect or impropriety in an invoice submitted, the agency shall contact the vendor in writing within ten days of receiving the invoice. An error on the vendor's invoice, if corrected by the vendor within five working days of being contacted by the agency, shall not result in the vendor being paid late.

Sec. 4. Payment of interest penalties pursuant to section 81-1111.01 may be postponed when payment on principal is delayed because of disagreement between the agency and the vendor. In the event of a dispute, the dispute shall be settled within thirty days after interest penalties could begin to be assessed. At the resolution of any dispute, vendors shall automatically receive interest on all proper invoices not paid for as provided in section 81-1111.01, within thirty calendar days.".

3. Renumber original section 3 as section 5.

**LEGISLATIVE BILL 212.** Placed on General File as amended.
Standing Committee amendments to LB 212:
AM1161

1. Insert the following new section:

"Section 1. That section 69-1305, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

69-1305. (1) Any stock or other certificate of ownership, any other intangible ownership interest, or any dividend, profit, distribution, interest, payment on principal, or other sum held or owing by a business association for or to a shareholder, certificate holder, member, bondholder, or other security holder, or a participating patron of a cooperative, who has not claimed it, or corresponded in writing with the business association concerning it, within seven years after the date prescribed for payment or delivery, is presumed

abandoned if:

(a) It is held or owing by a business association organized under the laws of or created in this state; or

(b) It is held or owing by a business association doing business in this state, but not organized under the laws of or created in this state, and the records of the business association indicate that the last-known address of the person entitled thereto is in this state.

(2) Stock or other intangible ownership interest in a business association, the existence of which is evidenced by records available to the association, is presumed abandoned and, with respect to the interest, the association is the holder, if a dividend, distribution, or other sum payable as a result of the interest has remained unclaimed by the owner for seven years as set forth in subsection (1) of this section.".

2. On page 3, line 24, strike "section" and insert "sections 69-1305 and"; and in line 25 strike "is" and insert "are".

3. Renumber the remaining section accordingly.

**LEGISLATIVE BILL 599.** Placed on General File as amended.
Standing Committee amendment to LB 599:
AM0982

1. On page 2, line 4, after the period insert "The type of checks and the maximum amount for which such checks may be written shall be prescribed by the State Treasurer. Proof of state employment may be required prior to cashing a check.".

(Signed) Jerome Warner, Chairperson

## MOTION - Reconsider Action on LR 97

Mr. Schmit moved to reconsider the vote on LR 97.

Laid over.

## UNANIMOUS CONSENT - Print in Journal

Mr. Wesely asked unanimous consent to print the following

amendment to LB 382 in the Journal. No objections. So ordered.

AM1187

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. Sections 1 to 16 of this act shall be known and may be cited as the Hospital Consumer Information Act.

Sec. 2. The purpose of the Hospital Consumer Information Act is to promote the economic delivery of high quality and cost-effective health care services to the people of the State of Nebraska by consolidating hospital billing and outpatient surgical facility billing forms and providing better information to consumers as to the costs and charges for hospital and ambulatory surgical care in the state.

Sec. 3. As used in the Hospital Consumer Information Act, unless the context otherwise requires, the definitions in sections 4 to 11 of this act shall be used.

Sec. 4. Ambulatory surgical facility shall mean a facility, not a part of a hospital, which provides surgical treatment to patients not requiring hospitalization and which is licensed as a health clinic as defined by section 71-2017.01, but shall not include the offices of private physicians or dentists whether for individual or group practice.

Sec. 5. Hospital shall mean a hospital as defined by section 71-2017.01, except state hospitals administered by the Department of Public Institutions.

Sec. 6. Hospital uniform billing form shall mean the Health Care Financing Administration claim form number 1450 mandated for the Medicare program pursuant to sections 1814 (a)(2) and 1871 of the Social Security Act, as amended, developed by the National Uniform Billing Committee, and commonly referred to as the uniform billing claim form number 82.

Sec. 7. Insurance arrangement shall mean a plan, program, contract, or any other arrangement under which one or more employers, unions, or other organizations provide to their employees or members, either directly or indirectly, health care services or benefits.

Sec. 8. Insurer shall mean any insurance

company as defined by section 44-103, fraternal benefit society as defined by section 44-1001, hospital service corporation formed pursuant to section 21-1509, or health maintenance organization as defined by section 44-3208, authorized to transact health insurance business in the State of Nebraska.

Sec. 9. Medicaid shall mean the medical assistance program pursuant to sections 68-1018 to 68-1025.

Sec. 10. Medicare shall mean Title XVIII of the Social Security Act, 42 U.S.C. section 1395 et seq., as amended.

Sec. 11. Third-party administrator shall mean any insurer, any insurance consultant licensed pursuant to sections 44-2606 to 44-2635, or any broker, agent, or insurance agency licensed pursuant to the Insurance Producers Licensing Act which contracts to provide insurance services through any arrangement under which one or more employers, unions, or other organizations provide to their employees or members, either directly or indirectly, health care services or benefits.

Sec. 12. On or before January 1, 1986, all insurers, third-party administrators, the Medicare and Medicaid programs, and persons operating under insurance arrangements in Nebraska shall utilize and accept the hospital uniform billing form as the initial billing form on all claims filed for the payment of all inpatient and outpatient hospital charges and ambulatory surgical facility charges in Nebraska. After January 1, 1986, no insurer, third-party administrator, or person operating under an insurance arrangement, nor the Medicare or Medicaid programs shall require a Nebraska hospital or outpatient surgical facility to complete an initial billing form other than the hospital uniform billing form as a condition of reimbursement for insured services provided by the hospital or ambulatory surgical facility. After January 1, 1986, no insurer or third-party administrator shall contract with any person or employer, union, or other organization under which health care services or benefits are provided, unless such person or organization accepts and utilizes or agrees to accept and utilize the hospital uniform billing form for claims for health care services or benefits provided to employees or members.

Sec. 13. Each hospital and ambulatory

surgical facility shall issue and complete a billing invoice on the uniform hospital billing form for outpatient and inpatient services provided by the facility as a condition of reimbursement by the Medicaid and Medicare programs, insurers, third-party administrators, or persons operating under an insurance agreement.

Sec. 14. (1) Upon the written request of a prospective patient, his or her attending physician, or any authorized agent of the prospective patient, each hospital, except hospitals excluded under section 1886(d)(1)(B) of P.L. 98-21, the Social Security Act Amendments of 1983, and ambulatory surgical facility shall provide a written estimate of the average charges for health services related to a particular diagnostic condition or medical procedure if such services are provided by the facility. Such written request shall include a written medical diagnosis made by a health care practitioner licensed to provide such diagnosis. The prospective patient or his or her agent may also provide to the facility the prospective patient's age and sex, any complications or co-morbidities of the prospective patient, other procedures required for the prospective patient, and other information which would allow the facility to provide a more accurate or detailed estimate. Such estimate shall be provided within seven working days from the date of submission of the written request and information necessary to prepare such an estimate.

(2) All hospitals and ambulatory surgical facilities shall provide notice to the public that such hospital or facility will provide an estimate of charges for medical procedures or diagnostic conditions pursuant to subsection (1) of this section. Such public notice shall be provided either as a part of the advertising or promotional materials of the facility or by posting a notice in an obvious place within the public areas of the facility.

Sec. 15. (1) Effective January 1, 1986, each hospital, except hospitals excluded under section 1886(d)(1)(B) of P.L. 98-21, the Social Security Act Amendments of 1983, and ambulatory surgical facility shall identify the twenty most common diagnostic related groups for which services are provided by the facility. Such listing of diagnostic related groups shall be made

available to consumers of health care, along with the range of average charges for treatment and the associated average length of stay for each diagnostic related group listed. Such listing shall be provided to any person upon request. The information included in the listing shall show the date prepared and shall be regularly updated every six months.

(2) Any hospital or ambulatory surgical facility which provides services for fewer than twenty diagnostic related groups or performs an insufficient number of procedures to compute a statistically valid average shall provide a listing to the public of the most common diagnostic related groups provided by the facility and the average charges and length of stay for which a valid statistical average is available and shall disclose the circumstances for such limited available data.

Sec. 16. Any person who violates or knowingly aids and abets in the violation of the Hospital Consumer Information Act or who fails to perform any duty under such act shall be guilty of a Class IV misdemeanor.

Sec. 17. That section 71-2049, Revised Statutes Supplement, 1984, be amended to read as follows:

71-2049. Except for state hospitals administered by the Department of Public Institutions, each hospital, as defined in ~~subdivision (2) of~~ section 71-2017.01, and each ambulatory surgical facility, as defined in section 4 of this act, shall, upon written request of a patient or third-party payor on behalf of a patient, include in such patient's or payor's bill an itemized list of all expenses such patient incurred during his or her stay at such hospital ~~stay~~ or ambulatory surgical facility. Such expenses shall include, but not be limited to, the cost of (1) X-rays, (2) laboratory fees, (3) respiratory therapy services, (4) oxygen, (5) pharmaceuticals, (6) take-home drugs, (7) chargeable medical supplies, (8) central service supplies, (9) medical equipment, (10) room and board, and (11) all additional charges incurred by the patient. The right to request such information shall be clearly and conspicuously stated in each patient's or payor's bill. The patient or payor shall receive a copy of the itemized bill within fourteen days after the hospital receives the request. Such request shall be made by the

patient or payor within twenty-eight days after the date of discharge.

Upon receipt of an itemized list, a patient or payor may request and the hospital or ambulatory surgical facility shall provide an explanation of any or all expenses or services included on the itemized list. The patient or payor shall make a request for such explanation within twenty-eight days of receipt of an itemized list. The patient or payor shall receive the explanation within fourteen days after the hospital or ambulatory surgical facility receives the request.

Any person who violates this section shall be guilty of a Class IV misdemeanor.

Sec. 18. That original section 71-2049, Revised Statutes Supplement, 1984, is repealed.

Sec. 19. If any section in this act or any part of any section shall be declared invalid or unconstitutional, such declaration shall not affect the validity or constitutionality of the remaining portions thereof.".

Mr. Warner asked unanimous consent to print the following amendment to LB 190 in the Journal. No objections. So ordered.

AM1185

1. Strike original sections 2, 4, 5, 6, 7, and 8 and insert the following new sections:

"Sec. 3. Out of the balance in the Nebraska Future Fund (1) one-third shall be allocated to the Community-Based Mental Retardation Aid Fund created in section 4 of this act and (2) two-thirds shall be allocated to the State Employee Salary Fund created in section 5 of this act. Money in each of the funds shall be appropriated by the Legislature.

Sec. 4. There is hereby created the Community-Based Mental Retardation Aid Fund which shall be administered by the Department of Public Institutions. The fund shall be used solely to reduce the waiting lists for the services of the community-based programs for mental retardation, except that transfers may be made to the General Fund at the direction of the Legislature. Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1269.

Sec. 5. There is hereby created the State Employee Salary Fund which shall be set apart and maintained by the State Treasurer. The State Employee Salary Fund shall only be used to provide salary increases for state employees, including those employed by the University of Nebraska and the Nebraska state colleges, except that transfers may be made to the General Fund at the direction of the Legislature. Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1269.".

2. On page 2, line 1, strike "8" and insert "5"; and in line 13 strike "for the purposes stated in section 2" and insert "as a funding mechanism for carrying out the provisions of section 3".

3. On page 7, line 3, strike "4" and insert "3"; in line 21 strike "Sections" through "this" and insert "This"; and in line 27 strike "The remaining sections shall".

4. On page 8, strike line 1.

5. Renumber the remaining sections accordingly.

Mr. Withem asked unanimous consent to print the following amendment to LB 372 in the Journal. No objections. So ordered.

AM1186

(Amendments to AM0495)

1. On page 24, line 5, after "employee" insert "as approved by the district court".

Mr. Landis asked unanimous consent to print the following amendment to LB 372 in the Journal. No objections. So ordered.

AM1174

(Amendments to Standing Committee Amendments)

1. On page 7, line 25, after "municipalities" insert ", as defined in section 2 of this act,".

2. On page 9, line 8; and page 15, line 21, after "department" insert "together with contracts, ordinances, and statutes related thereto".

3. On page 15, before line 9, insert a new subsection as follows:

"(9) The commission shall make recommendations concerning a reduction in force policy to the governing

body or city manager in a city manager plan of government. The governing body or city manager in a city manager plan of government shall consider such recommendations, but shall not be bound by them in establishing a reduction in force policy. Prior to the adoption of a reduction in force policy, the governing body or, in the case of a city manager plan, the city manager and the governing body shall, after giving notice to each police officer and firefighter by first class mail, conduct a public hearing."; and in line 9 strike "(9)", and insert "(10)".

4. On page 16, line 22, strike "(10)", show as stricken, and insert "(11)".

Messrs. Vickers and Wesely asked unanimous consent to print the following amendment to LB 505 in the Journal. No objections. So ordered.

AM1182

(Amendments to AM0852)

1. On page 1, line 2, strike "sections" and insert "section"; and strike beginning with "Sections" in line 3 through line 23 and insert "That sections 17 and 18, Legislative Bill 662, Eighty-ninth Legislature, First Session, 1985, are repealed.".

2. Strike pages 2 through 14.

Mr. Wesely asked unanimous consent to print the following amendment to LB 505 in the Journal. No objections. So ordered.

AM1181

1. Strike original sections and all amendments thereto and insert the following new section:

"Section 1. That sections 17 and 18, Legislative Bill 662, Eighty-ninth Legislature, First Session, 1985, are repealed.".

## SELECT FILE

**LEGISLATIVE BILL 667.** E & R amendments, AM5126, found in the Journal on page 1473 for the Fifty-Seventh Day were adopted.

Mr. Beutler renewed his pending amendment, AM1061, found in the Journal on page 1591.

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

Mrs. Higgins moved for a call of the house. The motion prevailed with 12 ayes, 9 nays, and 28 not voting.

Mrs. Higgins requested a record vote on the Beutler amendment.

Voting in the affirmative, 28:

| | | | | |
|---|---|---|---|---|
| Baack | Hall | Johnson, R. | Marsh | Remmers |
| Barrett | Hannibal | Johnson, V. | Miller | Scofield |
| Beutler | Hartnett | Lamb | Morehead | Sieck |
| Beyer | Hefner | Landis | Nelson | Warner |
| Carsten | Hoagland | Lundy | Pirsch | Withem |
| Chambers | Johnson, L. | Lynch | | |

Voting in the negative, 5:

| | | | | |
|---|---|---|---|---|
| Higgins | Labedz | Rupp | Smith | Wesely |

Present and not voting, 12:

| | | | | |
|---|---|---|---|---|
| Abboud | Conway | Harris | Peterson | Schmit |
| Chizek | Eret | Nichol | Rogers | Vickers |
| Chronister | Goll | | | |

Excused and not voting, 4:

| | | | |
|---|---|---|---|
| DeCamp | Goodrich | Haberman | Pappas |

The Beutler amendment was adopted with 28 ayes, 5 nays, 12 present and not voting, and 4 excused and not voting.

Pending.

**LEGISLATIVE BILL 408A.** Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 395A.** E & R amendment, AM5144, found in the Journal on page 1706 for the Sixty-Third Day was adopted.

Advanced to E & R for Engrossment.

**UNANIMOUS CONSENT - Print in Journal**

Mr. Hefner asked unanimous consent to print the following amendment to LB 271 in the Journal. No objections. So ordered.

AM1193

(Amendments to AM1025)

1. On page 8, line 10, after the period insert "The cropping pattern shall, as data is available, include, but not be limited to, the following crops: Continuous cropland wheat, summer fallow wheat, corn for grain, dry beans, sorghum for grain, sugar beets, soybeans for beans, oats, and alfalfa.".

## VISITORS

Visitors to the Chamber were 21 fourth grade students and sponsors from Pierce Elementary School; 32 fourth grade students and teacher from Newell School, Grand Island; 26 fifth grade students and sponsor from Doniphan Public School; 75 kindergarten through eighth grade students and sponsor from Zion Lutheran School, Clatonia; 27 fourth and seventh grade students and sponsor from Bellwood School; and Dr. Silas G. Kessler.

## ADJOURNMENT

At 4:17 p.m., on a motion by Mr. Lynch, the Legislature adjourned until 9:00 a.m., Friday, April 26, 1985.

Patrick J. O'Donnell
Clerk of the Legislature

# SIXTY-SEVENTH DAY - APRIL 26, 1985

# LEGISLATIVE JOURNAL

## SIXTY-SEVENTH DAY - APRIL 26, 1985

## LEGISLATIVE JOURNAL

## EIGHTY-NINTH LEGISLATURE
## FIRST SESSION

## SIXTY-SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, April 26, 1985

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Marsh presiding.

### PRAYER

The prayer was offered by Dr. Robert Palmer, Westminster Presbyterian Church, Lincoln, Nebraska.

### ROLL CALL

The roll was called and all members were present except Mr. Haberman who was excused; and Messrs. Goodrich, Schmit, and Mrs. Higgins who were excused until they arrive.

### CORRECTIONS FOR THE JOURNAL

The Journal for the Sixty-Sixth Day was approved.

### SPEAKER NICHOL PRESIDING

### GENERAL FILE

**LEGISLATIVE BILL 505.** Title read. Considered.

Standing Committee amendments, AM0852, printed separate from the Journal and referred to on page 1376 were considered.

Mr. Vickers asked unanimous consent to withdraw his pending amendment, AM0963, found in the Journal on page 1478. No objections. So ordered.

Messrs. Vickers and Wesely renewed their pending amendment, AM1182, found in the Journal on page 1909 to the Standing Committee amendments.

Mr. DeCamp requested a ruling of the Chair on whether the Vickers-Wesely amendment is germane to the Standing Committee amendments.

The Chair ruled the Vickers-Wesely amendment is germane to the Standing Committee amendments.

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

Mr. Hoagland moved the previous question. The question is, "Shall the debate now close?" The motion lost with 17 ayes, 17 nays, and 15 not voting.

Mr. Beutler moved the previous question. The question is, "Shall the debate now close?"

Mr. Beutler moved for a call of the house. The motion prevailed with 17 ayes, 1 nay, and 31 not voting.

Mr. Chambers requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 20:

| | | | | |
|---|---|---|---|---|
| Beutler | Goodrich | Labedz | Marsh | Nichol |
| Beyer | Hartnett | Landis | Miller | Sieck |
| Chizek | Hoagland | Lundy | Morehead | Wesely |
| Conway | Johnson, V. | Lynch | Nelson | Withem |

Voting in the negative, 22:

| | | | | |
|---|---|---|---|---|
| Abboud | Chronister | Hannibal | Johnson, R. | Remmers |
| Baack | DeCamp | Harris | Lamb | Rogers |
| Barrett | Eret | Hefner | Peterson | Rupp |
| Carsten | Goll | Johnson, L. | Pirsch | Smith |
| Chambers | Hall | | | |

Present and not voting, 5:

| | | | | |
|---|---|---|---|---|
| Pappas | Schmit | Scofield | Vickers | Warner |

Excused and not voting, 2:

| | |
|---|---|
| Haberman | Higgins |

The motion to cease debate lost with 20 ayes, 22 nays, 5 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Mr. DeCamp requested a record vote on the Vickers-Wesely amendment.

Mr. V. Johnson moved for a call of the house. The motion prevailed with 17 ayes, 1 nay, and 31 not voting.

Mr. V. Johnson requested a roll call vote on the Vickers-Wesely amendment.

Voting in the affirmative, 21:

| | | | | |
|---|---|---|---|---|
| Beutler | Harris | Johnson, V. | Lynch | Rupp |
| Chizek | Hartnett | Labedz | Morehead | Vickers |
| Conway | Higgins | Landis | Nelson | Wesely |
| Hall | Hoagland | Lundy | Nichol | Withem |
| Hannibal | | | | |

Voting in the negative, 23:

| | | | | |
|---|---|---|---|---|
| Abboud | Chronister | Johnson, L. | Peterson | Schmit |
| Baack | DeCamp | Johnson, R. | Pirsch | Sieck |
| Barrett | Eret | Lamb | Remmers | Smith |
| Beyer | Goll | Miller | Rogers | Warner |
| Carsten | Hefner | Pappas | | |

Present and not voting, 4:

| | | | |
|---|---|---|---|
| Chambers | Goodrich | Marsh | Scofield |

Excused and not voting, 1:

Haberman

The Vickers-Wesely amendment lost with 21 ayes, 23 nays, 4 present

and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Mrs. Higgins asked unanimous consent to be excused until she returns. No objections. So ordered.

Pending.

## SELECT COMMITTEE REPORTS
### Enrollment and Review

### Correctly Engrossed

The following bill was correctly engrossed: 395A.

(Signed) Timothy Hall, Chairperson

### UNANIMOUS CONSENT - Print in Journal

Mrs. Smith asked unanimous consent to print the following amendment to LB 439 in the Journal. No objections. So ordered.

AM1133

1. In the Standing Committee amendments, AM0585:

a. On page 4, strike lines 9 through 11 and insert:

"(g) Where were you born? ....., (City) ....., (State) ..... (Country) If you are a naturalized citizen, when and in what court were you naturalized? ..... (Date) ..... (Court)"; strike lines 14 and 15; and in line 16 strike "(j)" and insert "(i)"; and

b. Strike amendment 2.

2. On page 7, line 25, strike "and SPOUSE'S NATIVITY" and show as stricken; in line 26 strike "they were", show as stricken, and insert "he or she was" and after "born" insert an underscored semicolon; and in line 27 strike "respectively and insert spouse's name;" and show as stricken.

## GENERAL FILE

**LEGISLATIVE BILL 505.** Mr. DeCamp renewed his pending

amendment, AM1177, found in the Journal on page 1892 to the Standing Committee amendments.

Mr. V. Johnson requested a ruling of the Chair on whether the DeCamp amendment is germane to the Standing Committee amendments.

The Chair ruled the amendment not germane to the Standing Committee amendments.

Mr. Warner asked unanimous consent to withdraw his pending amendment, AM1149, found in the Journal on page 1781. No objections. So ordered.

Mr. V. Johnson moved for a call of the house. The motion prevailed with 17 ayes, 0 nays, and 32 not voting.

Mr. V. Johnson requested a roll call vote on the Standing Committee amendments.

Voting in the affirmative, 26:

| | | | | |
|---|---|---|---|---|
| Abboud | Hannibal | Labedz | Miller | Schmit |
| Beutler | Hartnett | Landis | Morehead | Sieck |
| Chizek | Hefner | Lundy | Nelson | Vickers |
| Conway | Hoagland | Lynch | Nichol | Wesely |
| Goodrich | Johnson, V. | Marsh | Pappas | Withem |
| Hall | | | | |

Voting in the negative, 18:

| | | | | |
|---|---|---|---|---|
| Baack | Chambers | Goll | Peterson | Rupp |
| Barrett | Chronister | Johnson, L. | Remmers | Smith |
| Beyer | DeCamp | Johnson, R. | Rogers | Warner |
| Carsten | Eret | Lamb | | |

Present and not voting, 3:

| | | |
|---|---|---|
| Harris | Pirsch | Scofield |

Excused and not voting, 2:

| | |
|---|---|
| Haberman | Higgins |

The Standing Committee amendments were adopted with 26 ayes, 18

nays, 3 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Mr. Remmers moved to indefinitely postpone LB 505.

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

Mr. Beutler moved the previous question. The question is, "Shall the debate now close?"

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

The motion to cease debate prevailed with 27 ayes, 4 nays, and 18 not voting.

The Chair declared the call raised.

Mr. V. Johnson moved for a call of the house. The motion prevailed with 21 ayes, 0 nays, and 28 not voting.

Mr. V. Johnson requested a roll call vote on the Remmers motion to indefinitely postpone.

Voting in the affirmative, 24:

| | | | | |
|---|---|---|---|---|
| Abboud | Chambers | Harris | Nelson | Rogers |
| Baack | Chronister | Johnson, L. | Nichol | Rupp |
| Barrett | DeCamp | Johnson, R. | Peterson | Smith |
| Beyer | Eret | Labedz | Pirsch | Warner |
| Carsten | Goll | Lamb | Remmers | |

Voting in the negative, 19:

| | | | | |
|---|---|---|---|---|
| Beutler | Hall | Hoagland | Lynch | Schmit |
| Chizek | Hannibal | Johnson, V. | Miller | Wesely |
| Conway | Hartnett | Landis | Morehead | Withem |
| Goodrich | Hefner | Lundy | Pappas | |

Present and not voting, 4:

| | | | |
|---|---|---|---|
| Marsh | Scofield | Sieck | Vickers |

Excused and not voting, 2:

Haberman Higgins

The Remmers motion to indefinitely postpone prevailed with 24 ayes, 19 nays, 4 present and not voting, and 2 excused and not voting.

**UNANIMOUS CONSENT - Print in Journal**

Mr. Warner asked unanimous consent to print the following amendment to LB 271 in the Journal. No objections. So ordered.

AM1201

(Amendments to Standing Committee Amendments)

1. On page 3, strike beginning with "the" in line 3 through "subsequently" in line 6.

2. On page 3, line 26, after "based" insert "solely".

3. On page 4, line 1, strike "would" and insert "could"; in line 7, after "land" insert "as well as an indication of its market value"; in line 9 strike "earning capacity" and insert "portion of the" and after "method" insert "based on earning capacity".

4. On page 10, line 1, after "components" insert ", one"; in line 2 strike the period and insert "and one consisting of a market portion.

(1)The first component shall consist of a debt portion and an equity portion."; in line 3 strike "components" and insert "portions to each other"; in line 6 after "proportion" insert "to each other"; in line 7 strike "components" and insert "portions"; in line 9 after "proportion" insert "to each other" and strike "components" and insert "portions"; in line 18 strike "(2)" and insert "(a)"; and in line 24 strike "(3)" and insert "(b)".

5. On page 11, line 4, strike "sum of the"; in line 5 after "be" insert "added to arrive at the first component of"; strike beginning with "to" in line 6 through the second "land" in line 7; and after line 7 insert:

"(2) The second component shall be a figure representing a market-based capitalization rate for each major use category.

(3) The capitalization rate to be used in determining the actual value of agricultural land and

horticultural land shall be the sum of subsection (1) of this section multiplied by ninety per cent and subsection (2) of this section multiplied by ten per cent.".

The Appropriations Committee asked unanimous consent to print the following amendment to LB 721 in the Journal. No objections. So ordered.

AM1189

1. Insert the following new sections:

"Sec. 39. Program 972. The Game and Parks Commission is hereby authorized to replace roofs at the administrative facilities in Lincoln. There is hereby appropriated $105,175 from the State Building Fund for the fiscal year ending June 30, 1985, to replace the roofs. The unexpended balance existing on June 30, 1985, is hereby reappropriated for the period July 1, 1985, to June 30, 1986.

Sec. 40. On or before June 30,1985, the State Treasurer is hereby directed to transfer $125,000 from the Motorcycle Safety Education Fund to the General Fund.".

2. Renumber remaining sections accordingly.

## VISITORS

Visitors to the Chamber were 44 fourth grade students and sponsors from Rockbrook-Prairie Lane School, Omaha; 12 first through fifth grade students and teachers from Peace Lutheran School, Deshler; a group from the Agricultural Communicators in Education Regional Conference; 34 fifth and sixth grade students and teachers from Humbolt Elementary School; 42 fourth grade students and sponsor from Laurel-Concord School, Laurel; Robert and Ruth Ann (Senator Scofield's aunt) Connell from Chadron; 4 fifth, seventh, and eighth grade students and teacher from Gilead; 33 students and sponsor from Marquette Elementary School; 19 seventh and eighth grade students and sponsor from Farwell School; and 45 tenth and eleventh grade students and teachers from Bryan High School, Omaha.

## RECESS

At 11:58 a.m., on a motion by Mr. Miller, the Legislature recessed until 1:30 p.m.

## AFTER RECESS

The Legislature reconvened at 1:31 p.m., Speaker Nichol presiding.

## ROLL CALL

The roll was called and all members were present except Mr. Haberman who was excused; and Messrs. Barrett, Chronister, R. Johnson, Lundy, Schmit, Mesdames Higgins, Labedz, Morehead, and Ms. Scofield who were excused until they arrive.

## MESSAGE FROM THE GOVERNOR

April 26, 1985

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 250, 250A, 346, 347, 347A, 383, 383A, 421, 421A, 430, 493, 488, 503, 585 and 628 were received in my office on April 23, 1985.

These bills were signed by me on April 26, 1985 and delivered to the Secretary of State.

Sincerely,
(Signed) ROBERT KERREY
Governor

RK/jm

## GENERAL FILE

**LEGISLATIVE BILL 505A.** Title read. Considered.

Mr. Remmers moved to indefinitely postpone LB 505A.

The motion prevailed with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

## MOTION - Introduce New Bills

Mr. Warner moved for the introduction of a new bill by the Appropriations Committee, Req. 1104.

The motion prevailed with 31 ayes, 0 nays, 8 present and not voting, and 10 excused and not voting.

Mr. Warner moved for the introduction of a new bill by the Appropriations Committee, Req. 1045.

The motion prevailed with 32 ayes, 0 nays, 11 present and not voting, and 6 excused and not voting.

## BILLS ON FIRST READING

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

**LEGISLATIVE BILL 727.** By Appropriations Committee: Warner, 25th District, Chairperson; Carsten, 2nd District; Goll, 16th District; Goodrich, 20th District; Hannibal, 4th District; L. Johnson, 15th District; Lundy, 13th District; Marsh, 29th District; Scofield, 49th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Laws 1984, LB 809.

**LEGISLATIVE BILL 728.** By Appropriations Committee: Warner, 25th District, Chairperson; Carsten, 2nd District; Goll, 16th District; Goodrich, 20th District; Hannibal, 4th District; L. Johnson, 15th District; Lundy, 13th District; Marsh, 29th District; Scofield, 49th District.

A BILL FOR AN ACT relating to the University Buildings Renovation and Land Acquisition Fund; to amend sections 77-2602, 85-1,111, and 85-1,112, Revised Statutes Supplement, 1984; to change dates relating to funds received from the cigarette tax; to authorize expenditures for associated expenses as prescribed; to change a provision relating to terms of a construction contract; to repeal the original sections; and to declare an emergency.

## MOTION - Suspend Rules

Mr. Warner moved to suspend the rules, Rule 3, Section 4(e) and 13, and Rule 6, Sec. 1, to place LB's 727 & 728 on General File.

The motion prevailed with 30 ayes, 0 nays, 13 present and not voting,

and 6 excused and not voting.

**MR. BEUTLER PRESIDING**

## GENERAL FILE

**LEGISLATIVE BILL 271.** Title read. Considered.

Standing Committee amendments, AM1025, printed separate from the Journal and referred to on page 1326 were considered.

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

Mr. V. Johnson asked unanimous consent to withdraw his pending amendment, AM0843, printed separate from the Journal and referred to on page 1326. No objections. So ordered.

Messrs. Hefner and Landis renewed the pending amendment, AM1193, found in the Journal on page 1911 to the Standing Committee amendments.

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

The Hefner-Landis amendment was adopted with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

Mr. Warner offered the following amendment to the Standing Committee amendments:
AM1200

1. On page 3, strike beginning with "the" in line 3 through "subsequently" in line 6.

2. On page 7, line 17, after the period insert "Notwithstanding any other provision of this section, in no instance shall any agricultural or horticultural land be valued at more than market value.".

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

Mr. Hall moved the previous question. The question is, "Shall the debate now close?" The motion lost with 6 ayes, 11 nays, and 32 not voting.

Mr. Peterson 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, 0 nays, and 23 not voting.

The Warner amendment lost with 11 ayes, 20 nays, 13 present and not voting, and 5 excused and not voting.

Mr. Baack asked unanimous consent to be excused. No objections. So ordered.

Mr. Warner renewed his pending amendment, AM1201, found in this day's Journal on page 1918 to the Standing Committee amendments.

Mrs. Morehead asked unanimous consent to be excused. No objections. So ordered.

Messrs. Conway and Lundy asked unanimous consent to be excused until they return. No objections. So ordered.

The Warner amendment lost with 12 ayes, 16 nays, 12 present and not voting, and 9 excused and not voting.

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

Mrs. Marsh moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

The Standing Committee amendments were adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

Mr. R. Johnson asked unanimous consent to be excused. No objections. So ordered.

Mr. Vickers moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Advanced to E & R for Review with 30 ayes, 4 nays, 8 present and not voting, and 7 excused and not voting.

## UNANIMOUS CONSENT - Print in Journal

Mr. Schmit asked unanimous consent to print the following amendment to LB 722 in the Journal. No objections. So ordered.

AM1191

PURPOSE: To remove Program No. 384 - Nebraska Corn Development, Utilization, and Marketing Board from Agency No. 18 - Department of Agriculture and create Agency No. 88 - Nebraska Corn Development, Utilization, and Marketing Board.

Amendment

1. On page 27, strike lines 26 and 27.

2. On page 28, strike lines 1 through 3; in line 4 strike "(10)" and insert "(9)"; in line 11 strike "(11)" and insert "(10)"; in line 17 strike "(12)" and insert "(11)"; and in line 23 strike "(13)" and insert "(12)".

3. On page 29, line 5, strike "4,781,101" and insert "3,777,253"; and in line 8 strike "9,291,458" and insert "8,287,610".

4. Insert the following new section:

"Sec. 81. Agency No. 88 - Nebraska Corn Development, Utilization, and Marketing Board.

Program No. 384 - Nebraska Corn Development, Utilization, and Marketing Board

| | |
|---|---|
| CASH FUND | 1,003,848 |
| PROGRAM TOTAL | 1,003,848 |

Total expenditures for permanent and temporary salaries and per diems shall not exceed $53,742.".

5. On page 120, strike beginning with "Nebraska" in line 5 through the first comma in line 6.

6. On page 126, after line 3, insert the following new subdivision:

"(63) Nebraska Corn Development, Utilization, and Marketing Board: Nebraska Corn Development, Utilization, and Marketing Fund;"; in line 4 strike "(63)" and insert "(64)"; in line 7 strike "(64)" and insert "(65)"; in line 11 strike "(65)" and insert "(66)"; and in line 14 strike "(66)" and insert "(67)".

7. On page 137, line 4, strike "82" and insert "83"; in line 7 strike "81" and insert "82"; and after line 7 insert "Corn Development, Utilization, and Marketing Board, Nebraska, 81".

8. Renumber the remaining sections accordingly.

Mr. Schmit asked unanimous consent to print the following amendment to LB 722 in the Journal. No objections. So ordered.

AM1198

1. On page 90, lines 17 and 18, strike "1,251,800" and insert "2,751,800".

2. On page 92, line 9, strike "5,240,117" and insert "6,740,117"; and in line 12 strike "6,467,117" and insert "7,967,117".

Mr. Eret asked unanimous consent to print the following amendment to LB 284 in the Journal. No objections. So ordered.

AM1179

1. On page 11, line 11, after the period insert "Signs shall be posted only in areas being treated with chemicals which appear on the restricted use list provided in the Federal Insecticide, Fungicide, and Rodenticide Act or chemicals which are specifically labeled for posting requirements.".

Mr. Eret asked unanimous consent to print the following amendment to LB 273 in the Journal. No objections. So ordered.

AM1180

1. On page 29, line 12, strike "eighty per cent of".

2. On page 30, line 5, strike "eighty per cent of"; and in line 14 after "seller" insert "if a refund is claimed under this section".

Mr. V. Johnson asked unanimous consent to print the following amendment to LB 722 in the Journal. No objections. So ordered.

PURPOSE: To provide $18,349,000 for the General Homestead Exemption reimbursement per LB 809, 1984 Legislative Session.

AMENDMENT:

On page 23, lines 16, 17 and 22, strike "26,592,000" and insert "44,941,000"; on page 24, line 5, strike "36,874,675" and insert "55,223,675" and in line 8, strike "38,540,166" and insert "56,889,166".

Mr. Barrett asked unanimous consent to print the following amendments to LB 157 in the Journal. No objections. So ordered.

(1)

AM1203

(Amendments to E & R amendment)

1. In the E & R amendment, beginning on page 1615 of the Journal, on page 1, line 7, strike "Interest", show as stricken, and insert "Prejudgment interest"; in line 11 strike "shall be from", show as stricken, and insert "may be awarded by the judge in any action at law or suit in equity on all or any part of the decree or judgment as the circumstances in each instance shall justify, commencing no earlier than"; and in lines 18 and 23 strike "Interest" and insert "Postjudgment interest".

(2)

AM1202

(Amendments to AM1100)

1. In AM1100, beginning on page 1879 of the Journal:

a. On page 1, line 7, strike "Interest", show as stricken, and insert "Prejudgment interest"; in line 11 strike "shall began accruing", show the old matter as stricken, and insert "may be awarded by the judge in any action at law or suit in equity on all or any part of the decree or judgment as the circumstances in each instance shall justify, commencing no earlier than"; and

b. On page 2, line 25, strike "Interest" and insert "Postjudgment interest".

## STANDING COMMITTEE REPORTS

### Judiciary

**LEGISLATIVE BILL 105.** Placed on General File as amended.
Standing Committee amendment to LB 105:
AM1204

1. Strike the original sections and insert the following new sections:

"Section 1. As used in this act, unless the context otherwise requires, grandparent shall mean the biological or adoptive parent of a minor child's biological or adoptive parent.

Sec. 2. (1) A grandparent may seek visitation

with his or her minor grandchild if:

(a) The child's parent or parents are deceased;

(b) The marriage of the child's parents has been dissolved, or a petition for the dissolution of such marriage has been filed but no decree has been entered; or

(c) The parents of the minor child have never been married.

(2) In determining whether a grandparent shall be granted visitation, the court shall require evidence concerning the beneficial nature of the relationship of the grandparent to the child. The evidence may be presented by affidavit and shall demonstrate that a significant beneficial relationship exists between the grandparent and the child and that it would be detrimental to the best interests of the child if such relationship were not allowed to continue. Reasonable rights of visitation may be granted when the court determines by clear and convincing evidence that there is a significant beneficial relationship between the grandparent and the child, that it is in the best interests of the child that such relationship continue, and that such visitation will not significantly interfere with the parent-child relationship.

(3) The court may modify an order granting or denying such visitation upon a showing that there has been a material change in circumstances which justify such modification, and the modification would serve the best interests of the child.

Sec. 3. (1) If the minor child's parent or parents are deceased or have never been married, a grandparent seeking visitation shall file a petition in the district court in the county in which the minor child resides. If the marriage of the parents of a minor child has been dissolved or a petition for the dissolution of such marriage has been filed but no decree has been entered, a grandparent seeking visitation shall file a petition for such visitation in the district court in the county in which the dissolution was had or the proceedings are taking place. The form of the petition and all other pleadings required by this section shall be prescribed by the Supreme Court. The petition shall include the following:

(a) The name and address of the petitioner and his or her attorney;

(b) The name and address of the parent, guardian, or other party having custody of the child or children;

(c) The name and address of any parent not having custody of the child or children if applicable;

(d) The name and date of birth of each child with whom visitation is sought;

(e) The relationship of petitioner to such child or children;

(f) An allegation that the parties have attempted to reconcile their differences, but the differences are irreconcilable and such parties have no recourse but to seek redress from the court; and

(g) A statement of the relief sought.

(2) When a petition seeking visitation is filed, a copy of the petition shall be served upon the parent or parents or other party having custody of the child and upon any parent not having custody of such child or in the manner provided in section 25-517.02.".

**LEGISLATIVE BILL 634.** Indefinitely postponed.

(Signed) Peter Hoagland, Chairperson

## UNANIMOUS CONSENT - Print in Journal

Speaker Nichol asked unanimous consent to print the following amendment to LB 271 in the Journal. No objections. So ordered.

(Amendments to Am 1025)

Add a new section 10

Sec. 10 The valuation of agricultural and horticultural land used for agricultural and horticultural purposes shall not be increased more than 15% in any one tax year for taxable years beginning on or after January 1, 1986.

Renumber the remaining sections accordingly.

Messrs. Hoagland, Withem, and V. Johnson asked unanimous consent to print the following amendment to LB 722 in the Journal. No objections. So ordered.

PURPOSE: To delete $1,304,000 of General Funds for drivers' education programs and add a like amount of funding for teacher

staff development, scientist-in-residence programs and exemplary curriculum dissemination.

AMENDMENT:

On page 19, strike lines 24 - 27 and insert, "There is included in the funds allocated for state aid in this program $1,000,000 General Funds for staff development programs for teachers and administrators, $140,000 General Funds for a scientist-in-residence program and $164,000 for exemplary curriculum dissemination."

Mr. DeCamp asked unanimous consent to print the following amendment to LB 271 in the Journal. No objections. So ordered.

AM1205

1. Strike the original sections and all amendments thereto and insert new sections as follows:

"Section 1. That section 77-201, Reissue Revised Statutes of Nebraska, 1943, as amended by section 2, Legislative Bill 30, Eighty-ninth Legislature, First Session, 1985, be amended to read as follows:

"Section 1. That section 77-201, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-201. (1) Except as provided in subsection (2) of this section, all tangible property and real property in this state, not expressly exempt therefrom, shall be subject to taxation and shall be valued at its actual value. Such actual value shall be taken and considered as the taxable value on which the levy shall be made.

(2) Agricultural land and horticultural land used solely for agricultural or horticultural purposes shall constitute a separate and distinct class of property for purposes of property taxation. For tax ~~year~~ years 1985 and 1986, agricultural land and horticultural land shall be valued using the agricultural land valuation manual issued by the Tax Commissioner pursuant to section 77-1330 for use in tax year 1984.

(3) For purposes of subsection (2) of this section, agricultural land and horticultural land shall mean any parcel of land valued by the county assessor as agricultural land or horticultural land in the tax year prior to January 1, 1985, unless the principal use, zoning, or ownership of such land changes, at which time

the classification of such land shall be reviewed by the county assessor.

(4) Nothing in subsection (2) of this section shall be construed to eliminate the requirement that county assessors utilize and implement soil surveys completed for tax year 1985.

Sec. 2. That original section 77-201, Reissue Revised Statutes of Nebraska, 1943, as amended by section 2, Legislative Bill 30, Eighty-ninth Legislature, First Session, 1985, is repealed.".

## REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative bill 726.

| LB | Committee |
|---|---|
| 726 | Banking, Commerce and Insurance |

(Signed) Chris Beutler, Chairperson
Legislative Council
Executive Board

## REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of April 25, 1985. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Ackerman, Ann Marie - Kearney, (Withdrawn 4/18/85), Kearney State College, Student Senate
Peregoy, Robert M. - Boulder, Co, Winnebago Tribe of Nebraska
Sullivan, Mort - Omaha, Mort Associates, Ltd.

## NOTICE OF COMMITTEE HEARING
**Banking, Commerce and Insurance**

LB 726 Monday, May 6, 1985 12:00 noon

(Signed) John DeCamp, Chairperson

## VISITORS

Visitors to the Chamber were 27 sixth grade students and sponsor from Ravenna Elementary School; Gretchen Hirschbach and Betty O'Neill from Dakota County; Vivian Hartway from Thurston County; LaVern Schafer, Commissioner on the Nebraska Status of Women Commission; 26 fourth grade students and sponsor from Pender Public School; Lorraine Dexter and Leonard Pelican from Merrick County; Evelyn Aufdenkamp from Sutton; Carl Newquist and Joyce Mason from Nance County; 50 fourth grade students and sponsors from King Science Center, Omaha; and Marlin Kraemer from Cedar County.

## ADJOURNMENT

At 4:20 p.m., on a motion by Mr. Hall, the Legislature adjourned until 9:00 a.m., Monday, April 29, 1985.

Patrick J. O'Donnell
Clerk of the Legislature

# SIXTY-EIGHTH DAY - APRIL 29, 1985

# LEGISLATIVE JOURNAL

# SIXTY-EIGHTH DAY - APRIL 29, 1985

## LEGISLATIVE JOURNAL

## EIGHTY-NINTH LEGISLATURE
## FIRST SESSION

## SIXTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, April 29, 1985

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

## PRAYER

The prayer was offered by Dr. Robert Palmer, Westminster Presbyterian Church, Lincoln, Nebraska.

## ROLL CALL

The roll was called and all members were present except Messrs. Hoagland, V. Johnson, and Mrs. Pirsch who were excused; and Messrs. Baack, Chambers, Goodrich, Haberman, Hall, R. Johnson, Landis, Remmers, Rupp, and Mrs. Morehead who were excused until they arrive.

## CORRECTIONS FOR THE JOURNAL

Page 1922, line 7, strike "1326" and insert "1630".
The Journal for the Sixty-Seventh Day was approved as corrected.

## RESOLUTION

**LEGISLATIVE RESOLUTION 242.** Read. Considered.

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

LR 242 was adopted with 32 ayes, 0 nays, and 17 not voting.

## GENERAL FILE

**LEGISLATIVE BILL 196.** Title read. Considered.

Advanced to E & R for Review with 28 ayes, 0 nays, 9 present and not voting, and 12 excused and not voting.

**LEGISLATIVE BILL 197.** Title read. Considered.

Standing Committee amendment, AM1105, found in the Journal on page 1704 for the Sixty-Third Day was adopted with 27 ayes, 0 nays, 12 present and not voting, and 10 excused and not voting.

Advanced to E & R for Review with 28 ayes, 0 nays, 11 present and not voting, and 10 excused and not voting.

**LEGISLATIVE BILL 721.** Title read. Considered.

The Appropriations Committee renewed its pending amendment, AM1189, found in the Journal on page 1919.

The amendment was adopted with 27 ayes, 0 nays, 14 present and not voting, and 8 excused and not voting.

Mr. DeCamp asked unanimous consent to withdraw his pending amendment, AM1101, found in the Journal on page 1727. No objections. So ordered.

Advanced to E & R for Review with 26 ayes, 1 nay, 15 present and not voting, and 7 excused and not voting.

**LEGISLATIVE BILL 722.** Title read. Considered.

Mr. Schmit renewed his pending amendment, AM1191, found in the Journal on page 1924.

Mr. Schmit moved for a call of the house. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

The Schmit amendment was adopted with 27 ayes, 10 nays, 5 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Messrs. Beutler and DeCamp offered the following amendment:

PURPOSE: Reappropriate an estimated $715,000 of the unexpended balance of Legislative Council funds for the renovation of legislative space.

AMENDMENT:

On page 3, line 8, after "reappropriated" insert "to Program 122 and the remainder of the unexpended balance is hereby reappropriated to Program 901 - Renovation of Legislative Space"; in line 15, after "reappropriated" insert "to Program 123 and the remainder of the unexpended balance is hereby reappropriated to Program 901 - Renovation of Legislative Space"; after line 21 and line 26, insert "The unexpended General Fund balance existing on June 30, 1985, is hereby reappropriated to Program 901 - Renovation of Legislative Space."

On page 4, after lines 5 and 11, insert "The unexpended General Fund balance existing on June 30, 1985, is hereby reappropriated to Program 901 - Renovation of Legislative Space"; in line 19, after "reappropriated" insert "to Program 638 and the remainder of the unexpended balance is hereby reappropriated to Program 901 - Renovation of Legislative Space."

On page 4, after line 19, insert the following:

"(8) Program No. 901 - Renovation of Legislative Space.

The Executive Board of the Legislative Council is hereby authorized to renovate space within the State Capitol including hearing rooms and offices in the southwest quadrant, first floor, for use by the Legislature. Plans for the renovation of Legislative Space shall be prepared cooperatively by the Department of Administrative Services and the Executive Board of the Legislative Council. No expenditures for actual renovation of such space shall begin until the Executive Board of the Legislative Council has approved the plans for renovation."

Mrs. Smith asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Chizek 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 moved for a call of the house. The motion prevailed with 17 ayes, 0 nays, and 32 not voting.

Mr. Hannibal requested a roll call vote on the Beutler-DeCamp amendment.

Voting in the affirmative, 22:

| | | | | |
|---|---|---|---|---|
| Beutler | Eret | Labedz | Nichol | Sieck |
| Chizek | Haberman | Marsh | Pappas | Vickers |
| Chronister | Hall | Morehead | Rupp | Wesely |
| Conway | Harris | Nelson | Schmit | Withem |
| DeCamp | Higgins | | | |

Voting in the negative, 15:

| | | | | |
|---|---|---|---|---|
| Barrett | Goll | Hefner | Landis | Remmers |
| Beyer | Goodrich | Johnson, L. | Lundy | Scofield |
| Carsten | Hannibal | Lamb | Peterson | Warner |

Present and not voting, 5:

| | | | | |
|---|---|---|---|---|
| Chambers | Hartnett | Johnson, R. | Miller | Rogers |

Excused and not voting, 7:

| | | | | |
|---|---|---|---|---|
| Abboud | Hoagland | Lynch | Pirsch | Smith |
| Baack | Johnson, V. | | | |

The Beutler-DeCamp amendment lost with 22 ayes, 15 nays, 5 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Speaker Nichol offered the following amendment:

PURPOSE: To amend Program 294 - Vocational Education, Agency No. 13, Department of Education, to provide for the creation of a displaced homemakers program in Scotts Bluff County.

AMENDMENT:

On page 16, line 25, strike "866,781" and insert "896,781"; On page 16, line 27, strike "5,949,416" and insert "5,979,416"; On page 17, line 5, strike "308,634" and insert "338,634"; On page 17, line 10, strike the period and insert "<u>, and $30,000 General Funds to establish a displaced homemaker program in Scotts Bluff County.</u>"

The Nichol amendment lost with 15 ayes, 16 nays, 12 present and not voting, and 6 excused and not voting.

Mr. Vickers offered the following amendment:

AM1219

1. On page 16, strike lines 7 through 12.

**SPEAKER NICHOL PRESIDING**

The Vickers amendment lost with 11 ayes, 13 nays, 19 present and not voting, and 6 excused and not voting.

Mr. Chambers moved to reconsider the vote on the Beutler-DeCamp amendment found in this day's Journal.

Mr. Chambers moved for a call of the house. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

The Chambers motion to reconsider the vote on the Beutler-DeCamp amendment prevailed with 25 ayes, 11 nays, 7 present and not voting, and 6 excused and not voting.

The Beutler-DeCamp amendment was adopted with 26 ayes, 16 nays, 1 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Mr. Withem asked unanimous consent to be excused. No objections. So ordered.

Advanced to E & R for Review with 29 ayes, 0 nays, 13 present and not voting, and 7 excused and not voting.

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

**UNANIMOUS CONSENT - Print in Journal**

Mr. DeCamp asked unanimous consent to print the following amendment to LB 271 in the Journal. No objections. So ordered.

AM1209

1. Strike the original sections and all amendments thereto and insert new sections as follows:

"Section 1. That section 77-201, Reissue Revised Statutes of Nebraska, 1943, as amended by section 2, Legislative Bill 30, Eighty-ninth Legislature, First Session, 1985, be amended to read as follows:

"Section 1. That section 77-201, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-201. (1) Except as provided in subsection (2) of this section, all tangible property and real property in this state, not expressly exempt therefrom, shall be subject to taxation and shall be valued at its actual value. Such actual value shall be taken and considered as the taxable value on which the levy shall be made.

(2) Agricultural land and horticultural land used solely for agricultural or horticultural purposes shall constitute a separate and distinct class of property for purposes of property taxation. For tax ~~year~~ years 1985 and 1986, agricultural land and horticultural land shall be valued using the agricultural land valuation manual issued by the Tax Commissioner pursuant to section 77-1330 for use in tax year 1984. For tax year 1987 and each tax year thereafter, agricultural land and horticultural land shall be valued at fifty per cent of actual value.

(3) For purposes of subsection (2) of this section, agricultural land and horticultural land shall mean any parcel of land valued by the county assessor as agricultural land or horticultural land in the tax year prior to January 1, 1985, unless the principal use, zoning, or ownership of such land changes, at which time the classification of such land shall be reviewed by the county assessor.

(4) Nothing in subsection (2) of this section shall be construed to eliminate the requirement that county assessors utilize and implement soil surveys completed for tax year 1985.

Sec. 2. That original section 77-201, Reissue Revised Statutes of Nebraska, 1943, as amended by section 2, Legislative Bill 30, Eighty-ninth Legislature, First Session, 1985, is repealed.".

Messrs. Schmit, R. Johnson, Sieck, and Ms. Scofield asked unanimous consent to print the following amendment to LR 88 in the Journal. No objections. So ordered.

AM1169

1. In LR 88, beginning on page 1608 of the Journal:

a. In line 3 of the sixth "Whereas", strike the period and insert "; and"; and after line 3 of the sixth "Whereas" insert the following:

"Whereas, it is also a common goal of Americans to eliminate famine in countries of the Third World.";

b. Insert the following new "Resolved":

"(2) That the Legislature recommends to the President of the United States that ten billion dollars of the proposed 1986-87 defense budget be used for the purpose of purchasing agricultural commodities to be distributed to hunger-stricken nations of the Third World, in cooperation with the Concept of Food for Peace, and that a similar allocation be made on an annual basis."; and

c. Renumber the remaining "Resolved" accordingly.

Mr. DeCamp asked unanimous consent to print the following amendment to LB 722 in the Journal. No objections. So ordered.

AM1221

1. On page 55, lines 21 and 22, strike "220,135,685" and insert "207,268,285".

2. On page 56, line 11, strike "133,915,293" and insert "121,047,893"; in line 21 strike "288,116,546" and insert "275,249,146"; and in line 23 strike "290,090,923" and insert "277,223,523".

## GENERAL FILE

**LEGISLATIVE BILL 725.** Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays, 14 present and not voting, and 8 excused and not voting.

**LEGISLATIVE BILL 724.** Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

## VISITORS

Visitors to the Chamber were 54 fourth grade students and sponsor from Abraham Lincoln School, Hastings; 50 fourth grade students and sponsor from Neligh-Oakdale School; 40 fourth grade students and sponsors from Bennington School; 20 seniors and sponsor from Elmwood Public School; 71 fourth grade students and sponsor from

Parkview Heights School, LaVista; and 45 members from the Womens' Republican Club, Benson.

## RECESS

At 11:52 a.m., on a motion by Mrs. Nelson, the Legislature recessed until 1:30 p.m.

## AFTER RECESS

The Legislature reconvened at 1:30 p.m., President McGinley presiding.

## ROLL CALL

The roll was called and all members were present except Messrs. Hoagland, V. Johnson, and Withem who were excused; and Messrs. L. Johnson, Landis, Peterson, Schmit, Mrs. Pirsch, and Ms. Scofield who were excused until they arrive.

## SELECT FILE

**LEGISLATIVE BILL 667.** Mr. Beutler asked unanimous consent to withdraw his pending amendment, AM1060, found in the Journal on page 1591. No objections. So ordered.

Mr. Beutler renewed his pending amendment, AM1022, found in the Journal on page 1591.

The Beutler amendment was adopted with 28 ayes, 0 nays, 12 present and not voting, and 9 excused and not voting.

Mrs. Marsh renewed her pending amendment, AM1053, found in the Journal on page 1599.

The Marsh amendment was adopted with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

Mrs. Higgins asked unanimous consent to withdraw her pending amendment, AM1065, found in the Journal on page 1627. No objections. So ordered.

Mrs. Higgins renewed her pending amendment, AM1066, found in the Journal on page 1627.

Mrs. Higgins moved for a call of the house. The motion prevailed with 9 ayes, 0 nays, and 40 not voting.

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

The Chair declared the call raised.

Mrs. Higgins renewed her pending amendment, AM1067, found in the Journal on page 1627.

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

Mr. Hartnett moved that LB 667 be bracketed until the first date after January 1, 1986 upon which the Speaker schedules bills for consideration on Select File.

Mr. Beutler moved the previous question. The question is, "Shall the debate now close?" The motion lost with 17 ayes, 13 nays, and 19 not voting.

Mr. Lundy moved the previous question. The question is, "Shall the debate now close?"

Mr. Lundy moved for a call of the house. The motion prevailed with 7 ayes, 1 nay, and 41 not voting.

The motion to cease debate prevailed with 26 ayes, 10 nays, and 13 not voting.

Mrs. Higgins requested a record vote on the Hartnett motion to bracket.

Voting in the affirmative, 27:

| | | | | |
|---|---|---|---|---|
| Abboud | Chronister | Hefner | Marsh | Remmers |
| Baack | Goll | Lamb | Miller | Scofield |
| Barrett | Goodrich | Landis | Nichol | Sieck |
| Beutler | Hannibal | Lundy | Peterson | Vickers |
| Carsten | Harris | Lynch | Pirsch | Warner |
| Chizek | Hartnett | | | |

Voting in the negative, 16:

| | | | | |
|---|---|---|---|---|
| Beyer | Eret | Higgins | Morehead | Schmit |
| Chambers | Haberman | Johnson, R. | Pappas | Smith |
| Conway | Hall | Labedz | Rupp | Wesely |
| DeCamp | | | | |

Present and not voting, 2:

Nelson Rogers

Excused and not voting, 4:

Hoagland Johnson, L. Johnson, V. Withem

The Hartnett motion to bracket prevailed with 27 ayes, 16 nays, 2 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

## MESSAGE FROM THE GOVERNOR

April 26, 1985

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

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointments to the Power Review Board, requiring legislative confirmation.

Appointees:

Michael J. O'Hara, 6005 Charles Street, Omaha, NE 68132, 551-7074(h), 554-2823(o), Term: 4/26/85 to 1/1/89, Succeeds: Richard Wood, term expired.

Daniel Meyer, Rural Route 1, Box 185A, Roca, NE 68430, 421-3511(h), 476-3852(o), Term: 4/26/85 to 1/1/89, Succeeds: Edward Burke, term expired.

These appointments are respectfully submitted for your consideration.

Sincerely,
(Signed) ROBERT KERREY
Governor

cc: Staff Assistant to the Governor

## UNANIMOUS CONSENT - Print in Journal

Mr. Lynch asked unanimous consent to print the following amendment to LB 722 in the Journal. No objections. So ordered.

AM1197

1. On page 72, after line 19 insert:

"(1) Program No. 297 - State Scholarship Program
GENERAL FUND 227,592
PROGRAM TOTAL 227,592";
in line 20 strike "(1)" and insert "(2)"; after line 20 insert:
GENERAL FUND 160,000";
in line 22 strike "600,000" and insert "760,000"; and in line 24 after "program" insert "$160,000 General Funds and".

2. On page 73, line 7, strike "(2)" and insert "(3)"; in line 17 strike "176,095" and insert "563,687"; and in line 20 strike "789,095" and insert "1,176,687".

3. On page 81, lines 23 and 27, strike the period and insert a semicolon.

4. On page 82, line 7, strike the period and insert "; and"; after line 7 insert a new subdivision as follows:

"(x) Tuition remissions shall increase ten per cent for need-based student financial aid programs, but no additional funds above the 1984-85 base budget shall be used for nonneed-based aid programs."; and in lines 26 and 27 strike "90,795,773" and insert "90,532,533".

5. On page 83, line 3, strike "$3,493,000" and insert "$3,229,760"; in line 19 strike "$313,900"; strike beginning with "which" in line 20 through "purposes" in line 21 and insert "shall increase ten per cent for need-based programs only"; and in lines 26 and 27 strike "23,095,863" and insert "23,005,102".

6. On page 84, line 2, strike "$1,680,429" and insert "1,589,668"; in lines 9 and 10 strike "47,161,481" and insert "47,127,890"; and in line 12 strike "$622,061" and insert "$588,470".

## SELECT COMMITTEE REPORTS
### Enrollment and Review

**LEGISLATIVE BILL 715.** Placed on Select File as amended.
E & R amendments to LB 715:
AM5151

1. In the V. Johnson amendment, AM1042, adopted April 24, 1985, on page 1, line 1, strike "facility" and strike the last comma and insert "and"; and in line 2 strike beginning with the comma through

the last quotation marks.

2. In the Standing Committee amendments, AM0523, adopted April 24, 1985:

a. Strike section 4 and insert the following new section:

"Section 1. That section 77-2701, Revised Statutes Supplement, 1984, be amended to read as follows:

77-2701. Sections 77-2701 to 77-27,135 and sections 5 and 6 of this act shall be known and may be cited as the Nebraska Revenue Act of 1967. After January 1, 1984, any reference to sections 77-2701 to 77-27,135 or the Nebraska Revenue Act of 1967 shall be construed to include sections 77-2734.01 to 77-2734.15 and any reference which would include sections 77-2734 to 77-2752 shall be construed to include sections 77-2734.01 to 77-2734.15.";

b. On page 1, line 17, after "services" insert an underscored comma;

c. On page 7, line 21, strike the comma and show as stricken; and in line 22 strike "such property", show as stricken, and insert "which";

d. On page 8, line 20, strike the comma and show as stricken;

e. On page 14, lines 18 and 20, reinstate the stricken matter;

f. On page 16, line 14, strike "salesperson", show as stricken, and insert "salespersons";

g. On page 21, line 8, strike the comma and show as stricken;

h. On page 25, line 19, strike "provisions of" and show as stricken; and in line 21 after "tax" insert an underscored comma;

i. On page 28, line 24, strike the comma and show as stricken;

j. On page 30, line 1, strike "This" and insert "The"; and in line 22 strike "said", show as stricken, and insert "the";

k. On page 31, line 20, strike the first comma and show as stricken;

l. On page 32, line 1, strike "said", show as stricken, and insert "such";

m. On page 33, line 3, strike "provisions of" and show as stricken; and in line 11 after "presumed" insert an underscored comma;

n. On page 34, line 9, strike "the provisions of" and show as stricken;

o. On page 44, strike beginning with "the" in line 21 through "Act" in line 22 and insert "section 6 of this act";

p. On page 45, line 4, strike "or"; in line 5 strike "and" and insert ", or"; and in line 23 after "diversification" insert an underscored comma;

q. On page 46, line 5, strike "thirty--six" and insert "thirty-six"; in line 7 strike "is" and insert "shall be"; in line 10 strike "this" and insert "the"; and in line 15 after "and" insert "an";

r. On page 47, line 6, strike the comma and show as stricken;

s. On page 50, strike beginning with "the" in line 25 through "Act" in line 26 and insert "section 6 of this act,";

t. On page 53, strike beginning with "the" in line 3 through "Act" in line 4 and insert "section 6 of this act"; and in line 21 after "subsection" insert an underscored comma;

u. On page 54, line 13, after "sections" insert "77-2701,"; and

v. Renumber the remaining sections accordingly.

3. On page 1, strike beginning with "3-149" in line 2 through the second comma in line 4 and insert "77-2701,"; in line 5 strike "77-2704.01, 77-2705, 77-2706," and insert "and"; strike line 6; in line 8 after the semicolon insert "to eliminate definitions;"; in line 10 after the first semicolon insert "to eliminate an exemption; to provide for a refund;" and strike "to provide"; and in line 11 strike "duties;".

**LEGISLATIVE BILL 273.** Placed on Select File as amended.
E & R amendments to LB 273:
AM5152

Because of page and line number differences between the green copy and the bill as introduced, all amendments are to the green copy.

1. In the Standing Committee amendments, AM0274, adopted April 24, 1985:

a. On page 1, line 5, strike "subdivision" and insert "subdivisions"; in line 21 strike the semicolon and insert ", and page 33, line 27, strike '31' and

insert '25'; and on" and strike "lines 3 and" and insert "line 3"; and in line 22 strike "27";

b. On page 3, line 1, after "5" insert "and show the old matter as stricken"; strike beginning with "Sec." in line 3 through the period in line 5 and insert

"Sec. 39. That section 77-2701, Revised Statutes Supplement, 1984, be amended to read as follows:

77-2701. Sections 77-2701 to 77-27,135 and sections 43 and 44 of this act shall be known and may be cited as the Nebraska Revenue Act of 1967. After January 1, 1984, any reference to sections 77-2701 to 77-27,135 or the Nebraska Revenue Act of 1967 shall be construed to include sections 77-2734.01 to 77-2734.15 and any reference which would include sections 77-2734 to 77-2752 shall be construed to include sections 77-2734.01 to 77-2734.15."; strike beginning with "the" in line 6 through "Act" in line 7 and insert "section 44 of this act"; in line 15 strike "or"; and in line 16 strike "and" and insert ", or";

c. On page 4, line 9, after "diversification" insert an underscored comma and after "purchase", for purposes of consistency with LB 715, insert "and installation"; in line 19 strike "is" and insert "shall be"; and in line 23 strike "this" and insert "the";

d. On page 5, for purposes of consistency with LB 715, strike beginning with "and" in line 2 through "specifications" in line 3 and insert ", specifications, and an explanation"; in line 14 after "strike" insert "the first"; strike beginning with "the" in lines 16 and 19 through "Act" in lines 17 and 20, respectively, and insert "section 44 of this act"; and in line 23 strike "line" and insert "lines 20 and";

e. On page 8, line 2, strike "number" and insert "member"; and

f. On page 9, line 10, strike "71" and insert "72"; in line 11 strike "48 to 67" and insert "47 to 64"; in line 12 strike "72" and insert "73"; in line 13 strike "39 to 47 and 73" and insert "40 to 46 and 74"; in line 14 after "years" insert "commencing"; in line 16 before the semicolon insert "and the third comma; in line 26 after the second comma insert 'and' "; in line 20 strike the second "and"; and in line 21 strike the first period and insert a comma and before the last period insert "; and in line 16 after 'sections' insert

'77-2701,' ".

2. On page 1, line 2, strike "52-1001, 52-1004," and "66-416,"; in line 3 strike "66-628,"; in line 4 strike "77-1704.01,"; in line 5 after the first comma insert "77-2730,"; in line 7 after the second comma insert "and"; in line 9 after the last comma insert "77-2701,"; and in line 14 strike ", and sections".

3. On page 2, line 1, strike beginning with "9-403" through "Code"; strike beginning with "to" in line 3 through the semicolon in line 5; and strike beginning with "the" in line 7 through line 27 and insert "personal liability of corporate officers and employees as prescribed; to provide an exemption for certain quantities of fuel; to change provisions relating to the taxation of special fuels; to provide for exemption certificates; to authorize credits and refunds; to require cash bonds; to create funds; to require license revocation in certain circumstances; to provide for a committee; to change provisions relating to energy tax credits; to require certain information on real estate deeds; to change a time limit for filing certain estate tax claims; to change provisions relating to sales and use taxes and income taxes; to define and redefine terms; to change and eliminate exemptions; to provide for a refund for sales and use taxes paid for certain equipment; to change provisions relating to the filing of returns and mailing of notices; to change provisions relating to corporate income tax, taxation of estates and trusts, and partnership taxation; to change powers and duties of the Tax Commissioner; to provide penalties; to provide duties for the Revisor of Statutes;".

4. On page 3, strike beginning with line 1 through the semicolon in line 11.

5. On page 4, line 11, strike "this" and insert "such"; and in line 27 strike "its" and insert "federal".

6. On page 8, lines 12 and 16, strike "does" and insert "shall".

7. On page 22, line 10, after "motor" insert "vehicle".

8. On page 23, line 18, strike "(7)", show as stricken, and insert "(8)".

9. On page 25, line 23; page 26, line 20; and

page 27, line 23, strike the comma and show as stricken.

10. On page 30, line 9, strike "sections 77-2701 to 77-27,135" and insert "the Nebraska Revenue Act of 1967"; and in lines 23 and 24 after "fund" insert ", which is hereby created,".

11. On page 31, line 2, strike the comma.

12. On page 32, line 14, strike "established" and insert "created".

13. On page 33, line 26; and page 34, lines 6 and 8, strike "fund" and insert "funds".

14. On page 42, line 10, strike "1984" and insert "1985"; in line 20 strike "and"; in line 24 strike the period, reinstate the semicolon, and after the reinstated semicolon insert "and"; and reinstate lines 25 through 27.

15. On page 43, reinstate line 1; and in line 2 reinstate the stricken "less" and after the reinstated "less" insert an underscored period.

16. On page 44, line 4, strike "1984" and insert "1985"; in line 19 strike "and"; in line 23 strike the period, reinstate the semicolon, and after the reinstated semicolon insert "and"; reinstate beginning with "(4)" in line 24 through "less" in line 27; and in line 27 after the reinstated "less" insert an underscored period.

17. On page 45, line 14, strike "1985" and insert "1986".

18. On page 46, line 10, strike "1988" and insert "1989".

19. On page 50, line 11, strike the comma.

20. On page 56, line 19, strike the comma and show as stricken.

21. On page 65, line 2, strike the comma and show as stricken; and in line 8 strike "salesperson", show as stricken, and insert "salespersons".

22. On page 69, line 24, strike the comma and show as stricken.

23. On page 72, line 22; page 73, lines 4 and 11; page 74, lines 2, 7, and 23; page 75, line 5; and page 76, lines 10 and 27, strike the semicolon, show as stricken, and insert an underscored period.

24. On page 74, line 11, after "tax" insert an underscored comma.

25. On page 77, line 11, strike the comma and show as stricken.

26. On page 78, line 13, strike the new matter and insert ". The"; and in line 16 strike "; and", show as stricken, and insert an underscored period.

27. On page 80, line 5, strike the first comma and show as stricken.

28. On page 81, line 21, after "presumed" insert an underscored comma.

29. On page 88, line 15, strike "2-2813", show as stricken, and insert "2-2812".

30. On page 100, line 1, after "subsection" insert an underscored comma.

31. On page 102, lines 16 and 24, strike the semicolon, show as stricken, and insert an underscored period.

32. On page 103, line 7, strike the new matter and insert an underscored period; in line 14 strike "agreed upon" and insert "agreed-upon"; and in lines 25 and 26 strike the commas and show as stricken.

33. On page 104, line 10, after "and" insert an underscored comma.

34. On page 106, lines 4 and 15, after "record" insert an underscored comma; and in line 19 strike the comma and show as stricken.

35. On page 107, line 16; and page 108, line 11, strike the comma and show as stricken.

36. On page 111, line 12, after "taxes" insert an underscored comma.

37. On page 112, line 2, strike the comma and show as stricken; in line 4 strike the new matter and insert "such act"; and in line 20 strike the second "and" and show as stricken.

38. On page 113, line 3, strike the comma and show as stricken.

39. On page 114, line 17, strike the first comma and show as stricken; and in line 21 after "costs" insert an underscored comma.

40. On page 115, line 7, strike the first comma, show as stricken, and insert "or of"; and in line 13 strike the comma and show as stricken.

41. On page 121, line 21, strike "after tax" and insert "after-tax".

42. On page 128, reinstate the stricken matter in lines 12 to 15; in line 9 after "(3)" insert "(4)"; and move the new matter in lines 9 to 12 as a new

paragraph following line 15.

43. On page 129, line 13, after "except" insert "that".

44. On page 131, line 2, strike the second comma and show as stricken.

45. On page 134, line 27, after "statements" insert an underscored comma.

46. On page 135, line 5; and page 140, line 4, strike the comma and show as stricken.

47. On page 143, line 1, strike "such" and insert "the".

48. On page 147, line 16, strike the semicolon, show as stricken, and insert an underscored comma.

49. On page 148, line 16, strike the comma and show as stricken.

50. On page 150, strike beginning with "sections" in line 2 through "77-27,135" in line 3, show as stricken, and insert "the Nebraska Revenue Act of 1967".

51. On page 160, line 14, insert paragraphing before "The"; and in line 21 strike the comma and show as stricken.

52. On page 161, line 12; and page 162, line 5, reinstate the stricken comma.

53. Insert the following new section:

"Sec. 69. The Revisor of Statutes shall substitute the phrase the Nebraska Revenue Act of 1967 for the phrase sections 77-2701 to 77-27,135 wherever the latter phrase appears in the following sections, except that the phrases such act and the act may be used to avoid repetition of the phrase the Nebraska Revenue Act of 1967: 66-461, 77-2705, 77-2707, 77-2710, 77-2711, 77-2713, 77-2714, 77-2728, 77-2753, 77-2755 to 77-2757, 77-2759 to 77-2762, 77-2768, 77-2771, 77-2773, 77-2775, 77-2780, 77-2785, 77-2789, 77-2792, 77-2794, 77-2798, 77-2799, 77-27,102, 77-27,103, 77-27,106 to 77-27,111, 77-27,113 to 77-27,117, 77-27,120, 77-27,123 to 77-27,125, 77-27,127, 77-27,128, and 77-27,130 to 77-27,135.".

54. Renumber the remaining sections accordingly.

(Signed) Timothy Hall, Chairperson

## SELECT FILE

**LEGISLATIVE BILL 216.** E & R amendment, AM5116, found in the Journal on page 1383 for the Fifty-Fourth Day was adopted.

Mr. DeCamp asked unanimous consent to withdraw his pending amendment, AM0950, found in the Journal on page 1525. No objections. So ordered.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 382.** Mr. Wesely asked unanimous consent to withdraw his pending amendments, AM1096, found in the Journal on page 1628, and AM1128, found in the Journal on page 1704. No objections. So ordered.

Mr. Wesely renewed his pending amendment, AM1187, found in the Journal on page 1902.

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

The Wesely amendment was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 372.** E & R amendments, AM5131, found in the Journal on page 1512 for the Fifty-Eighth Day were adopted.

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

Mr. Landis asked unanimous consent to withdraw his pending amendment found in the Journal on page 1625. No objections. So ordered.

Mr. Landis renewed his pending amendment, AM1174, found in the Journal on page 1908.

The Landis amendment was adopted with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

Mr. Rupp renewed the Withem pending amendment, AM1186, found in the Journal on page 1908.

The Withem amendment was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Mr. Landis offered the following amendment:
Amend the Landis amendment, AM1174
In line 17 after the word "giving" insert the word "reasonable"

The Landis amendment was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 112.** E & R amendment, AM5125, found in the Journal on page 1473 for the Fifty-Seventh Day was adopted.

Mr. Haberman asked unanimous consent to withdraw his pending motion to indefinitely postpone found in the Journal on page 1215. No objections. So ordered.

**SPEAKER NICHOL PRESIDING**

Mr. Haberman moved to bracket LB 112 until Jan. 15, 1986.

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

Mr. Hartnett moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Haberman asked unanimous consent to withdraw his pending motion to bracket. No objections. So ordered.

Mr. Haberman requested a machine vote on the advancement of the bill.

Mr. Hartnett moved for a call of the house. The motion prevailed with 9 ayes, 0 nays, and 40 not voting.

Mr. Haberman requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 26:

Barrett Beyer Carsten Chronister Conway

| | | | | |
|---|---|---|---|---|
| Goll | Hartnett | Marsh | Pappas | Scofield |
| Goodrich | Labedz | Miller | Pirsch | Sieck |
| Hall | Lundy | Morehead | Remmers | Vickers |
| Hannibal | Lynch | Nelson | Rogers | Warner |
| Harris | | | | |

Voting in the negative, 15:

| | | | | |
|---|---|---|---|---|
| Abboud | Chambers | Higgins | Landis | Rupp |
| Baack | DeCamp | Johnson, R. | Nichol | Smith |
| Beutler | Haberman | Lamb | Peterson | Wesely |

Present and not voting, 2:

| | |
|---|---|
| Eret | Hefner |

Excused and not voting, 6:

| | | | | |
|---|---|---|---|---|
| Chizek | Johnson, L. | Johnson, V. | Schmit | Withem |
| Hoagland | | | | |

Advanced to E & R for Engrossment with 26 ayes, 15 nays, 2 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

**UNANIMOUS CONSENT - Print in Journal**

Mr. DeCamp asked unanimous consent to print the following amendment to LB 269 in the Journal. No objections. So ordered.

AM1223

(Amendments to Final Reading Copy)

1. On page 1, line 1, strike "revenue and taxation" and insert "public services"; in line 2 strike "77-801" and insert "75-101, 77-801,"; and in line 5 after the first semicolon insert "to change qualifications for members of the Public Service Commission;", strike "an", and strike "date" and insert "dates".

2. Insert new sections as follows:

"Section 1. That section 75-101, Revised Statutes Supplement, 1984, be amended to read as follows:

75-101. The members of the Public Service

Commission shall (1) be resident citizens of this state, (2) be qualified voters under the Constitution and laws thereof, (3) be not less than twenty-five years of age nor more than sixty-six years of age at the time of taking office, and ~~(3)~~ (4) be, if members of or practitioners in any profession, in good standing according to the established standards of such profession. No person shall be eligible to the office of Public Service Commissioner who is directly or indirectly interested in any common carrier in the state or out of it or who is in any way or manner pecuniarily interested in any common carrier subject to the provisions of this chapter. If any such commissioner shall become so interested, after election or appointment, his or her office shall become vacant; and if any commissioner shall become so interested, otherwise than voluntarily, he or she shall, within a reasonable time, divest himself or herself of such interest, and, failing to do so, his or her office shall become vacant.

A commissioner shall not hold any other office under the government of the United States, of this state, or of any other state and shall not, while such commissioner, engage in any other occupation.

Sec. 7. That original section 75-101, Revised Statutes Supplement, 1984, is repealed.".

3. On page 2, line 1 after "in" insert "this section and sections 77-801 and 77-802".

4. On page 5, line 16 strike "This" and insert "Sections 2 to 4 and 6 of this"; and in line 17 after the period insert "The remaining sections shall become operative on their effective date.".

5. Renumber remaining sections accordingly.

## RESOLUTION

**LEGISLATIVE RESOLUTION 248.**

Introduced by Warner, 25th District; Barrett, 39th District.

PURPOSE: The purpose of this study is to examine current issues regarding the Commission of Industrial Relations. In particular, the study should focus on the present systems for collective bargaining and dispute resolution with regard to state employee units. The study should further consider methods to better accommodate CIR orders

affecting state employee units in the state's budget process.

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

1. That the Business and Labor Committee and the Appropriations Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the Business and Labor Committee and the Appropriations Committee shall upon the conclusion of their study make a report of their findings, together with their recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

## VISITORS

Visitors to the Chamber were 14 kindergarten through eighth grade students and sponsor from Baker School, Dunbar; 32 seventh and eighth grade students and teacher from Lewisten Jr. High School; Mrs. Mattie Rumery; 26 band students and sponsor from Crofton High School; and 42 fourth grade students and sponsor from Paddock Lane School, Beatrice.

## ADJOURNMENT

At 4:04 p.m., on a motion by Mr. Lynch, the Legislature adjourned until 9:00 a.m., Tuesday, April 30, 1985.

Patrick J. O'Donnell
Clerk of the Legislature

# SIXTY-NINTH DAY - APRIL 30, 1985

## LEGISLATIVE JOURNAL

## EIGHTY-NINTH LEGISLATURE
## FIRST SESSION

## SIXTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, April 30, 1985

Pursuant to adjournment, the Legislature met at 9:00 a.m., President McGinley presiding.

### PRAYER

The prayer was offered by Dr. William Hayler, Interim Pastor, First Baptist Church, Lincoln, Nebraska.

### ROLL CALL

The roll was called and all members were present except Mr. V. Johnson who was excused; and Messrs. Abboud, Chambers, Chizek, Hall, Landis, Remmers, Warner, and Mrs. Labedz who were excused until they arrive.

### CORRECTIONS FOR THE JOURNAL

The Journal for the Sixty-Eighth Day was approved.

### PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolution: LR 242.

### UNANIMOUS CONSENT - Member Excused

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

### BILLS ON FINAL READING

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 97.**

A BILL FOR AN ACT relating to livestock auction markets; to amend sections 54-1160, 54-1166, and 54-1186, Reissue Revised Statutes of Nebraska, 1943; to provide for license termination as prescribed; to redefine an 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, 38:

| | | | | |
|---|---|---|---|---|
| Baack | Eret | Higgins | Morehead | Rupp |
| Barrett | Goll | Hoagland | Nelson | Schmit |
| Beutler | Goodrich | Johnson, L. | Nichol | Sieck |
| Beyer | Haberman | Johnson, R. | Pappas | Smith |
| Carsten | Hannibal | Lundy | Peterson | Vickers |
| Chronister | Harris | Lynch | Pirsch | Wesely |
| Conway | Hartnett | Marsh | Rogers | Withem |
| DeCamp | Hefner | Miller | | |

Voting in the negative, 0.

Present and not voting, 1:

Scofield

Excused and not voting, 10:

| | | | | |
|---|---|---|---|---|
| Abboud | Chizek | Johnson, V. | Lamb | Remmers |
| Chambers | Hall | Labedz | Landis | Warner |

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 183.** With Emergency.

A BILL FOR AN ACT relating to liquors; to amend sections 53-103, 53-168, 53-168.01, 53-168.05, 53-169, and 53-170.01, Reissue Revised Statutes of Nebraska, 1943; to eliminate a definition; to change provisions relating to certain prohibited acts; to eliminate provisions for filing of certain price schedules; to harmonize provisions; to repeal the original sections, and also sections 53-168.02 to 53-168.04,

Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 39:

| | | | | |
|---|---|---|---|---|
| Baack | Goll | Hoagland | Morehead | Rupp |
| Barrett | Goodrich | Johnson, L. | Nelson | Schmit |
| Beyer | Haberman | Johnson, R. | Nichol | Scofield |
| Carsten | Hannibal | Lamb | Pappas | Sieck |
| Chronister | Harris | Lundy | Peterson | Vickers |
| Conway | Hartnett | Lynch | Pirsch | Wesely |
| DeCamp | Hefner | Marsh | Remmers | Withem |
| Eret | Higgins | Miller | Rogers | |

Voting in the negative, 0.

Present and not voting, 2:

| | |
|---|---|
| Beutler | Smith |

Excused and not voting, 8:

| | | | | |
|---|---|---|---|---|
| Abboud | Chizek | Johnson, V. | Landis | Warner |
| Chambers | Hall | Labedz | | |

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

## MOTION - Return LB 279 to Select File

Mr. Vickers moved to return LB 279 to Select File for the following specific amendment:

1. page 11, line 15, after "sells" insert:
, under a label unique to that farm,

The Vickers motion to return lost with 6 ayes, 22 nays, 15 present and not voting, and 6 excused and not voting.

## BILLS ON FINAL READING

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 279.**

A BILL FOR AN ACT relating to liquors; to amend sections 53-103, 53-123, 53-124, 53-160, 53-164.01, 53-169, and 53-171, Reissue Revised Statutes of Nebraska, 1943; to define a term; to state intent; to provide licensing requirements for farm wineries; to provide duties; to provide fees; to provide a tax; 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:

| | | | | |
|---|---|---|---|---|
| Baack | Haberman | Johnson, L. | Nelson | Schmit |
| Barrett | Hall | Johnson, R. | Nichol | Scofield |
| Beyer | Hannibal | Lamb | Pappas | Sieck |
| Carsten | Harris | Lundy | Peterson | Smith |
| Chronister | Hartnett | Lynch | Pirsch | Vickers |
| Conway | Hefner | Marsh | Remmers | Warner |
| Eret | Higgins | Miller | Rogers | Wesely |
| Goll | Hoagland | Morehead | Rupp | Withem |
| Goodrich | | | | |

Voting in the negative, 0.

Present and not voting, 2:

| | |
|---|---|
| Beutler | DeCamp |

Excused and not voting, 6:

| | | | | |
|---|---|---|---|---|
| Abboud | Chizek | Johnson, V. | Labedz | Landis |
| Chambers | | | | |

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 207.**

A BILL FOR AN ACT relating to sanitary and improvement districts; to amend sections 31-727, 31-739, 31-740, and 31-744, Reissue Revised Statutes of Nebraska, 1943; to allow sanitary and

improvement districts to contract for public purposes as prescribed; to change certain powers and duties; 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 | Goll | Johnson, L. | Nelson | Schmit |
| Baack | Goodrich | Johnson, R. | Nichol | Scofield |
| Barrett | Haberman | Lamb | Pappas | Sieck |
| Beyer | Hannibal | Lundy | Peterson | Smith |
| Carsten | Harris | Lynch | Pirsch | Vickers |
| Chronister | Hartnett | Marsh | Remmers | Warner |
| Conway | Hefner | Miller | Rogers | Wesely |
| DeCamp | Higgins | Morehead | Rupp | Withem |
| Eret | Hoagland | | | |

Voting in the negative, 0.

Present and not voting, 2:

Beutler Hall

Excused and not voting, 5:

Chambers Chizek Johnson, V. Labedz Landis

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 413.**

A BILL FOR AN ACT relating to state officers; to amend section 84-306.01, Revised Statutes Supplement, 1984; to change provisions relating to the authorization of certain travel and the payment of certain expenses as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

| | | | | |
|---|---|---|---|---|
| Abboud | Goll | Johnson, L. | Nelson | Schmit |
| Baack | Goodrich | Johnson, R. | Nichol | Scofield |
| Barrett | Haberman | Lamb | Pappas | Sieck |
| Beyer | Hannibal | Lundy | Peterson | Smith |
| Carsten | Harris | Lynch | Pirsch | Vickers |
| Chronister | Hartnett | Marsh | Remmers | Warner |
| Conway | Hefner | Miller | Rogers | Wesely |
| DeCamp | Hoagland | Morehead | Rupp | Withem |
| Eret | | | | |

Voting in the negative, 0.

Present and not voting, 3:

| | | |
|---|---|---|
| Beutler | Hall | Higgins |

Excused and not voting, 5:

| | | | | |
|---|---|---|---|---|
| Chambers | Chizek | Johnson, V. | Labedz | Landis |

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**MOTION - Return LB 552 to Select File**

Mr. Baack moved to return LB 552 to Select File for the following specific amendment:
Strike the enacting clause.

Mr. Baack asked unanimous consent to withdraw his pending motion to return. No objections. So ordered.

**BILLS ON FINAL READING**

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 552.**

A BILL FOR AN ACT relating to sales; to provide for use tax permits for certain sellers; to provide for certain sellers to provide a list to the Tax Commissioner as prescribed; to provide for jurisdiction and service of process; to prohibit certain court actions as prescribed; to provide an exception; and to provide an operative date.

Mr. Hefner requested a roll call vote.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 25:

| | | | | |
|---|---|---|---|---|
| Beyer | Harris | Johnson, L. | Lynch | Sieck |
| Carsten | Hartnett | Labedz | Miller | Smith |
| Chronister | Hefner | Lamb | Morehead | Vickers |
| Eret | Higgins | Landis | Peterson | Warner |
| Hall | Hoagland | Lundy | Rogers | Wesely |

Voting in the negative, 20:

| | | | | |
|---|---|---|---|---|
| Abboud | DeCamp | Hannibal | Nichol | Rupp |
| Baack | Goll | Johnson, R. | Pappas | Schmit |
| Barrett | Goodrich | Marsh | Pirsch | Scofield |
| Conway | Haberman | Nelson | Remmers | Withem |

Present and not voting, 1:

Beutler

Excused and not voting, 3:

| | | |
|---|---|---|
| Chambers | Chizek | Johnson, V. |

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 552A.**

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 552, Eighty-ninth Legislature, First Session, 1985.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 26:

| | | | | |
|---|---|---|---|---|
| Beyer | Carsten | Chronister | Eret | Hall |

| | | | | |
|---|---|---|---|---|
| Harris | Johnson, L. | Lundy | Peterson | Smith |
| Hartnett | Labedz | Lynch | Rogers | Vickers |
| Hefner | Lamb | Miller | Schmit | Warner |
| Higgins | Landis | Morehead | Sieck | Wesely |
| Hoagland | | | | |

Voting in the negative, 19:

| | | | | |
|---|---|---|---|---|
| Abboud | DeCamp | Hannibal | Nichol | Rupp |
| Baack | Goll | Johnson, R. | Pappas | Scofield |
| Barrett | Goodrich | Marsh | Pirsch | Withem |
| Conway | Haberman | Nelson | Remmers | |

Present and not voting, 1:

Beutler

Excused and not voting, 3:

Chambers Chizek Johnson, V.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Mrs. Marsh raised a point of order on whether LB 552A requires 25 or 30 votes for passage.

The Chair ruled that LB 552A was not subject to the three-fifths vote requirement of Article 4, Section 7, of the Constitution, and thus required 25 votes for final passage.

## UNANIMOUS CONSENT - Member Excused

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

## BILL ON FINAL READING

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 709.** With Emergency.

A BILL FOR AN ACT relating to the youth development centers; to amend sections 83-465, 83-487, and 83-4,100, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the youth

development centers; to eliminate obsolete language; to repeal the original sections; and to declare an emergency.

Mr. Eret 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, 35:

| | | | | |
|---|---|---|---|---|
| Abboud | Goll | Johnson, L. | Miller | Rogers |
| Baack | Goodrich | Johnson, R. | Morehead | Rupp |
| Barrett | Hall | Labedz | Nelson | Schmit |
| Beutler | Harris | Lamb | Pappas | Scofield |
| Beyer | Hartnett | Landis | Peterson | Sieck |
| Chronister | Hefner | Lynch | Pirsch | Smith |
| Eret | Higgins | Marsh | Remmers | Wesely |

Voting in the negative, 10:

| | | | | |
|---|---|---|---|---|
| Conway | Haberman | Hoagland | Nichol | Warner |
| DeCamp | Hannibal | Lundy | Vickers | Withem |

Excused and not voting, 4:

| | | | |
|---|---|---|---|
| Carsten | Chambers | Chizek | Johnson, V. |

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 - Withdraw Amendment to LB 280

Mr. Pappas asked unanimous consent to withdraw his pending amendment found in the Journal on page 1443. No objections. So ordered.

## BILLS ON FINAL READING

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 280.**

A BILL FOR AN ACT relating to liquor; to amend section 53-160, Reissue Revised Statutes of Nebraska, 1943; to change certain tax rates as prescribed; to provide an operative date; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

| | | | | |
|---|---|---|---|---|
| Baack | Haberman | Labedz | Nelson | Schmit |
| Barrett | Hall | Lamb | Nichol | Scofield |
| Beyer | Hannibal | Landis | Pappas | Sieck |
| Chronister | Harris | Lundy | Peterson | Smith |
| Conway | Hartnett | Lynch | Pirsch | Vickers |
| DeCamp | Hefner | Marsh | Remmers | Warner |
| Eret | Hoagland | Miller | Rogers | Wesely |
| Goll | Johnson, L. | Morehead | Rupp | Withem |
| Goodrich | Johnson, R. | | | |

Voting in the negative, 2:

Abboud Higgins

Present and not voting, 1:

Beutler

Excused and not voting, 4:

Carsten Chambers Chizek Johnson, V.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 280A.**

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 280, Eighty-ninth Legislature, First Session, 1985.

Whereupon the 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:

| | | | | |
|---|---|---|---|---|
| Baack | Haberman | Labedz | Nelson | Schmit |
| Barrett | Hannibal | Lamb | Nichol | Scofield |
| Beyer | Harris | Landis | Pappas | Sieck |
| Chronister | Hartnett | Lundy | Peterson | Smith |
| Conway | Hefner | Lynch | Pirsch | Vickers |
| DeCamp | Hoagland | Marsh | Remmers | Warner |
| Eret | Johnson, L. | Miller | Rogers | Wesely |
| Goll | Johnson, R. | Morehead | Rupp | Withem |
| Goodrich | | | | |

Voting in the negative, 2:

Abboud Higgins

Present and not voting, 2:

Beutler Hall

Excused and not voting, 4:

Carsten Chambers Chizek Johnson, V.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

## EXPLANATION OF VOTE

Had I been present, I would have voted aye on LB 97 on Final Reading.

(Signed) Howard Lamb

## UNANIMOUS CONSENT - Member Excused

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

## RESOLUTION

**LEGISLATIVE RESOLUTION 249.**

Introduced by Schmit, 23rd District.

WHEREAS, the waters of the North Platte River arise in Colorado and gain in volume from tributary streams as the river flows through Wyoming and enters Nebraska near Henry; and

WHEREAS, the waters of the North Platte River have long been developed for irrigation, hydroelectric, and other beneficial uses by residents of Nebraska, Wyoming, and Colorado; and

WHEREAS, the waters of the North Platte River were allocated by equitable apportionment among the States of Nebraska, Wyoming, and Colorado by the United States Supreme Court in its decree of 1945 and amendment of 1953; and

WHEREAS, because the Supreme Court, in formulating its decree, recognized that in the future changing conditions may disturb the delicate balance of the river, it retained jurisdiction so that the parties to the decree could apply for amendment and further relief; and

WHEREAS, the State of Wyoming, using revenue collected from coal severance taxes, has announced its intention to construct a dam and reservoir for municipal, recreational, and fish and wildlife purposes on Deer Creek, a tributary to the North Platte River; and

WHEREAS, operation of the Deer Creek facility, if not in conformance with the provisions of the Supreme Court decree, will jeopardize the water supply of the North Platte and Platte Rivers; and

WHEREAS, Wyoming state officials have refused to comment or make commitments indicating an intent to manage and regulate the Deer Creek facility in such a manner as to not disturb the delicate balance of the river or otherwise jeopardize the water supply of the North Platte and Platte Rivers; and

WHEREAS, the Deer Creek facility potentially marks the second time, the Laramie River, Grayrocks project was first, that a project in Wyoming has proceeded independently to change the intent of the Supreme Court decree.

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

1. That the Legislature requests the Governor and Attorney General to take necessary actions, either through negotiation or by application to the Supreme Court, for relief to assure that the operation of the Deer Creek facility will not disturb the delicate balance of the river or otherwise jeopardize the water supply of the North Platte and Platte Rivers.

Laid over.

## GENERAL FILE

**LEGISLATIVE BILL 723.** 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.

## PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 97, 183, 279, 207, 413, 552, 552A, 709, 280, and 280A.

## GENERAL FILE

**LEGISLATIVE BILL 728.** Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 564.** Title read. Considered.

Standing Committee amendments, AM0886, found in the Journal on page 1347 for the Fifty-Second Day were considered.

Messrs. Hannibal and Landis offered the following amendment to the Standing Committee amendments:

On page 2, line 9, and page 3, line 10, after "dollars" insert "for 1985 and not more than one hundred dollars for 1986"

On page 2, line 16, after "dollars" insert "for 1985 and not more than fifty dollars for 1986"

## SPEAKER NICHOL PRESIDING

The Hannibal-Landis amendment was adopted with 20 ayes, 1 nay, 24 present and not voting, and 4 excused and not voting.

The Standing Committee amendments, as amended, were adopted with 27 ayes, 1 nay, 17 present and not voting, and 4 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 420.** Title read. Considered.

Messrs. Withem and Barrett asked unanimous consent to be excused until they return. No objections. So ordered.

Advanced to E & R for Review with 25 ayes, 5 nays, 14 present and not voting, and 5 excused and not voting.

## MOTION - Reconsider Action on LB 552

Mr. DeCamp moved to suspend the rules, Rule 7, Section 7(d) and reconsider LB 552 on final passage.

Laid over.

## EXPLANATION OF VOTE

Had I been present, I would have voted aye on LB 279, LB 97, and LB 183 on Final Reading.

(Signed) Chris Abboud

## BILLS ON FIRST READING

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

**LEGISLATIVE BILL 204A.** By Miller, 37th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 204, Eighty-ninth Legislature, First Session, 1985; and to declare an emergency.

**LEGISLATIVE BILL 271A.** By Landis, 46th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 271, Eighty-ninth Legislature, First Session, 1985.

## SELECT COMMITTEE REPORT
### Enrollment and Review

**LEGISLATIVE BILL 717.** Placed on Select File as amended.
E & R amendments to LB 717:
AM5153

1. In lieu of the V. Johnson amendment adopted April 25, 1985, in the Corrected Standing Committee amendments, AM1077:

a. On page 1, line 23, after "corporations" insert "which are financial institutions, which are"; and

b. On page 2, line 1, after the first comma inset "and".

2. In the Corrected Standing Committee amendments, AM1077, adopted April 25, 1985:

a. On page 3, line 21, strike the comma; and

b. On page 6, line 5, strike "time" and insert "times".

3. On page 1, strike beginning with "adopt" in line 1 through line 2 and insert "amend sections 77-2716 and 77-2734.02, Revised Statutes Supplement, 1984; to define terms; to change provisions relating to income taxes imposed on corporate taxpayers which are financial institutions; and to repeal the original sections.".

(Signed) Timothy Hall, Chairperson

## VISITORS

Visitors to the Chamber were Barry Kennedy from Pawnee City; 22 fourth grade students and sponsor from Pawnee City; 23 kindergarten through eighth grade students and sponsor from District 40, Lindsay; and 35 seventh through eleventh grade students and sponsors from Bladen Public School.

## RECESS

At 11:58 a.m., on a motion by Mr. Hall, the Legislature recessed until 1:30 p.m.

## AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Nichol presiding.

## ROLL CALL

The roll was called and all members were present except Mr. V. Johnson who was excused; and Messrs. Beutler, Lynch, and Mrs. Marsh who were excused until they arrive.

## PRESENTED TO THE GOVERNOR

Presented to the Governor on April 30, 1985, at 1:35 p.m., were the following bills: 97, 183, 279, 207, 413, 709, 280 and 280A.

(Signed) Carrie Lamphere, Enrolling Clerk

## UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendment to LB 154 in the Journal. No objections. So ordered.

1. Strike Section 1 thereof and insert the following:

Section 1. That section 2-1208.01, Revised Statutes Supplement, 1984, be amended to read as follows:

2-1208.01. There is hereby imposed a tax on the gross sum wagered by the pari-mutuel method at each race meeting at the following rates: (1) For meets held prior to January 1, 1986, (a) seven million dollars shall not be taxed and (b) any amount in excess of seven million dollars shall be taxed at a rate of five percent, ~~which conduct races not more than three days per week excluding holidays (a) the first five million dollars shall not be taxed and (b) any amount in excess of five million dollars shall be taxed at a rate of five percent;~~ (b) for meets held after January 1, 1986, the first seven million dollars shall not be taxed and any amount in excess of seven million dollars shall be taxed at the rate of four and one-half percent; (2) for meets conducted prior to January 1, 1988, on property owned by the state on which the Nebraska State Fair is also conducted (a) the first seven million dollars shall not be taxed and (b) any amount in excess of ~~one~~ seven million dollars shall be taxed at a rate of three percent, ~~and (3) for all other meets (a) the first one million dollars shall be taxed at a rate of five percent.~~ The tax imposed by this section shall~~, within ten days after the close of each race meeting,~~ be paid into the state General Fund on the last day of each month during each race meeting.

~~After March 24, 1982, and prior to January 1, 1986, the State Racing Commission shall promptly report to the Revenue Committee of the Legislature any changes in the schedule of race meetings which would qualify or disqualify any race meeting under subdivision (1) of this section.~~

2. Add new Section 3. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.

3. New Section 4. Amend title to conform.

## MOTION - Reconsider Action on LR 97

Mr. Schmit renewed his pending motion found in the Journal on page

1902 to reconsider the vote on LR 97.

Messrs. Abboud and Hannibal asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Sieck moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Schmit moved for a call of the house. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

Mr. Schmit requested a roll call vote on the motion to reconsider the vote on LR 97.

Voting in the affirmative, 25:

| | | | | |
|---|---|---|---|---|
| Baack | Goodrich | Hoagland | Morehead | Scofield |
| Chambers | Hall | Labedz | Nelson | Smith |
| Chizek | Harris | Lamb | Pirsch | Vickers |
| Conway | Hartnett | Lundy | Rupp | Wesely |
| Eret | Higgins | Lynch | Schmit | Withem |

Voting in the negative, 16:

| | | | | |
|---|---|---|---|---|
| Barrett | Chronister | Hefner | Miller | Peterson |
| Beutler | DeCamp | Johnson, L. | Nichol | Remmers |
| Beyer | Goll | Landis | Pappas | Sieck |
| Carsten | | | | |

Present and not voting, 4:

| | | | |
|---|---|---|---|
| Haberman | Johnson, R. | Rogers | Warner |

Excused and not voting, 4:

| | | | |
|---|---|---|---|
| Abboud | Hannibal | Johnson, V. | Marsh |

The Schmit motion to reconsider prevailed with 25 ayes, 16 nays, 4 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

## RESOLUTION

**LEGISLATIVE RESOLUTION 97.** Considered.

Mr. Peterson 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. Rupp 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 20 ayes, 0 nays, and 29 not voting.

Mr. Chambers requested a roll call vote on the adoption of LR 97.

Voting in the affirmative, 23:

| | | | | |
|---|---|---|---|---|
| Baack | Goodrich | Hoagland | Nelson | Scofield |
| Chambers | Hall | Labedz | Pappas | Vickers |
| Chizek | Harris | Lundy | Rupp | Wesely |
| Conway | Hartnett | Lynch | Schmit | Withem |
| Eret | Higgins | Morehead | | |

Voting in the negative, 16:

| | | | | |
|---|---|---|---|---|
| Barrett | Chronister | Hefner | Miller | Remmers |
| Beutler | DeCamp | Johnson, L. | Nichol | Sieck |
| Beyer | Goll | Landis | Peterson | Smith |
| Carsten | | | | |

Present and not voting, 6:

| | | | | |
|---|---|---|---|---|
| Haberman | Lamb | Pirsch | Rogers | Warner |
| Johnson, R. | | | | |

Excused and not voting, 4:

| | | | |
|---|---|---|---|
| Abboud | Hannibal | Johnson, V. | Marsh |

LR 97 lost with 23 ayes, 16 nays, 6 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

**UNANIMOUS CONSENT - Print in Journal**

Mr. Lynch asked unanimous consent to print the following amendment to LB 190 in the Journal. No objections. So ordered.

AM1225

1. In the Warner amendment, AM1185, beginning on page 1907 of the Journal:

a. On page 1, line 4, strike "(1)"; strike beginning with "and" in line 6 through "act" in line 8; in line 8 strike "each of" and strike "funds" and insert "fund"; and in line 9 after the period insert "No amounts in the Community-Based Mental Retardation Aid Fund shall be used to replace General Fund appropriations to any mental retardation programs.";

b. Strike section 5; and

c. On page 2, line 10, strike "5" and insert "4".

## UNANIMOUS CONSENT - Member Excused

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

## GENERAL FILE

**LEGISLATIVE BILL 687.** Title read. Considered.

Standing Committee amendment, AM0500, found in the Journal on page 1220 for the Forty-Eighth Day was considered.

Messrs. Rupp and Landis asked unanimous consent to be excused until they return. No objections. So ordered.

The Standing Committee amendment lost with 10 ayes, 20 nays, 14 present and not voting, and 5 excused and not voting.

Mr. R. Johnson asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Haberman moved to indefinitely postpone LB 687.

Laid over.

## UNANIMOUS CONSENT - Print in Journal

Mr. Vickers asked unanimous consent to print the following

amendment to LB 190 in the Journal. No objections. So ordered.

AM1130

1. On page 2, line 1, strike "8" and insert "9"; in lines 18, 20, and 22 strike "one-third" and insert "one-fourth"; in line 22 strike "and"; and in line 24 after "act" insert ", and (4) one-fourth shall be allocated to the State Department of Education for implementation of programs created pursuant to LB994, Eighty-Eighth Legislature, Second Session.".

## UNANIMOUS CONSENT - Member Excused

Mr. Miller asked unanimous consent to be excused. No objections. So ordered.

## GENERAL FILE

**LEGISLATIVE BILL 633.** Considered.

Mr. Rogers asked unanimous consent to withdraw his pending amendment, AM1047, found in the Journal on page 1697. No objections. So ordered.

Mrs. Labedz asked unanimous consent to be excused. No objections. So ordered.

Mr. Rogers offered the following amendment:

1. Insert the following new section:

"Sec. 2. That section 79-4,154, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-4,154. The governing board 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 governing board determines necessary. Such lease or lease-purchase agreements may not exceed a period of seven 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 electorate pursuant to Chapter 10, article

7.".

2. In the Standing Committee amendments, AM0820, beginning on page 1247 of the Journal:

a. On page 1, line 2, strike "2" and insert "3"; and

b. On page 3, line 13, strike "section" and insert "sections 79-4,154 and".

Mr. Vickers requested a ruling of the Chair on whether the Rogers amendment is germane to the bill.

The Chair ruled the Rogers amendment not germane to the bill.

Mr. Rogers challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

Mr. Rogers moved for a call of the house. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

Mr. Vickers requested a roll call vote on the Rogers motion to overrule the Chair.

Voting in the affirmative, 22:

| | | | | |
|---|---|---|---|---|
| Abboud | Chambers | Hartnett | Lamb | Rogers |
| Baack | DeCamp | Hefner | Pappas | Sieck |
| Barrett | Eret | Higgins | Peterson | Smith |
| Beyer | Goodrich | Johnson, L. | Remmers | Withem |
| Carsten | Haberman | | | |

Voting in the negative, 9:

| | | | | |
|---|---|---|---|---|
| Chronister | Hall | Lundy | Morehead | Warner |
| Goll | Hoagland | Marsh | Vickers | |

Present and not voting, 12:

| | | | | |
|---|---|---|---|---|
| Beutler | Harris | Nelson | Pirsch | Scofield |
| Chizek | Johnson, R. | Nichol | Schmit | Wesely |
| Conway | Lynch | | | |

Excused and not voting, 6:

| | | | | |
|---|---|---|---|---|
| Hannibal | Labedz | Landis | Miller | Rupp |
| Johnson, V. | | | | |

The Rogers motion to overrule the Chair prevailed with 22 ayes, 9 nays, 12 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Mr. Beutler asked unanimous consent to be excused until he returns. No objections. So ordered.

The Rogers pending amendment found in this day's Journal was adopted with 26 ayes, 4 nays, 12 present and not voting, and 7 excused and not voting.

Mr. Withem asked unanimous consent to withdraw his pending amendment, AM1052, printed separate from the Journal and referred to on page 1618. No objections. So ordered.

Mr. Vickers renewed his pending amendment, AM1092, found in the Journal on page 1618.

The Vickers amendment was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Pending.

## VISITORS

Visitors to the Chamber were 29 fourth grade students and sponsor from Wisner-Pilger School, Wisner; 60 fourth grade students and sponsor from Gretna Public School; and 55 fourth grade students and sponsor from Gates Elementary School, Grand Island.

## ADJOURNMENT

Mrs. Higgins moved to adjourn. The motion prevailed with 16 ayes, 4 nays, and 29 not voting, and at 4:16 p.m., on a motion by Mrs. Higgins, the Legislature adjourned until 9:00 a.m., Wednesday, May 1, 1985.

Patrick J. O'Donnell
Clerk of the Legislature

# SEVENTIETH DAY - MAY 1, 1985

## LEGISLATIVE JOURNAL

## EIGHTY-NINTH LEGISLATURE
## FIRST SESSION

## SEVENTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, May 1, 1985

Pursuant to adjournment, the Legislature met at 9:02 a.m., Speaker Nichol presiding.

## PRAYER

The prayer was offered by Pastor Charles Tyler, St. John African Methodist and Episcopal Church, Omaha, Nebraska.

## ROLL CALL

The roll was called and all members were present except Mrs. Labedz who was excused; and Messrs. Abboud, Beutler, Chambers, Hannibal, Hoagland, Lamb, Lynch, Rupp, Schmit, Mesdames Higgins, Marsh, and Pirsch who were excused until they arrive.

## CORRECTIONS FOR THE JOURNAL

The Journal for the Sixty-Ninth Day was approved.

## STANDING COMMITTEE REPORT
### Banking, Commerce and Insurance

**LEGISLATIVE BILL 653.** Placed on General File as amended.
(Standing Committee amendments printed separate from the Journal and on file in the Clerk's Office - Room 1102 - AM0741.)

(Signed) John DeCamp, Chairperson

## UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendment to LB 653 in the Journal. No objections. So ordered.

(Amendment printed separate from the Journal and on file in the Clerk's Office - Room 1102 - AM1233.)

Mr. Beutler asked unanimous consent to print the following amendment to LB 516 in the Journal. No objections. So ordered.

AM1251

(Amendments to AM0214)

1. Insert the following new sections:

"Section 1. There is hereby created a Commission on Judicial Workloads consisting of: (1) The Chief Justice of the Supreme Court; (2) one Judge of the Supreme Court, chosen by the members of the Supreme Court; (3) two judges, including one district court judge and one county court judge, both of whom shall be appointed by the members of the Supreme Court; (4) three members of the Nebraska State Bar Association, one from each congressional district of this state, who shall be appointed by the Executive Council of the Nebraska State Bar Association; and (5) two citizens who shall be appointed by the Governor and who shall not (a) be a Judge of the Supreme Court or a judge of any court, active or retired, or the spouse of any such judge, (b) be a member or a spouse of a member of the Nebraska State Bar Association, or (c) have a professional interest in the judicial system.

Sec. 2. The term of office of each member of the Commission on Judicial Workloads shall be six years. In the event of a vacancy, the vacancy shall be filled by appointment in the same manner as the original members are appointed, and the individuals so appointed shall serve for the balance of the original term. By a majority vote of such commission at a meeting at which there is a quorum as provided in section 5 of this act, a member of such commission may be removed at any time for inefficiency or willful or negligent disregard of his or her duties or when such member is unable to perform his or her duties. Any member of such commission shall be eligible for reappointment for additional terms without regard to the number of years that such individual has served as a member of such commission.

Sec. 3. The Chief Justice of the Supreme Court shall serve as the chairperson of the Commission on Judicial Workloads and shall select a secretary who may or may not be a member of such commission. The secretary shall keep minutes of all meetings of such commission.

Sec. 4. Members of the Commission on Judicial Workloads shall serve without compensation, but such members shall be reimbursed for all reasonable expenses incurred by them in connection with their duties as members of the commission as provided in sections 84-306.01 to 84-306.05 for state employees.

Sec. 5. Meetings of the Commission on Judicial Workloads shall be held in Lincoln, Nebraska, or at such other place or places within this state at least annually. A majority of the members of such commission shall constitute a quorum. No action of such commission shall be valid unless concurred in by a majority of its members. The date of the meeting of such commission shall be fixed by resolution of such commission, and special meetings of such commission may be called at any time by the chairperson of such commission or at the written request of any two members of such commission.

Sec. 6. (1) After January 9, 1988, and after a public hearing on the proposed action, the Commission on Judicial Workloads may by rule change the number of election districts, the boundaries of the election districts, and the number of judges who will serve in each election district. Such commission shall review the election district boundaries at least once every two years, and the boundaries of election districts shall follow county boundaries. It shall be the duty of such commission to recommend to the Legislature any determined need for an increase in the total judgeships and where any newly authorized judgeship should be initially assigned.

(2) For the purpose of determining the number of election districts, the boundaries of the election districts, and the number of judges who will serve in each election district, the Commission on Judicial Workloads shall consider the following criteria:

(a) The caseload in each election district, taking into consideration the (i) number of cases filed, (ii) number of reopened cases, (iii) number of cases

tried to the court, (iv) number of cases tried to a jury, (v) number of dissolution of marriage cases, (vi) number of criminal cases with guilty pleas, (vii) number of judges in the election district, and (viii) number of counties served in each election district;

(b) The population in each election district, in order to promote equal access to the courts by all Nebraska citizens;

(c) The geographic area of each election district, in order to promote accountability and equal access to the courts by the traveling public;

(d) The nature and extent of facilities and staff to assist the court in performing its duties at the various service locations; and

(e) Other factors necessary to assure efficiency, service, and the most effective use of existing judges.

Sec. 7. If a member of the judicial nominating commission is placed in a new election district due to action by the Commission on Judicial Workloads, a vacancy on the judicial nominating commission for the former election district shall exist. Such vacancy shall be filled as provided in section 24-808.

Sec. 8. The Commission on Judicial Workloads shall adopt and promulgate rules and regulations necessary to carry out sections 1 to 7 of this act.".

2. On page 4, in lines 5 and 6 strike "subsection (3) of this section" and insert "section 6 of this act".

3. On page 6, strike lines 1 through 13.

4. On page 7, strike beginning with "The" in line 2 through line 4.

5. On page 8, strike lines 22 through 26 and insert "A district judge may appoint a consenting county judge residing in the district judge's district to act as a district judge in specific instances on any matter over which the district court has determined that it has jurisdiction over the parties and subject matter, except for appeals from the county court. The appointed county judge shall have power to make any order or do any act relative to any suit, judicial matter, or proceeding or to any special matter which the district judge of such district could make or do if: (1) All parties have consented to the appointment, or (2) no party has

objected to the appointment within ten days after the service of the order of appointment upon him or her. The order or act shall have the same effect as if made or done by the district judge of such district. A copy of the appointment order shall be filed in each action in which a county judge acts as a district judge.".

6. On page 9, strike lines 1 and 2; in lines 6 and 7 strike "subsection (2) of this section" and insert "section 6 of this act"; and strike lines 20 through 26 and show the old matter as stricken.

7. On page 10, strike lines 1 through 9; and in line 10 strike "(3)" and insert "(2)".

8. On page 13, strike lines 1 through 8 and insert "A county judge may appoint a consenting district judge residing in the county judge's district to act as a county judge in specific instances on any matter over which the county court has determined that it has jurisdiction over the parties and subject matter. A district judge shall not hear appeals of matters in which he or she acted as a county judge. The appointed district judge shall have power to make any order or do any act relative to any suit, judicial matter, or proceeding or to any special matter which the county judge of such district could make or do if: (1) All parties have consented to the appointment, or (2) no party has objected to the appointment within ten days after the service of the order of appointment upon him or her. The order or act shall have the same effect as if made or done by the county judge of such district. A copy of the appointment order shall be filed in each action in which a district judge acts as a county judge."; strike beginning with "or" in line 13 through the comma in line 14; in lines 14 and 15 strike "Supreme Court" and insert "Commission on Judicial Workloads"; and strike beginning with "Supreme" in line 18 through "vacancy" in line 24 and insert "criteria established in section 6 of this act".

9. On page 15, line 23, strike "January 9" and insert "May 1".

10. Renumber the remaining sections accordingly.

**MOTION - Reconsider Action on LB 552**

Mr. DeCamp renewed his pending motion found in the Journal on

page 1968 to suspend the rules, Rule 7, Section 7(d) and reconsider LB 552 on final passage.

Mr. DeCamp asked unanimous consent to withdraw his pending motion to suspend the rules. No objections. So ordered.

## GENERAL FILE

**LEGISLATIVE BILL 727.** Title read. Considered.

Advanced to E & R for Review with 26 ayes, 5 nays, 5 present and not voting, and 13 excused and not voting.

**LEGISLATIVE BILL 718.** Title read. Considered.

Standing Committee amendments, AM0965, found in the Journal on page 1548 for the Fifty-Ninth Day were adopted with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

Advanced to E & R for Review with 27 ayes, 0 nays, 13 present and not voting, and 9 excused and not voting.

**LEGISLATIVE BILL 687.** Mr. Haberman asked unanimous consent to withdraw his pending motion to indefinitely postpone. No objections. So ordered.

Mr. Beutler offered the following amendment:
AM1256

1. Strike the original sections and insert the following new section:

"Section 1. To be eligible for the office of Auditor of Public Accounts, a person shall be a resident and citizen of this state and the United States and possess a baccalaureate degree conferred by an accredited college or university at the time of his or her election.".

Mr. Hefner requested a ruling of the Chair on whether the Beutler amendment is germane to the bill.

The Chair ruled the Beutler amendment not germane to the bill.

Mr. Beutler moved to suspend the rules, Rule 7, Section 3(d) to permit consideration of the Beutler amendment to LB 687.

Mr. Beutler asked unanimous consent to withdraw his pending motion to suspend the rules. No objections. So ordered.

Mr. Haberman moved to reconsider the adoption of the committee amendments to LB 687.

Mr. Beutler moved for a call of the house. The motion prevailed with 16 ayes, 0 nays, and 33 not voting.

The Haberman motion to reconsider the committee amendments prevailed with 26 ayes, 14 nays, 4 present and not voting, and 5 excused and not voting.

Mr. Abboud asked unanimous consent to be excused until he returns. No objections. So ordered.

The Chair declared the call raised.

The Standing Committee amendment, AM0500, found in the Journal on page 1220 for the Forty-Eighth Day was reconsidered.

Mr. Beutler renewed his amendment, AM1256, found in this day's Journal to the Standing Committee amendment.

Pending.

## PRESENTED TO THE GOVERNOR

Presented to the Governor on May 1, 1985, at 9:30 a.m., were the following bills: 552 and 552A.

(Signed) Pam Moravec, Enrolling Clerk

## RESOLUTION

**LEGISLATIVE RESOLUTION 250.**

Introduced by R. Johnson, 34th District; DeCamp, 40th District.

WHEREAS, the Vietnam War and accompanying trauma and debate have had a great and lasting impact on the national conscience of all Americans; and

WHEREAS, the passage of time has allowed for a clearer understanding of the issues and concerns brought on by the war; and

WHEREAS, a revitalization of American spirit and pride has led

the nation and Nebraskans to view with compassion the tremendous sacrifice and service given by those men and women involved in the Vietnam War; and

WHEREAS, the state, realizing that a number of these servicemen remain as Prisoners of War or are listed as Missing-in-Action, wishes to commemorate these persons.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Nebraska Unicameral encourages all state offices, agencies, and similar institutions to fly the official flag of the POW-MIA's during the week of July 15-19, 1985, in recognition of POW-MIA Week, and at any other time so desired by the office or agency.

2. That this body recommends that a portion of American History classes be devoted to the study and understanding of the Vietnam experience.

3. That the Unicameral consider a special commendation of Nebraska Prisoners of War held in captivity for five years or longer, and of those Nebraskans who remain listed as Missing-in-Action.

Laid over.

## UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendments to LB 208 in the Journal. No objections. So ordered.

(1)

AM1245

(Amendments to Final Reading Copy)

1. On page 2, line 4, strike "three", show as stricken, and insert "eighty"; and reinstate the stricken matter and strike the new matter in lines 4 through 6.

(2)

AM1237

(Amendments to Final Reading Copy)

1. On page 2, reinstate the stricken matter and strike the new matter in lines 4 through 6.

(3)

AM1241

(Amendments to Final Reading Copy)

1. On page 2, line 4, strike "three", show as stricken, and insert "forty"; and reinstate the stricken matter and strike the new matter in lines 4 through 6.

(4)

AM1240

(Amendments to Final Reading Copy)

1. On page 2, line 4, strike "three", show as stricken, and insert "thirty"; and reinstate the stricken matter and strike the new matter in lines 4 through 6.

(5)

AM1239

(Amendments to Final Reading Copy)

1. On page 2, line 4, strike "three", show as stricken, and insert "twenty"; and reinstate the stricken matter and strike the new matter in lines 4 through 6.

(6)

AM1238

(Amendments to Final Reading Copy)

1. On page 2, line 4, strike "three", show as stricken, and insert "ten"; and reinstate the stricken matter and strike the new matter in lines 4 through 6.

## VISITOR

Visitor to the Chamber was Sir Oliver Wright, British Ambassador to the United States, who spoke to the members briefly.

## GENERAL FILE

**LEGISLATIVE BILL 687.** Mr. Beutler asked unanimous consent to withdraw his pending amendment, AM1256, found in this day's Journal. No objections. So ordered.

Mr. Vickers offered the following amendment to the Standing Committee amendment:

Strike the original sections and insert the following new sections:

"Section 1. To be eligible for the office of Auditor of Public Accounts, a person shall be a resident and citizen of this state and the United States and possess a baccalaureate degree with a major in accounting conferred by an accredited college or university at the

time of his or her election. or (2) be a certified public accountant holding a current Nebraska permit to practice at the time of his or her election."

Mr. Chizek moved the previous question. The question is, "Shall the debate now close?" The motion lost with 23 ayes, 2 nays, and 24 not voting.

Mr. R. Johnson 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 Vickers amendment was adopted with 17 ayes, 9 nays, 20 present and not voting, and 3 excused and not voting.

Mr. Chambers offered the following amendment to the Standing Committee amendment:

STRIKE "(2) be a certified public accountant holding a current Nebraska permit to practice at the time of his or her election"

Mr. Lundy moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Chambers moved for a call of the house. The motion prevailed with 11 ayes, 0 nays, and 38 not voting.

Mr. Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 20:

| | | | | |
|---|---|---|---|---|
| Abboud | Chambers | Hefner | Pappas | Rogers |
| Baack | Eret | Higgins | Peterson | Sieck |
| Beyer | Goll | Johnson, R. | Pirsch | Smith |
| Carsten | Harris | Lamb | Remmers | Warner |

Voting in the negative, 21:

| | | | | |
|---|---|---|---|---|
| Beutler | Hall | Landis | Miller | Scofield |
| Chronister | Hoagland | Lundy | Morehead | Vickers |
| Conway | Johnson, L. | Lynch | Nelson | Wesely |
| DeCamp | Johnson, V. | Marsh | Schmit | Withem |
| Goodrich | | | | |

Present and not voting, 5:

Barrett Chizek Haberman Hartnett Nichol

Excused and not voting, 3:

Hannibal Labedz Rupp

The Chambers amendment lost with 20 ayes, 21 nays, 5 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Pending.

## UNANIMOUS CONSENT - Print in Journal

Mr. V. Johnson asked unanimous consent to print the following amendment to LB 715 in the Journal. No objections. So ordered.

AM1157

(Amendments to the Standing Committee Amendments)

1. On page 4, lines 3, 7, and 8, strike the new matter and reinstate the stricken matter.

Messrs. Hartnett, Withem, and Beyer asked unanimous consent to print the following amendment to LB 432 in the Journal. No objections. So ordered.

AM1252

1. Insert a new section as follows:

"Sec. 5. Any county with a population in excess of eighty-five thousand inhabitants which participates in the Retirement System for Nebraska Counties established by the County Employees Retirement Act shall establish and fund a supplemental retirement plan for the benefit of all present and future commissioned law enforcement personnel employed by such county. The auxiliary benefit plan shall be funded by additional contributions to the county employees retirement plan in excess of the amounts established by sections 23-2307 and 23-2308. The additional contributions made by employees shall be credited to the employee account, and contributions paid by the county shall be credited to the employer account, with each amount to be established at a rate of two per cent of

salary. All contributions made pursuant to this section shall be invested and administered according to the County Employees Retirement Act.".

2. Renumber the remaining section accordingly.

Mr. Goodrich asked unanimous consent to print the following amendment to LB 722 in the Journal. No objections. So ordered.

AM1255

1. On page 72, after line 19 insert the following:

"(1) Program No. 297 - State Scholarship Program

| | |
|---|---|
| GENERAL FUND | 50,000 |
| PROGRAM TOTAL | 50,000 |

Awards shall be made to students at all eligible postsecondary institutions based solely on unmet need. No award shall exceed $600 or equal less than $200."; and in line 20 strike "(1)" and insert "(2)".

2. On page 73, line 7, strike "(2)" and insert "(3)"; in line 17 strike "176,095" and insert "226,095"; and in line 20 strike "789,095" and insert "839,095".

## SELECT COMMITTEE REPORTS
### Enrollment and Review

**LEGISLATIVE BILL 271.** Placed on Select File as amended.
E & R amendments to LB 271:
AM5154

1. In the Standing Committee amendments, AM1025, adopted April 26, 1985:

a. On page 4, line 11, after "prices" insert an underscored comma;

b. On page 5, line 10, strike "sections 76-2,111 to 76-2,118" and insert "the Conservation and Preservation Easements Act";

c. On page 6, line 2, strike the comma;

d. On page 7, line 7, strike "subdivision" and insert "subsection"; in lines 11 and14 strike the comma and insert an underscored semicolon; and in line 22 after "orchards" insert an underscored comma;

e. On page 8, line 15, after "section" insert

an underscored comma;

f. On page 9, line 20, after "wasteland" insert an underscored comma;

g. On page 13, line 7, strike the period and insert an underscored semicolon; and

h. On page 17, line 5; and page 18, line 8, strike the comma and show as stricken.

2. On page 1, strike lines 2 through 6 and insert "section 77-1346, Reissue Revised Statutes of Nebraska, 1943, sections 77-1343 to 77-1345, 77-1347, and 77-1348, Revised Statutes Supplement, 1984, section 77-112, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 30, Eighty-ninth Legislature, First Session, 1985, and section 77-201, Reissue Revised Statutes of Nebraska, 1943, as amended by section 2, Legislative Bill 30, Eighty-ninth Legislature, First Session, 1985; to state intent; to define and redefine terms; to change provisions relating to the valuation of agricultural land and horticultural land as prescribed; to create a board; to provide powers and duties; to harmonize provisions; to provide operative dates; to repeal the original sections; and to declare an emergency.".

**LEGISLATIVE BILL 196.** Placed on Select File.
**LEGISLATIVE BILL 197.** Placed on Select File.

(Signed) Timothy Hall, Chairperson

**Correctly Engrossed**

The following bills were correctly engrossed: 404, 408, and 408A.

(Signed) Timothy Hall, Chairperson

**Enrollment and Review Change to LB 404**

The following changes, required to be reported for publication in the Journal, have been made:
ER0065

1. In the Conway amendment, AM1074, adopted April 17, 1985, on page 2, line 2, "are" has been struck and "shall be" inserted.

2. On page 1, line 7, "to provide an exemption from liability; to provide an operative date;" has been inserted before "and".

## Enrollment and Review Change to LB 408

The following changes, required to be reported for publication in the Journal, have been made:
ER0066

1. In the Conway amendment, AM1146, adopted April 25, 1985:

a. On page 1, line 20, "9-125," has been inserted after "sections"; and in line 21 "9-173," has been inserted after the second comma; and

b. On page 2, line 5, "2," has been struck and ", 18" has been inserted after "16"; in line 11 "9-125," has been inserted before "9-126"; in line 12 "and '9-173,'" has been inserted after the quotation marks; and lines 17 to 19 have been struck.

2. In the Labedz amendment, AM1083, adopted April 25, 1985:

a. On page 1, line 4 "the new matter" has been inserted after "strike" and "'9-124'" has been struck and "the underscored period" inserted; and in line 7 an underscored comma has been inserted before "but";

b. On page 2, line 8, "shall take" has been struck and "takes" inserted;

c. On page 3, line 4, "card" has been struck and "cards" inserted; and

d. Amendment 8 has been struck.

3. In the E & R amendments, AM5133, adopted April 25, 1985:

a. On page 1, line 12, "the first" has been inserted after "after"; and

b. On page 2, line 6, "9-184," has been inserted after the first comma; in line 12 "an" has been struck and "date" has been struck and "dates" inserted, and "and" has been struck; and in line 14 "; and to declare an emergency" has been inserted after "1984".

4. In the Standing Committee amendments, AM0212, adopted April 11, 1985, on page 20, line 12, the comma has been struck and an underscored semicolon inserted.

(Signed) Mary Sommermeyer
E & R Attorney

## UNANIMOUS CONSENT - Print in Journal

Mr. Withem asked unanimous consent to print the following amendment to LB 439 in the Journal. No objections. So ordered.

AM1135

1. In the Standing Committee amendments, AM0585, on page 1, line 6, strike "eligible to vote" and insert "who is or on the date of the next election will

be"; in line 10 strike "upon the"; and in line 11 strike "proper form" and after the period insert "Any such person may register by mail on the form provided in subsection (3) of this section.".

## GENERAL FILE

**LEGISLATIVE BILL 687.** Mr. Chambers offered the following amendment to the Standing Committee amendment:

after "accounting", add "and a minor in business administration" (Vickers amendment)

Mr. Haberman moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Mr. Chambers moved for a call of the house. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

Mr. Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 18:

| | | | | |
|---|---|---|---|---|
| Abboud | Chambers | Hefner | Lynch | Remmers |
| Baack | Eret | Higgins | Peterson | Smith |
| Beyer | Goll | Johnson, R. | Pirsch | Warner |
| Carsten | Harris | Lamb | | |

Voting in the negative, 22:

| | | | | |
|---|---|---|---|---|
| Barrett | Goodrich | Landis | Morehead | Scofield |
| Beutler | Hall | Lundy | Nelson | Sieck |
| Chronister | Hoagland | Marsh | Nichol | Vickers |
| Conway | Johnson, L. | Miller | Schmit | Wesely |
| DeCamp | Johnson, V. | | | |

Present and not voting, 6:

| | | | | |
|---|---|---|---|---|
| Chizek | Hartnett | Pappas | Rogers | Withem |
| Haberman | | | | |

Excused and not voting, 3:

| | | |
|---|---|---|
| Hannibal | Labedz | Rupp |

The Chambers amendment lost with 18 ayes, 22 nays, 6 present and

not voting, and 3 excused and not voting.

The Chair declared the call raised.

Mr. Schmit asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chizek 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. R. Johnson 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 15 ayes, 0 nays, and 34 not voting.

Mr. Beutler requested a roll call vote on the Standing Committee amendment.

Voting in the affirmative, 19:

| | | | | |
|---|---|---|---|---|
| Beutler | Higgins | Marsh | Pappas | Vickers |
| Chronister | Hoagland | Morehead | Scofield | Wesely |
| Conway | Landis | Nelson | Sieck | Withem |
| DeCamp | Lundy | Nichol | Smith | |

Voting in the negative, 17:

| | | | | |
|---|---|---|---|---|
| Abboud | Goll | Hefner | Lamb | Pirsch |
| Baack | Goodrich | Johnson, L. | Lynch | Remmers |
| Carsten | Hall | Johnson, V. | Miller | Warner |
| Chizek | Hannibal | | | |

Present and not voting, 9:

| | | | | |
|---|---|---|---|---|
| Barrett | Chambers | Haberman | Hartnett | Rogers |
| Beyer | Eret | Harris | Peterson | |

Excused and not voting, 4:

| | | | |
|---|---|---|---|
| Johnson, R. | Labedz | Rupp | Schmit |

The Standing Committee amendments, as amended, lost with 19 ayes,

17 nays, 9 present and not voting, and 4 excused and not voting.

Mr. Chambers moved to indefinitely postpone LB 687.

The Chambers motion to indefinitely postpone prevailed with 18 ayes, 7 nays, 20 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

## STANDING COMMITTEE REPORT
**Business and Labor**

**LEGISLATIVE BILL 713.** Placed on General File as amended. (Standing Committee amendments printed separate from the Journal and on file in the Clerk's Office - Room 1102 - AM1232.)

(Signed) Bill Barrett, Chairperson

## RESOLUTION

**LEGISLATIVE RESOLUTION 251.**

Introduced by Schmit, 23rd District; DeCamp, 40th District; Lynch, 13th District; Smith, 33rd District; Lamb, 43rd District; Harris, 27th District; Beyer, 3rd District.

WHEREAS, for more than eighty years, federal law has provided that consumer-owned utilities have preference to receive electric power generated at federally owned dams with hydroelectric facilities; and

WHEREAS, such hydroelectric generating facilities are fully amortized with all debt, interest, and maintenance being paid for by the users of such federally generated electric power, with the principle of cost-based pricing being fully incorporated into this process; and

WHEREAS, there are numerous attacks on the preference principle, the most pressing being a proposal by David Stockman of the Office of Management and Budget which would attempt to raise one billion one hundred million dollars in revenues by arbitrarily increasing the cost of power from such federal dams that is sold to consumer-owned utilities in thirty-four states by:

(1) Charging current United States Treasury interest rates, on old debts financed at lower interest rates;

(2) Accelerating repayment of power and irrigation project costs; and

(3) Charging interest for the first time on irrigation project costs;

and

WHEREAS, the proposal of the Office of Management and Budget erodes the principle for cost-based pricing that is the basis for pricing all electricity in the United States, threatens the economic stability of several regions of the country including Nebraska, and burdens farmers with additional financial hardship; and

WHEREAS, while such proposal is the most serious pressing concern, other attempts may be made to further change the cost-based pricing principle, to eliminate the public preference which exists for consumer-owned systems using federal power generated from this nation's water resources, and may even include attempts to auction off this federal power to the highest bidder or to sell all federal dams and transmission facilities; and

WHEREAS, the advancement of these proposals would have a serious negative impact on the citizens of the State of Nebraska;

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Nebraska Legislature goes on record as being in support of the retention of preference power principles.

2. That the Nebraska Legislature goes on record in opposition to the Office of Management and Budget proposal which would raise interest rates on federally owned hydroelectric facilities, causing a first-year negative economic impact to Nebraska of approximately sixteen million dollars, which would have a significant negative impact on Nebraska's small towns and rural areas, which are already severely stressed.

3. That the Nebraska Legislature opposes any other attempts to dilute or eliminate preference power or to arbitrarily increase the costs of this federally generated hydroelectric power.

4. That copies of this resolution be transmitted to the Nebraska congressional delegation, to President Reagan, to David Stockman at the Office of Management and Budget, to members of the House of Representatives and Senate budget and appropriations committees, and to the congressional delegations of all states located, as Nebraska is, within the Western Area Power Administration including Iowa, Minnesota, North Dakota, South Dakota, Montana, Idaho, Colorado, Kansas, Texas, New Mexico, Arizona, Nevada, Wyoming, California, and Utah.

Laid over.

**UNANIMOUS CONSENT - Print in Journal**

Mr. Schmit asked unanimous consent to print the following amendment to LB 273 in the Journal. No objections. So ordered.

AM1192

1. On page 70, line 1, after "state" insert ", except that this shall not apply to any transaction which is subject to the sales tax under sections 77-2701 to 77-2713".

2. On page 92, after line 15, insert the following new subsection:

"(7) When a written contract exists for a construction, reconstruction, alteration, or improvement project outside the state, a contractor may apply for a refund of the sales and use tax paid to Nebraska on tangible personal property actually incorporated into such a project outside the state. Every claim shall be in writing and shall state the specific grounds upon which the claim is founded."; and in line 16 strike strike "(7)", show as stricken, and insert "(8)".

Mr. V. Johnson asked unanimous consent to print the following amendment to LB 722 in the Journal. No objections. So ordered.

PURPOSE: To strike funding for the Center for Education at Scottsbluff.

AMENDMENT

On page 75, in line 12, strike "5,784,217" and insert "5,747,625"; in line 16, strike "10,645,582" and insert "10,608,990"; in line 19, strike "4,705,071" and insert "4,673,777".

## VISITORS

Visitors to the Chamber were 55 fourth grade students and sponsor from Lyons-Decatur School, Lyons; and 44 fourth grade students and sponsor from Wasmer Elementary School, Grand Island.

## RECESS

At 11:57 a.m., on a motion by Mr. Hall, the Legislature recessed until 1:30 p.m.

## AFTER RECESS

The Legislature reconvened at 1:30 p.m., Mrs. Marsh presiding.

## ROLL CALL

The roll was called and all members were present except Mrs. Labedz and Mr. Rupp who were excused; and Messrs. Abboud, Chambers, V. Johnson, and Landis who were excused until they arrive.

## UNANIMOUS CONSENT - Print in Journal

Mr. Vickers asked unanimous consent to print the following amendment to LB 722 in the Journal. No objections. So ordered.

1. Amendment to LB 722 to strike $300,000 from Program 642 and put it in Program 508.

AMENDMENT: 1. On page 19, line 10, strike "2,455,872" and insert "2,755,872"; On page 19, line 13, strike "20,014,535" and insert "20,314,535"; On page 19, line 16, strike "1,494,230" and insert "1,546,308".

2. On page 20, line 14, strike "729,256" and insert "429,256"; On page 20, line 16, strike "804,256" and insert "504,256".

## UNANIMOUS CONSENT - Member Excused

Mr. Hall asked unanimous consent to be excused until he returns. No objections. So ordered.

## GENERAL FILE

**LEGISLATIVE BILL 633.** Considered.

Mr. Withem offered the following amendment:
AM1250

1. Insert the following new sections:

"Section 1. That section 79-101, Revised Statutes Supplement, 1984, be amended to read as follows:

79-101. As used in Chapter 79: (1) School district shall mean the territory under the jurisdiction of a single school board authorized by Chapter 79; (2) school shall mean a school under the jurisdiction of a school board authorized by Chapter 79; (3) legal voters or electors shall mean all who are eligible to vote at an election for school district officers; (4) elementary grades shall mean all grades up to and including the eighth grade; (5) high school grades shall mean all grades above the eighth grade; (6) school year shall

mean (a) from the effective date of this act until August 1, 1987, a minimum of thirty-six weeks of instruction or (b) commencing August 1, 1987, for elementary grades, the time equivalent to at least one thousand thirty-two instructional hours and ~~(b)~~ for high school grades, the time equivalent to at least one thousand eighty instructional hours; (7) instructional hour shall mean a period of time, at least sixty minutes, which is actually used for the instruction of students. The State Board of Education shall adopt and promulgate rules and regulations to define school day, school month, and other appropriate units of the school calendar; (8) deaf pupil shall mean any person of sound mind who by reason of defective hearing cannot profitably be educated in the public schools; (9) teacher shall mean any certified employee who is regularly employed for the instruction of pupils in the public schools; (10) administrator shall mean any certified employee such as superintendent, assistant superintendent, principal, assistant principal, school nurse, or other supervisory or administrative personnel who does not have as a primary duty the instruction of pupils in the public schools; (11) school board or board of education shall mean the governing body of any school district; ~~and~~ (12) teach shall mean and include, but not be limited to, the following responsibilities: (a) The organization and management of the classroom or the physical area in which the learning experiences of pupils take place; (b) the assessment and diagnosis of the individual educational needs of the pupils; (c) the planning, selecting, organizing, prescribing, and directing of the learning experiences of pupils; (d) the planning of teaching strategies and the selection of available materials and equipment to be used; and (e) the evaluation and reporting of student progress; (13) until August 1, 1987, the term school month shall mean a period of twenty days of instruction; and (14) the term school week shall mean a period of five days of instruction.

Sec. 2. That section 79-201, Revised Statutes Supplement, 1984, be amended to read as follows:

79-201. Every person residing in a school district within the State of Nebraska who has legal or actual charge or control of any child not less than seven nor more than sixteen years of age shall cause

such child to attend regularly the public, private, denominational, or parochial day schools which have met the requirements for legal operation prescribed in Chapter 79 each day that such schools are open and in session, except when excused by school authorities, unless such child has been graduated from high school. ~~The~~ Until August 1, 1987, the term shall not be less than one hundred seventy-five days. Commencing August 1, 1987, the term shall not be less than (1) one thousand thirty-two instructional hours for elementary grades and (2) one thousand eighty instructional hours for high school grades in any public school district or private, denominational, or parochial school, except that in the event of the failure of any district which receives twenty per cent or more of its total receipts for general fund purposes from federal sources to actually receive receipts anticipated at the time of the adoption of the school budget from taxes, state funds, federal funds, tuition, or other sources, the board of education of such district may, at any time during the school year, elect to close all or part of its schools.

Sec. 3. That section 79-201.06, Revised Statutes Supplement, 1984, be amended to read as follows:

79-201.06. Such proposed plan shall show all aspects of the proposed operation and provide for:

(1) ~~A~~ Until August 1, 1987, a minimum of one hundred seventy-five days of required school attendance for each pupil in each school year, and commencing August 1, 1987, a minimum of (a) one thousand thirty-two instructional hours of required school attendance for each elementary school pupil in each school year and (b) one thousand eighty instructional hours of required school attendance for each high school pupil in each school year;

(2) Any attendance center at which year-round operations shall be conducted, including the change of such center as the changing characteristics of the district may require;

(3) The basis of pupil assignments to the particular year for instruction and to attendance centers, including provisions for student transfers;

(4) Curriculum development and organization;

(5) Staffing with adequate provisions for vacations and opportunities for professional growth of

certified staff and faculty members;

(6) Student vacation time;

(7) Transportation and maintenance provisions; and

(8) Such other matters as the State Board of Education may require.".

2. On page 15, line 3, after "sections" insert "79-101, 79-201, 79-201.06,".

3. Renumber remaining sections accordingly.

The Withem amendment lost with 4 ayes, 19 nays, 20 present and not voting, and 6 excused and not voting.

Mr. Lamb offered the following amendment:

(Amendments to Standing Committee Amendments)

1. On page 1, line 10 strike " ".; after line 10 insert a new section as follows:

"Sec. 4. Any local school board may establish biannual secondary course offerings for non-sequential curricula as part of the total instructional units provided each school term for the purpose of meeting minimum annual criteria for accreditation under sections 79-328 and 79-1247.02. Reporting of biannual course offerings which are to receive annual instructional unit credit in meeting accreditation standards are to be on forms prescribed by the State Department of Education.".

The Lamb 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 37 ayes, 0 nays, 7 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 204.** Title read. Considered.

Mr. Vickers renewed his pending amendment, AM0926, found in the Journal on page 1426.

Mr. Pappas offered the following amendment to the Vickers amendment:

Line 7 delete Executive and insert Agriculture & Environment.
line 9 do same
line 8 after committee insert and three members of the Agriculture and Environment Com.

Mr. Pappas asked unanimous consent to withdraw his pending amendment. No objections. So ordered.

Mr. Lynch asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Hannibal asked unanimous consent to be excused. No objections. So ordered.

**SPEAKER NICHOL PRESIDING**

Mr. Vickers moved for a call of the house. The motion prevailed with 16 ayes, 0 nays, and 33 not voting.

Mr. Vickers requested a roll call vote on his amendment.

Voting in the affirmative, 21:

| | | | | |
|---|---|---|---|---|
| Abboud | Hartnett | Landis | Pirsch | Vickers |
| Beyer | Higgins | Marsh | Schmit | Warner |
| Chambers | Hoagland | Morehead | Scofield | Wesely |
| Chizek | Johnson, V. | Pappas | Smith | Withem |
| Hall | | | | |

Voting in the negative, 22:

| | | | | |
|---|---|---|---|---|
| Baack | DeCamp | Hefner | Lundy | Peterson |
| Barrett | Eret | Johnson, L. | Miller | Remmers |
| Carsten | Goll | Johnson, R. | Nelson | Rogers |
| Chronister | Haberman | Lamb | Nichol | Sieck |
| Conway | Harris | | | |

Present and not voting, 2:

| | |
|---|---|
| Beutler | Goodrich |

Excused and not voting, 4:

| | | | |
|---|---|---|---|
| Hannibal | Labedz | Lynch | Rupp |

The Vickers amendment lost with 21 ayes, 22 nays, 2 present and not voting, and 4 excused and not voting.

Pending.

The Chair declared the call raised.

## UNANIMOUS CONSENT - Print in Journal

Messrs. Hartnett, Chizek, and Lynch asked unanimous consent to print the following amendment to LB 722 in the Journal. No objections. So ordered.

On page 16, strike lines 7 through 12.

Messrs. Haberman and R. Johnson asked unanimous consent to print the following amendment to LB 389 in the Journal. No objections. So ordered.

PUBLIC GRAIN WAREHOUSE ACT AND GRAIN DEALER ACT

ADD A NEW SECTION TO LB 389.

That Section 88-501, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

88-501. Public grain warehouses; license; terms defined; acceptance of act; notice to Public Service Commission. Any grain dealer, person, firm, corporation or association in this state who receives grain for storage, shipment, or both must avail himself or herself of the provisions of sections 88-501 to 88-517 by filing notice of his or her acceptance thereof with the Public Service Commission and thereby become a public warehouseman. Any grain dealer, person, firm, corporation, or association who receives grain for storage in his or her warehouse where delivered or who receives grain for shipment to other points for storage, consignment, or resale either in or out of this state must avail himself or herself of provisions of sections 88-501 to 88-517 by securing a license from the commission and thereby become a public warehouseman. Any grain elevator, building, or receptacle in which grain is held in storage for a period longer than ten days shall be construed to be a public warehouse within the meaning of sections 88-501 to 88-517; and must be licensed with the commission as a public grain warehouse. Any grain, which has been received at any grain elevator, building, or receptacle and for which the actual sale price is not fixed or payment made therefore within ten days after receipt of the same, is construed to be grain held in storage within the meaning of 88-501 to 88-517. ~~Any grain, which has been received at any grain elevator or grain warehouse and for which the actual sale price is not fixed and payment made therefore within thirty days after the receipt of the same, is construed to be grain held in storage within the meaning of sections 88-501 to 88-517.~~ The term public warehouse shall include but is not necessarily limited to (1) all buildings, elevators, and warehouse; (2) all grist and flour mills; and

(3) cereal mills doing a shipping business erected or leased and operated by any person, association, copartnership, or corporation for buying, selling, storing, shipping, handling, or consigning grain for profit; Provided, nothing in this section shall require a warehouseman doing a manufacturing business only to receive, purchase, store or ship grain. The term grain, as used in sections 88-501 to 88-517, shall be construed to include all grain which has not been processed or packaged for the purpose of distribution as seed. For purposes of sections 88-501 to 88-519, the term grain shall also include all beans, whole corn plant pellets, alfalfa pellets, millet, safflower seed, and any other bulk pelleted agricultural storable commodity.

## SELECT COMMITTEE REPORT
### Enrollment and Review

**LEGISLATIVE BILL 721.** Placed on Select File as amended.
E & R amendments to LB 721:
AM5155

1. On page 75, line 25, after "to" insert "read as follows:"; and strike line 27.
2. On page 77, line 18, strike the new matter and insert "1,259,308"; and in line 20 strike the new matter and insert "2,284,146".

(Signed) Timothy Hall, Chairperson

## RESOLUTION

**LEGISLATIVE RESOLUTION 252.**

Introduced by Beyer, 3rd District; Hartnett, 45th District; Withem, 14th District.

WHEREAS, In April of 1974, the Nebraska Legislature approved LB 1055, authorizing the Nebraska Game and Parks Commission to participate in the development of Dam Site 20 in Sarpy County, Nebraska; and

WHEREAS, initial funding for the project of one hundred seventy-eight thousand two hundred fifty dollars was appropriated by the Legislature in 1974, followed by additional appropriations and reappropriations bringing the total funding available to the Nebraska Game and Parks Commission in 1979 of one million thirty thousand one hundred dollars for use on the Papillion Creek and Tributaries Program, Dam Site 20; and

WHEREAS, in 1980 no request was made for continuation of funding and in 1982 an agreement was developed between the Papio Natural Resources District, the Nebraska Game and Parks Commission, and the Corps of Engineers under which the Game and Parks Commission would assume the obligations of local sponsorship for Dam Site 20; and

WHEREAS, in 1984 funding for development of this area was requested from the Legislature by the Nebraska Game and Parks Commission, and two hundred thousand dollars was appropriated for development of Dam Site 20 as a state recreational area; and

WHEREAS, on January 10 of 1985, Governor Kerrey advised the Papio Natural Resources District that the state was withdrawing support for the project.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Nebraska Legislature honor the commitment made by the state to the Papio Natural Resources District to complete development of the recreational facilities at Dam Site 20.

2. That the Legislature encourage the Game and Parks Commission not to renege on their agreement to sponsor this recreational facility.

3. That a sufficient funding by provided so that the project can be developed on a partial basis until alternative options for sponsorship can be reviewed.

Laid over.

**MOTION - Reconsider Action on LR 88**

Messrs. Pappas, Chizek, and Mrs. Morehead renewed their pending motion to reconsider LR 88 found in the Journal on page 1868.

Mr. Haberman moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Mr. Wesely moved for a call of the house. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

Mr. Haberman requested a roll call vote on the motion to reconsider.

Voting in the affirmative, 27:

| | | | | |
|---|---|---|---|---|
| Baack | Beutler | Chambers | Chizek | Conway |

| | | | | |
|---|---|---|---|---|
| DeCamp | Hoagland | Miller | Schmit | Vickers |
| Eret | Johnson, R. | Morehead | Scofield | Warner |
| Hall | Johnson, V. | Nelson | Sieck | Wesely |
| Harris | Landis | Pappas | Smith | Withem |
| Higgins | Marsh | | | |

Voting in the negative, 17:

| | | | | |
|---|---|---|---|---|
| Abboud | Chronister | Hartnett | Lamb | Peterson |
| Barrett | Goll | Hefner | Lundy | Pirsch |
| Beyer | Goodrich | Johnson, L. | Nichol | Remmers |
| Carsten | Haberman | | | |

Present and not voting, 1:

Rogers

Excused and not voting, 4:

| | | | |
|---|---|---|---|
| Hannibal | Labedz | Lynch | Rupp |

The Pappas et al. motion to reconsider prevailed with 27 ayes, 17 nays, 1 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

## RESOLUTION

**LEGISLATIVE RESOLUTION 88.** Considered.

Messrs. Wesely, Chizek, Pappas, and Ms. Scofield renewed their pending amendment, AM1170, found in the Journal on page 1891.

Mr. Pappas offered the following amendment to the Wesely et al. amendment:

To amend the Wesely, Pappas, Scofield, Chizek amendment found on pg 1891 of the Journal by adding the following:

1. In the 1st resolved paragraph, line 3 after the word, mutual insert the words, "equal and balanced".

The Pappas amendment lost with 13 ayes, 15 nays, 17 present and not voting, and 4 excused and not voting.

The Wesely et al. amendment was adopted with 27 ayes, 7 nays, 11 present and not voting, and 4 excused and not voting.

Messrs. Schmit, R. Johnson, Sieck, and Ms. Scofield renewed their pending amendment, AM1169, found in the Journal on page 1937.

Mr. Haberman requested a ruling of the Chair on whether the Schmit et al. amendment is germane to the bill.

The Chair ruled the Schmit et al. amendment not germane to the bill.

Mr. Wesely moved to suspend the rules, Rule 2, Section 10, Rule 7, Section 3, and vote without further debate or amendment on LR 88.

Mr. Wesely moved for a call of the house. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

Mr. Wesely requested a roll call vote on his motion to suspend the rules.

Voting in the affirmative, 30:

| | | | | |
|---|---|---|---|---|
| Baack | DeCamp | Hoagland | Morehead | Sieck |
| Beutler | Eret | Johnson, R. | Nelson | Smith |
| Carsten | Hall | Johnson, V. | Nichol | Vickers |
| Chambers | Harris | Landis | Pappas | Warner |
| Chizek | Hartnett | Marsh | Schmit | Wesely |
| Conway | Higgins | Miller | Scofield | Withem |

Voting in the negative, 15:

| | | | | |
|---|---|---|---|---|
| Abboud | Chronister | Haberman | Lamb | Pirsch |
| Barrett | Goll | Hefner | Lundy | Remmers |
| Beyer | Goodrich | Johnson, L. | Peterson | Rogers |

Excused and not voting, 4:

| | | | |
|---|---|---|---|
| Hannibal | Labedz | Lynch | Rupp |

The Wesely motion to suspend the rules prevailed with 30 ayes, 15 nays, and 4 excused and not voting.

LR 88 was adopted with 27 ayes, 16 nays, 2 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Mr. Pappas asked unanimous consent to be excused until he returns. No objections. So ordered.

**UNANIMOUS CONSENT - Print in Journal**

Messrs. Schmit, Hefner, and Conway asked unanimous consent to print the following amendment to LB 721 in the Journal. No objections. So ordered.

AM1234

1. On page 3, line 17, strike "3,035,407", show as stricken, and insert "3,019,971".

2. Insert the following new section:

"Sec. 5. That Laws 1984, LB 1128, section 4, be amended to read as follows:

Sec. 4. Agency No. 6 -- District Courts

(1) Program No. 392 - Judges' Expenses

| | | |
|---|---|---|
| GENERAL FUND | ~~94,521~~ | 109,957 |
| PROGRAM TOTAL | ~~94,521~~ | 109,957 |

There shall be no personal services expenditures from this program.

(2) Program No. 397 - Statewide Probation

| | |
|---|---|
| GENERAL FUND | 3,392,084 |
| PROGRAM TOTAL | 3,392,084 |

Total expenditures for permanent and temporary salaries and per diems shall not exceed $2,745,709.

For Informational Purposes Only: Total Appropriations to Agency No. 6 and Fund Source

| | | |
|---|---|---|
| GENERAL FUND | ~~3,486,605~~ | 3,502,041 |
| AGENCY TOTAL | ~~3,486,605~~ | 3,502,041 |

3. On page 78, line 15, after "3," insert "4,".

4. Renumber the remaining sections accordingly.

Mr. DeCamp asked unanimous consent to print the following amendment to LB 208 in the Journal. No objections. So ordered.

AM1247

(Amendments to Final Reading Copy)

1. Insert the following new sections:

"Sec. 2. That section 66-418, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

66-418. (1) If any dealer refuses, neglects,

or fails to file the return due for any month, or to pay the tax provided by section 66-410, due for any month, within the time prescribed for the filing of such return or the payment of such tax, as provided in sections 66-409 and 66-410, such dealer shall ~~forfeit as~~ be assessed a penalty of twenty-five dollars. ~~the collection fee allowed by the provisions of section 66-407. The amount of the penalty shall in no case be less than twenty-five dollars.~~ The Tax Commissioner may in his or her discretion waive any and all penalties incurred upon sufficient showing by the dealer that such penalties should be waived.

(2) ~~(a)~~ As soon as practical after a return is filed, the Tax Commissioner shall examine it to determine the correct amount of tax. If the Tax Commissioner finds that the amount of tax shown on the return is less than the correct amount, he or she shall notify the dealer of the amount of the deficiency proposed to be assessed. Such amount shall constitute a final assessment together with interest and penalties thirty days after the date on which notice was mailed to the taxpayer at his or her last-known address unless a written protest is filed with the Tax Commissioner within such thirty-day period.

~~(b)~~ (3) If the dealer fails to file a report, the Tax Commissioner shall estimate the dealer's liability from any available information and notify the dealer of the amount proposed to be assessed as in the case of a deficiency. Such amount shall constitute a final assessment together with interest and penalties thirty days after the date on which notice was mailed to the dealer at his or her last-known address unless a written protest is filed with the Tax Commissioner within such thirty-day period.

Sec. 3. That section 66-621, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

66-621. In the event any special fuel dealer refuses, neglects, or fails to file a return, as required by ~~the provisions of~~ sections 66-601 to 66-640, or refuses, neglects, or fails to pay in whole the tax provided in section 66-605 within the time prescribed for the filing of such return or the payment of such tax, such dealer shall ~~forfeit as~~ be assessed a penalty of twenty-five dollars. ~~the collection fee to which~~

~~such dealer is entitled with respect to the collection and remission of such tax on special fuels pursuant to section 66-605.01. The amount of the penalty in no case shall be less than twenty-five dollars.~~ The motor fuel tax administrator may in his or her discretion waive any and all penalties incurred upon sufficient showing by the licensee that such penalties should be waived. All delinquent payments due the state shall draw interest at the rate specified in section 45-104.01, as such rate may from time to time be adjusted by the Legislature, from the date of delinquency.

Sec. 6. That original sections 66-418 and 66-621, Reissue Revised Statutes of Nebraska, 1943, and also sections 66-407 and 66-605.01, Reissue Revised Statutes of Nebraska, 1943, are repealed.".

2. On page 1, line 2, strike "section" and insert "sections" and after the comma insert "66-418 and 66-621,"; in line 4 after the semicolon insert "to eliminate a collection fee; to harmonize provisions;"; and in line 5 strike "section" and insert "sections, and also sections 66-407 and 66-605.01, Reissue Revised Statutes of Nebraska, 1943".

3. On page 2, line 12, strike "This" and insert "Sections 1 and 5 of this"; and in line 15 after the period insert "The remaining sections shall become operative on their effective date.".

4. Renumber the remaining sections accordingly.

Mr. Schmit asked unanimous consent to print the following amendment to LB 722 in the Journal. No objections. So ordered.

AM1227

1. On page 94, line 27, strike "110,000" and insert "310,000".

2. On page 95, line 1, strike "3,464,742" and insert "3,664,742"; and in lines 12 and 14 strike "one" and insert "three".

3. On page 96, line 12, strike "110,000" and insert "310,000"; and in line 13 strike "18,475,347" and insert "18,675,347".

Mr. DeCamp asked unanimous consent to print the following amendment to LB 154 in the Journal. No objections. So ordered.

AM1257

1. Strike original section 1 and all amendments thereto and insert a new section as follows:

"Section 1. That section 2-1208.01, Revised Statutes Supplement, 1984, be amended to read as follows:

2-1208.01. There is hereby imposed a tax on the gross sum wagered by the parimutuel method at each race meeting at the following rates: (1) Except as provided in subdivision (3) of this section, for ~~For~~ meets held prior to January 1, 1986, (a) seven million dollars shall not be taxed and (b) any amount in excess of seven million dollars shall be taxed at a rate of five per cent; ~~which conduct races not more than three days per week excluding holidays (a) the first five million dollars shall not be taxed and (b) any amount in excess of five million dollars shall be taxed at a rate of five per cent;~~ (2) except as provided in subdivision (3) of this section, for meets held on or after January 1, 1986, (a) the first seven million dollars shall not be taxed and (b) any amount in excess of seven million dollars shall be taxed at the rate of four and one half per cent; and (3) for meets conducted prior to January 1, 1988, on property owned by the state on which the Nebraska State Fair is also conducted (a) the first ~~one~~ seven million dollars shall not be taxed and (b) any amount in excess of ~~one~~ seven million dollars shall be taxed at a rate of three per cent. ~~; and (3) for all other meets (a) the first one million dollars shall not be taxed and (b) any amount in excess of one million dollars shall be taxed at a rate of five per cent.~~ The tax imposed by this section shall~~, within ten days after the close of each race meeting,~~ be paid into the state treasury for deposit in the ~~state~~ General Fund on the last day of each month during each race meeting.

~~After March 24, 1982, and prior to January 1, 1986, the State Racing Commission shall promptly report to the Revenue Committee of the Legislature any changes in the schedule of race meetings which would qualify or disqualify any race meetings under subdivision (1) of this section.~~".

Mrs. Morehead and Mr. Schmit asked unanimous consent to print the following amendment to LB 496 in the Journal. No objections. So ordered.

AM1270

(Amendments to Final Reading Second)

1. On page 2, strike beginning with "has" in line 12 through "Vehicles" in line 13 and insert "meets the requirements of Federal Motor Vehicle Safety Standard 209 in existence on the effective date of this act"; in line 21 strike "new" and show as stricken; in line 23 strike "sold" and show as stricken; in line 24 strike "in this state and" and show as stricken; and strike beginning with "has" in line 26 through "Vehicles" in line 27, show as stricken, and insert "meets the requirements of Federal Motor Vehicle Safety Standard 209 in existence on the effective date of this act".

2. On page 3, line 2, after "vehicle" insert "in this state".

Mrs. Marsh asked unanimous consent to print the following amendment to LB 593 in the Journal. No objections. So ordered.

AM1265

1. Strike original section 17 which was renumbered by AM0197 as section 18.

## REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of the Governor appointments.

**Public Works**

Michael J. O'Hara - Power Review Board
Daniel Meyer - Power Review Board

(Signed) Chris Beutler, Chairperson
Legislative Council
Executive Board

## BILL ON FIRST READING

The following bill was read for the first time by title:

**LEGISLATIVE BILL 717A.** By V. Johnson, 8th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 717, Eighty-ninth Legislature, First Session, 1985.

## CEREMONIES

The Legislature was at ease while the former State Legislators were introduced.

## EASE

The Legislature was at ease from 4:15 p.m. until 4:40 p.m.

## VISITORS

Visitors to the Chamber were 44 eighth grade students and sponsor from Wood River Rural High School; 17 students, teacher, and sponsors from Norris High School, South Lancaster County; 23 eighth grade students and sponsor from Lindsay Holy Family School; 35 third, fourth, fifth, and sixth grade students and sponsor from Snyder Public School; 10 fourth grade students and sponsor from Elmwood Public School; and 80 fourth grade students and sponsor from Pawnee Elementary School, Sarpy County.

## ADJOURNMENT

At 4:42 p.m., on a motion by Mr. Sieck, the Legislature adjourned until 9:00 a.m., Thursday, May 2, 1985.

Patrick J. O'Donnell
Clerk of the Legislature

# SEVENTY-FIRST DAY - MAY 2, 1985

# LEGISLATIVE JOURNAL

# SEVENTY-FIRST DAY - MAY 2, 1985

## LEGISLATIVE JOURNAL

## EIGHTY-NINTH LEGISLATURE
## FIRST SESSION

## SEVENTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, May 2, 1985

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Nichol presiding.

## PRAYER

The prayer was offered by Rev. Mary Hansen, Presbyterian Church of the Master, Omaha, Nebraska.

## ROLL CALL

The roll was called and all members were present except Messrs. Chambers, Goodrich, Rupp, Schmit, Wesely, Withem, Mesdames Labedz, and Pirsch who were excused until they arrive.

## CORRECTIONS FOR THE JOURNAL

The Journal for the Seventieth Day was approved.

## STANDING COMMITTEE REPORTS
### Miscellaneous Subjects

**LEGISLATIVE BILL 230.** Placed on General File.
**LEGISLATIVE BILL 275.** Placed on General File.

**LEGISLATIVE BILL 266.** Indefinitely postponed.

(Signed) Elroy M. Hefner, Chairperson

## GENERAL FILE

**LEGISLATIVE BILL 204.** Considered.

Mr. Hoagland 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. Abboud asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for Review with 28 ayes, 3 nays, 9 present and not voting, and 9 excused and not voting.

**LEGISLATIVE BILL 204A.** Title read. Considered.

Mr. Vickers moved to indefinitely postpone LB 204A.

Mrs. Higgins 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. Vickers moved for a call of the house. The motion prevailed with 11 ayes, 0 nays, and 38 not voting.

The Vickers motion to indefinitely postpone lost with 19 ayes, 23 nays, 5 present and not voting, and 2 excused and not voting.

Mr. Miller requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 27:

| | | | | |
|---|---|---|---|---|
| Baack | Eret | Johnson, R. | Nelson | Schmit |
| Barrett | Goll | Lamb | Nichol | Scofield |
| Carsten | Haberman | Lundy | Peterson | Sieck |
| Chizek | Hefner | Lynch | Remmers | Smith |
| Chronister | Higgins | Miller | Rogers | Warner |
| DeCamp | Johnson, L. | | | |

Voting in the negative, 15:

| | | | | |
|---|---|---|---|---|
| Abboud | Hall | Hartnett | Labedz | Vickers |
| Chambers | Hannibal | Hoagland | Landis | Wesely |
| Conway | Harris | Johnson, V. | Rupp | Withem |

Present and not voting, 5:

Beutler Beyer Marsh Morehead Pappas

Excused and not voting, 2:

Goodrich Pirsch

Advanced to E & R for Review with 27 ayes, 15 nays, 5 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

## SPEAKER'S ANNOUNCEMENT

Pursuant to Rule 4, Sec. 8, LR 250 was referred to the Reference Committee.

## UNANIMOUS CONSENT - Add Co-Introducer

Mr. Hartnett asked unanimous consent to have his name added as co-introducer to LR 250. No objections. So ordered.

## UNANIMOUS CONSENT - Print in Journal

Mr. Warner asked unanimous consent to print the following amendment to LB 60 in the Journal. No objections. So ordered.

AM1235

1. Insert the following new sections:

"Section 1. A grower who has sold wheat and has an assessment deducted from the sale price may, by written application to the board, secure a refund of a percentage of the amount deducted, which percentage shall be the same percentage that expenditures by the board to influence legislation has to total expenditures of the board for the previous fiscal year. The refund shall be payable by the board upon application within sixty days after the deduction. Each application for refund by a grower shall have attached thereto proof of the assessment deducted.

Sec. 2. A grower who has sold soybeans and has an assessment deducted from the sale price may, by written application to the board, secure a refund of a percentage of an amount deducted, which percentage shall be the same percentage that expenditures by the board to influence legislation has to total expenditures of the

board for the previous fiscal year. The refund shall be payable by the board upon application within sixty days after the deduction. Each application for a refund by a grower shall have attached thereto proof of the assessment deducted.

Sec. 3. A grower who has sold corn and has an assessment deducted from the sale price may, by written application to the board, secure a refund of a percentage of the amount deducted, which percentage shall be the same percentage that expenditures by the board to influence legislation has to total expenditures of the board for the previous fiscal year. The refund shall be payable by the board upon application within sixty days after the deduction. Each application for refund by a grower shall have attached thereto proof of the assessment deducted.

Sec. 4. A grower who has sold grain sorghum and has an assessment deducted from the sale price may, by written application to the board, secure a refund of a percentage of the amount deducted, which percentage shall be the same percentage that expenditures by the board to influence legislation has to total expenditures of the board for the previous fiscal year. The refund shall be payable by the board upon application within sixty days after the deduction. Each application for refund by a grower shall have attached thereto proof of the assessment deducted.

Sec. 5. A seller who has sold cattle and has an assessment deducted from the sale price may, by written application to the board, secure a refund of a percentage of the amount deducted, which percentage shall be the same percentage that expenditures by the board to influence legislation has to total expenditures of the board for the previous fiscal year. The refund shall be payable by the board upon application within sixty days after the deduction. Each application for refund by a seller shall have attached thereto proof of the assessment deducted.

Sec. 6. That section 2-2301, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-2301. Sections 2-2301 to 2-2319 and section 1 of this act may be cited as the Nebraska Wheat Resources Act.

Sec. 8. That section 2-3301, Reissue Revised

Statutes of Nebraska, 1943, be amended to read as follows:

2-3301. Sections 2-3301 to 2-3324 and section 2 of this act shall be known and may be cited as the Nebraska Soybean Resources Act.

Sec. 10. That section 2-3601, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-3601. Sections 2-3601 to 2-3635 and section 3 of this act shall be known and may be cited as the Nebraska Corn Resources Act.

Sec. 12. That section 2-4001, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-4001. Sections 2-4001 to 2-4020 and section 4 of this act shall be known and may be cited as the Grain Sorghum Resources Act.

Sec. 14. That section 54-2101, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

54-2101. Sections 54-2101 to 54-2119 and section 5 of this act shall be known and may be cited as the Nebraska Beef Industry Development Act.".

2. On page 8, line 19, after "sections" insert "2-2301,", after the first comma insert "2-3301,", and after the second comma insert "2-3601,"; and in line 20 after the first comma insert "2-4001," and after the second comma insert "54-2101,".

3. Renumber the remaining sections accordingly.

## RESOLUTION

**LEGISLATIVE RESOLUTION 249.** Read. Considered.

LR 249 was adopted with 29 ayes, 0 nays, and 20 not voting.

## GENERAL FILE

**LEGISLATIVE BILL 612.** Title read. Considered.

Standing Committee amendments, AM0949, found in the Journal on page 1444 for the Fifty-Fifth Day were considered.

Mr. Chronister asked unanimous consent to be excused until he

returns. No objections. So ordered.

Mr. Hoagland asked unanimous consent to withdraw his pending amendments, AM0973, found in the Journal on page 1477 and AM0989, found in the Journal on page 1508. No objections. So ordered.

Mr. Hoagland offered the following amendment to the Standing Committee amendments:
AM1281

1. In the Standing Committee amendments, AM0949, beginning on page 1444 of the Journal, on page 1, strike beginning with "When" in line 10 through the underscored period in line 12 and insert "The court shall not place a child in joint custody without conducting a hearing in open court and specifically finding that joint custody is in the best interest of the child regardless of any parental agreement or consent.".

Mr. Beutler moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

The Hoagland amendment was adopted with 20 ayes, 0 nays, 27 present and not voting, and 2 excused and not voting.

Mr. Pappas asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Beutler moved the previous question. The question is, "Shall the debate now close?" The motion lost with 9 ayes, 10 nays, and 30 not voting.

Messrs. Miller, DeCamp, R. Johnson, and Mrs. Marsh asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Beutler moved the previous question. The question is, "Shall the debate now close?" The motion lost with 15 ayes, 8 nays, and 26 not voting.

Messrs. Peterson, Haberman, and Rogers asked unanimous consent to be excused until they return. No objections. So ordered.

The Standing Committee amendments, as amended, were adopted with 25 ayes, 6 nays, 9 present and not voting, and 9 excused and not voting.

Pending.

## UNANIMOUS CONSENT - Print in Journal

Mr. Withem asked unanimous consent to print the following amendment to LB 531 in the Journal. No objections. So ordered.

AM1269

1. On page 2, line 27, reinstate the stricken matter.

2. On page 3, line 1, reinstate the stricken matter and strike "one week"; and in line 2 reinstate "commencing the first week in" and after the reinstated matter insert "January,".

Mr. V. Johnson asked unanimous consent to print the following amendment to LB 273 in the Journal. No objections. So ordered.

AM1278

(Amendments to AM0274)

1. In the Standing Committee amendments, AM0274, beginning on page 765 of the Journal, on page 7, line 5, strike "of which" and insert "when"; and in line 9 strike "that".

## SELECT COMMITTEE REPORTS
### Enrollment and Review

**LEGISLATIVE BILL 722.** Placed on Select File as amended.
E & R amendments to LB 722:
AM5156

Because of page and line number differences between the green copy and the bill as introduced, all amendments are to the green copy.

1. In the Beutler-DeCamp amendment adopted April 29, 1985, found on page 1934 of the Journal, on page 1, lines 7 and 10, insert paragraphing before the quotation marks; in line 12 after "Space" insert a period; in lines 15 and 17 strike the period; and in line 21 lowercase "Legislative Space".

2. In the Schmit amendment, AM1191, adopted

April 29, 1985, on page 2, line 15, strike the second comma.

3. On page 1, line 3, strike the first comma; in line 4 after the second semicolon insert "to create a fund;"; and strike beginning with "to" in line 5 through the semicolon in line 6.

4. On page 2, line 2, after the first comma insert "LB".

5. On page 14, line 23, strike "sections" and insert "section"; and in line 24 strike "to 79-4,169".

6. On page 16, line 10, after "children" insert a comma.

7. On page 19, line 25, strike "drivers" and insert "driver"; and in line 26 strike the comma.

8. On page 20, line 11, after "Funds" insert a comma.

9. On page 34, line 15, after "the" insert "elimination of"; and in line 16 strike "is eliminated".

10. On page 36, line 27, after "estimate" insert a comma.

11. On page 44, line 25, after "to" insert "Mental Retardation"; and in lines 22 and 26 after "VI" insert a comma.

12. On page 58, line 2; and page 70, line 3, strike "(1)".

13. On page 73, line 23, before "Program" insert "(1)".

14. On page 75, line 2, strike the comma; in line 21 after "Funds" insert a comma; and in line 22 after "aid" insert a comma.

15. On page 76, line 2, lowercase "Telecommunications"; in line 3 strike the comma; in line 13 strike "(1)"; and in line 24 after "Funds" insert a comma.

16. On page 77, line 12, strike the comma.

17. On page 78, line 25, after the first "Funds" insert a comma.

18. On page 79, line 20, after "contracts" insert a comma; and in line 26 after "Federal" insert a comma.

19. On page 80, line 19, after "1985-86" insert a comma; and in line 26 after "Edition" insert a comma.

20. On page 81, line 23, strike the period and insert a semicolon; and in line 27 strike the period

and insert "; and".

21. On page 83, lines 3 and 19, after "contracts" insert a comma; in lines 4 and 19 after "Funds" insert a comma; and in lines 4 and 20 after "remissions" insert a comma.

22. On page 84, line 3, after "remissions" insert a comma.

23. On page 87, line 2, strike "funds" and insert "Funds".

24. On page 90, line 13, strike "Watershed" and insert "Watersheds".

25. On page 103, line 4, strike "Start" and insert "Start-up"; and in line 5 strike "up".

26. On page 108, line 26, strike "cash funds" and insert "Cash Funds".

27. On page 11, line 11, after "of" insert "Nebraska".

28. On page 115, line 5, after "grade" insert a comma; and in line 12 strike the comma.

29. On page 123, line 6, strike the period and insert a semicolon; and in line 27 strike "Watershed" and insert "Watersheds".

30. On page 124, line 9, strike "State"; and in line 16 after "(47)" insert "State".

31. On page 129, line 2, strike "Court ordered" and insert "Court-ordered".

32. On page 133, line 13, after "(10)" insert "Nebraska".

33. On page 136, line 5, strike "94" and insert "95".

34. On page 137, line 16, after "Examiners" insert "for Professional".

35. On page 138, line 6, after the comma insert "State" and after "Examiners" insert "for".

36. On page 139, line 10, after "on" insert "the".

37. On page 140, line 5, after the last comma insert "LB".

**LEGISLATIVE BILL 725.** Placed on Select File.
**LEGISLATIVE BILL 724.** Placed on Select File.

(Signed) Timothy Hall, Chairperson

## REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative resolution 250.

| LR | Committee |
|---|---|
| 250 | Government, Military and Veterans Affairs |

(Signed) Chris Beutler, Chairperson
Legislative Council
Executive Board

## RESOLUTIONS

### LEGISLATIVE RESOLUTION 253.

Introduced by Beyer, 3rd District.

WHEREAS, the three necessities of life--food, clothing, and shelter could not be provided without a fourth--transportation; and

WHEREAS, transportation in America is the circulatory system of our civilization, moving people and products to every region of our country; and

WHEREAS, the quality of highway, rail, air, and water transportation in the United States is not equaled anywhere else in the world; and

WHEREAS, May 12-18 has been proclaimed as National Transportation Week by Governor Robert Kerrey.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature encourage all Nebraskans to honor the transportation industry by observing Transportation Week in Nebraska during the week beginning May 12.

Laid over.

### LEGISLATIVE RESOLUTION 254.

Introduced by Scofield, 49th District.

WHEREAS, from July 12, 1985, to July 20, 1985, Chadron, Nebraska, will celebrate its one-hundredth birthday; and

WHEREAS, Chadron has been and will continue to be an outstanding community with outstanding citizens; and

WHEREAS, a centennial celebration offers a community a unique

opportunity to reflect upon those citizens whose efforts were responsible for the founding of the community and its continued vitality; and

WHEREAS, the citizens of Chadron deserve special congratulations for their centennial celebration.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the members of the Legislature recognize and commend the City of Chadron and its citizens for their centennial celebration.

2. That a copy of this resolution be sent to the Mayor and City Council of the City of Chadron, Nebraska.

Laid over.

**LEGISLATIVE RESOLUTION 255.**

Introduced by Scofield, 49th District.

WHEREAS, on October 9, 1985, Rushville, Nebraska, will celebrate its one-hundreth birthday; and

WHEREAS, Rushville has been and will continue to be an outstanding community with outstanding citizens; and

WHEREAS, a centennial celebration offers a community a unique opportunity to reflect upon those citizens whose efforts were responsible for the founding of the community and its continued vitality; and

WHEREAS, the citizens of Rushville deserve special recognition for their centennial celebration.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the members of the Legislature recognize and commend the City of Rushville and its citizens for their centennial celebration.

2. That a copy of this resolution be sent to the Mayor and City Council of the City of Rushville, Nebraska.

Laid over.

**LEGISLATIVE RESOLUTION 256.**

Introduced by Scofield, 49th District.

WHEREAS, on November 19, 1985, Hay Springs, Nebraska, will celebrate its one-hundreth birthday; and

WHEREAS, Hay Springs has been and will continue to be an outstanding community with outstanding citizens; and

WHEREAS, a centennial celebration offers a community a unique opportunity to reflect upon those citizens whose efforts were responsible for the founding of the community and its continued vitality; and

WHEREAS, the citizens of Hay Springs deserve special for their centennial celebration.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the members of the Legislature recognize and commend the City of Hay Springs and its citizens for their centennial celebration.

2. That a copy of this resolution be sent to the Mayor and City Council of the City of Hay Springs, Nebraska.

Laid over.

## VISITORS

Visitors to the Chamber were 29 eighth grade students and teacher from Wakefield; 42 fourth grade students and sponsors from Stoddard Elementary School, Beatrice; 28 fourth grade students and sponsor from Seedling-Miles School, Grand Island; seven students and teacher from Irving Junior High School, Lincoln; 45 seventh and eighth grade students and sponsor from Stanton County Rural Schools; 40 fourth grade students and sponsors from Seymour Elementary School, Ralston; and 8 sixth, seventh, and eighth grade students and sponsor from District 5-R in Colfax County.

## RECESS

At 12:12 p.m., on a motion by Mr. Eret, the Legislature recessed until 1:30 p.m.

## AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Nichol presiding.

## ROLL CALL

The roll was called and all members were present except Messrs. Beutler, Chambers, Haberman, Hall, R. Johnson, V. Johnson, Lamb, Peterson, Rogers, Rupp, Schmit, Mesdames Labedz, and

Pirsch who were excused until they arrive.

## SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolutions: LR 88 and LR 249.

## SELECT FILE

**LEGISLATIVE BILL 213.** Considered.

Messrs. Landis and Barrett asked unanimous consent to withdraw their pending amendment, AM1115, found in the Journal on page 1677. No objections. So ordered.

Mr. Wesely renewed his pending amendment, AM1039, found in the Journal on page 1625.

Mr. Sieck requested a record vote on the Wesely amendment.

Voting in the affirmative, 29:

| | | | | |
|---|---|---|---|---|
| Abboud | Chronister | Higgins | Morehead | Sieck |
| Baack | Conway | Johnson, L. | Nelson | Smith |
| Barrett | DeCamp | Landis | Nichol | Vickers |
| Beyer | Goll | Lundy | Pappas | Wesely |
| Carsten | Goodrich | Lynch | Remmers | Withem |
| Chizek | Hefner | Miller | Scofield | |

Voting in the negative, 0.

Present and not voting, 7:

| | | | | |
|---|---|---|---|---|
| Eret | Harris | Hoagland | Marsh | Warner |
| Hannibal | Hartnett | | | |

Excused and not voting, 13:

| | | | | |
|---|---|---|---|---|
| Beutler | Hall | Labedz | Pirsch | Rupp |
| Chambers | Johnson, R. | Lamb | Rogers | Schmit |
| Haberman | Johnson, V. | Peterson | | |

The Wesely amendment was adopted with 29 ayes, 0 nays, 7 present and not voting, and 13 excused and not voting.

Mr. Hefner requested a machine vote on the advancement of the bill.

Mr. Chronister requested a record vote on the advancement of the bill.

Voting in the affirmative, 35:

| | | | | |
|---|---|---|---|---|
| Abboud | Conway | Hartnett | Miller | Scofield |
| Baack | DeCamp | Hefner | Morehead | Sieck |
| Barrett | Goll | Higgins | Nelson | Smith |
| Beyer | Goodrich | Johnson, L. | Nichol | Vickers |
| Carsten | Hall | Johnson, V. | Pappas | Warner |
| Chizek | Hannibal | Lundy | Remmers | Wesely |
| Chronister | Harris | Lynch | Rupp | Withem |

Voting in the negative, 1:

Lamb

Present and not voting, 4:

| | | | |
|---|---|---|---|
| Eret | Hoagland | Landis | Marsh |

Excused and not voting, 9:

| | | | | |
|---|---|---|---|---|
| Beutler | Haberman | Labedz | Pirsch | Schmit |
| Chambers | Johnson, R. | Peterson | Rogers | |

Advanced to E & R for Engrossment with 35 ayes, 1 nay, 4 present and not voting, and 9 excused and not voting.

**LEGISLATIVE BILL 393.** E & R amendments, AM5142, found in the Journal on page 1706 for the Sixty-Third Day were adopted.

Mr. Lynch renewed his pending amendment, AM0939, found in the Journal on page 1859.

The Lynch amendment was adopted with 29 ayes, 0 nays, 11 present and not voting, and 9 excused and not voting.

Mr. Lynch renewed his pending amendment, AM1121, found in the Journal on page 1859.

The Lynch amendment was adopted with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 157.** E & R amendments, AM5134, found in the Journal on page 1615 for the Sixty-First Day were adopted.

Messrs. Haberman, Beyer, Pappas, and Schmit moved to bracket LB 157 until Jan. 15, 1986.

Mr. Hoagland 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. Beyer moved for a call of the house. The motion prevailed with 22 ayes, 0 nays, and 27 not voting.

Mr. Beyer requested a roll call vote on the motion to bracket.

Voting in the affirmative, 22:

| | | | | |
|---|---|---|---|---|
| Abboud | Chronister | Johnson, R. | Nichol | Schmit |
| Baack | Goll | Lamb | Peterson | Sieck |
| Barrett | Goodrich | Marsh | Remmers | Smith |
| Beyer | Haberman | Morehead | Rogers | Warner |
| Carsten | Hefner | | | |

Voting in the negative, 23:

| | | | | |
|---|---|---|---|---|
| Beutler | Eret | Hoagland | Lynch | Scofield |
| Chambers | Hannibal | Johnson, L. | Nelson | Vickers |
| Chizek | Harris | Johnson, V. | Pappas | Wesely |
| Conway | Hartnett | Landis | Rupp | Withem |
| DeCamp | Higgins | Lundy | | |

Present and not voting, 3:

| | | |
|---|---|---|
| Hall | Labedz | Miller |

Excused and not voting, 1:

Pirsch

The motion to bracket lost with 22 ayes, 23 nays, 3 present and not voting, and 1 excused and not voting.

Pending.

The Chair declared the call raised.

## UNANIMOUS CONSENT - Print in Journal

Messrs. R. Johnson and Schmit asked unanimous consent to print the following amendment to LB 284 in the Journal. No objections. So ordered.

AM1275

1. Insert the following new section:

"Sec. 15. Open discharge system shall mean a system in which the water is pumped or diverted directly into a ditch or canal which is lower in elevation than the point from which the water is pumped or diverted.".

2. On page 4, line 2, strike "engage in" and insert "apply chemicals to land or crops through the use of"; and in line 4 after "located" insert ",except that nothing in this section shall require a person to obtain a permit to pump or divert water which utilizes an open discharge system".

3. On page 5, line 14, strike "operator" and insert "applicator".

4. On page 6, after line 25, insert the following new paragraph:

"Nothing in this section shall be construed to prevent the use of portable chemigation equipment if such equipment meets all the requirements of the Nebraska Chemigation Act.".

5. On page 7, strike beginning with the comma in line 8 through the first comma in line 10; in line 12 after "Act" insert "and in accordance with general operational guidelines adopted and promulgated by rules and regulations of the council"; and in line 14 after "shall" insert ", with reasonable notice,".

6. On page 10, line 16, strike "It" and insert "With funds appropriated by the Legislature, it"; in line 17 strike "regular and"; in line 18 strike "frequent"; and strike beginning with "and" in line 18 through the period in line 25 and insert "for applicators. In the case of applicators in the business of advising other applicators, contracting to perform chemigation services, or otherwise engaging in chemigation for profit, the director shall issue a certificate acknowledging the satisfactory demonstration of competency to be determined by the director in a written examination prepared and administered by the

department. In the case of all other applicators, the Cooperative Extension Service shall keep records of attendance and participation in training sessions and shall issue a certificate acknowledging satisfactory attendance and participation in the training sessions.".

7. On page 11, line 5, after the second "of" insert "certificates."; strike beginning with "recommendations" in line 6 through the period in line 7; strike beginning with "at" in line 11 through "entered" in line 16 and insert "posted only in areas being treated with chemicals which appear on the restricted use list provided in the Federal Insecticide, Fungicide, and Rodenticide Act or chemicals which are specifically labeled for posting requirements"; and in line 17 after "The" insert "applicator or the" and strike "or operator".

8. On page 13, line 4, strike "A program" and insert "General operational guidelines"; in line 6 after "for" insert "an applicator or" and strike "or operator"; and in line 20 strike "(1)".

9. In the Standing Committee Amendments, AM0933, beginning on page 1483 of the Journal, on page 3, strike beginning with "in" in line 9 through the semicolon in line 10.

Mr. Lynch asked unanimous consent to print the following amendment to LB 578 in the Journal. No objections. So ordered.

AM1264

(Amendments to Final Reading Copy)

1. On page 1, strike beginning with "provide" in line 2 through "prescribed" in line 3 and insert "require the holding of a permit by certain pharmacies operating outside of the state".

2. Strike section 1 and insert a new section as follows:

"Section 1. Any pharmacy operating outside of the State of Nebraska which ships, mails, or delivers in any manner a dispensed prescription drug into the State of Nebraska shall hold a pharmacy permit issued by the Department of Health, and that part of such pharmacy operation which dispenses prescriptions to Nebraska residents shall comply with Nebraska law and the rules and regulations governing the practice of pharmacy. Pharmacies located outside of the State of Nebraska

shall be exempted from the provisions of this section upon filing, with the Department of Health, evidence of a pharmacy permit issued by the state in which the pharmacy is located if the requirements and qualifications in such state for obtaining a pharmacy permit are considered by the Department of Health to be substantially equivalent to those contained in sections 71-1,142 to 71-1,147.33. The Department of Health, upon the recommendation of the Board of Examiners in Pharmacy, shall adopt and promulgate rules and regulations, including provisions for enforcement, necessary to carry out this section.".

Mr. DeCamp asked unanimous consent to print the following amendment to LB 653 in the Journal. No objections. So ordered.

AM1288

(Amendments to AM1233)

1. Insert new sections as follows:

"Sec. 7. That section 8-198, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

8-198. The department ~~is~~ may be designated the receiver and liquidating agent ~~of failed or insolvent banks and such other financial institutions as the statutes provide shall be liquidated by such department. Such department shall accept appointment and act as receiver of any such institution the liquidation of which is being or is to be conducted as a judicial proceeding whenever a court having jurisdiction over such proceeding, in the exercise of its discretion, appoints the department as such receiver~~ for any financial institution subject to the department's jurisdiction and, subject to the district court's supervision and control, may proceed to liquidate such institution or reorganize it in accordance with sections 8-101 to 8-1,129.

Sec. 8. That section 8-199, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

8-199. Whenever the department has been designated receiver for an institution subject to its jurisdiction, the ~~The~~ department shall have all the powers and privileges provided by the laws of this state with respect to ~~other receivers~~ any other receiver, and

such incidental powers as shall be necessary to carry out an orderly and efficient liquidation or reorganization of any ~~bank or other~~ financial institution ~~of~~ for which it may have become receiver, either by operation of law or by judicial appointment. Acting ~~, and acting~~ by and through the director, ~~it~~ the department may in its own name as such receiver enforce on behalf of such institution, or its creditors or shareholders, by actions at law or in equity, all debts or other obligations of whatever kind or nature due to such institution~~,~~ or the creditors or shareholders thereof. In ~~, and in~~ like manner, the department ~~it~~ may make, execute, and deliver any and all deeds, assignments, and other instruments necessary and proper to effectuate any sale of real or personal property, or the settlement of any obligations belonging or due to such ~~bank or other~~ financial institution for which it may have become receiver, or its creditors or shareholders, when such sale or settlement is approved by the district court of the county in which such institution is located. The director shall receive no fees, salary, or other compensation for his or her services in connection with the liquidation or reorganization of such institutions other than his or her salary.

Sec. 12. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

2. On page 10, line 19, strike "the"; and in line 24 after "8-164," insert "8-198, 8-199,".

3. Renumber remaining sections accordingly.

## ATTORNEY GENERAL'S OPINION

Opinion No. 73
April 30, 1985

Dear Senator DeCamp:

This is in reply to your letter with an attachment offering the sale of tickets to what is called "The Michigan Instant Lottery". You ask if this violates any Nebraska laws. In a supplemental letter, you state that this is needed for a legislative purpose.

The material refers to a game in which you simply rub the latex coating away and you know "instantly" if you have won and the

value of your prize. It also states various ticket prices, such as five tickets for $12. It refers to winners, such as under $50 and over $50, and as high as $1 million in a drawing.

We assume that all of the elements considered by the Supreme Court of Nebraska as necessary for a lottery, i.e., chance, prize and consideration, are present. As you know, under Article 11 of Chapter 28 of the Nebraska statutes and under our Constitution, gambling is prohibited, except as specifically authorized by the Constitution and by the Legislature in carrying out the constitutional provision. This advertisement does not appear to qualify for any of the exempt categories.

Neb.Rev.Stat. §28-1110 (Reissue 1979) provides as follows:

> It shall be no defense to a prosecution under any provision of this article relating to a lottery that the lottery itself is drawn or conducted outside this state and is not in violation of the laws of the jurisdiction in which it is drawn or conducted.

In addition to that, the Supreme Court of Nebraska has held in two recent cases that where the requisite elements of the completed crime are committed in different jurisdictions, any state in which an essential part of the crime is committed has jurisdiction of the offense. State v. Hilpert, 213 Neb. 564; State v. Manchester, 213 Neb. 670.

In our opinion, using the mail to send solicitation into Nebraska resulting in a person in Nebraska sending money for lottery tickets and the return of the lottery tickets to the person in Nebraska would constitute an essential part of the commission of the crime in the State of Nebraska.

The Uniform Extradition Act contains a provision that a person committing an act in one state intentionally resulting in a crime in another state may be extradited. This has been adopted by Nebraska and is contained in Neb.Rev.Stat. §29-734. A same or similar provision is contained in the laws of most other states. See also, State v. Holeb, 188 Neb. 319.

Sincerely,
ROBERT M. SPIRE
Attorney General
(Signed) Mel Kammerlohr
Senior Assistant Attorney General

MK:dr
cc: Patrick J. O'Donnell
Clerk of the Legislature

## SELECT FILE

**LEGISLATIVE BILL 157.** Mr. Hall renewed his pending amendment, AM1084, found in the Journal on page 1873.

Mr. Chronister asked unanimous consent to be excused until he returns. No objections. So ordered.

Messrs. V. Johnson and Hoagland offered the following amendment to the pending Hall amendment:

To amend the Hall Amendment to have it apply only to pre-judgment interest.

**MR. LAMB PRESIDING**

Speaker Nichol and Mrs. Morehead asked unanimous consent to be excused until they return. No objections. So ordered.

The V. Johnson-Hoagland amendment lost with 14 ayes, 16 nays, 17 present and not voting, and 2 excused and not voting.

Mr. V. Johnson asked unanimous consent to be excused. No objections. So ordered.

Mr. Hall moved for a call of the house. The motion prevailed with 11 ayes, 0 nays, and 38 not voting.

Mr. Hall requested a roll call vote on his amendment.

Voting in the affirmative, 21:

| | | | | |
|---|---|---|---|---|
| Baack | Hall | Johnson, R. | Lynch | Schmit |
| Beyer | Hannibal | Labedz | Pappas | Scofield |
| DeCamp | Hartnett | Lamb | Remmers | Sieck |
| Eret | Higgins | Landis | Rupp | Smith |
| Goodrich | | | | |

Voting in the negative, 17:

| | | | | |
|---|---|---|---|---|
| Abboud | Chambers | Hoagland | Miller | Warner |
| Barrett | Goll | Johnson, L. | Rogers | Wesely |
| Beutler | Haberman | Lundy | Vickers | Withem |
| Carsten | Harris | | | |

Present and not voting, 9:

| | | | | |
|---|---|---|---|---|
| Chizek | Conway | Marsh | Nichol | Pirsch |
| Chronister | Hefner | Nelson | Peterson | |

Excused and not voting, 2:

Johnson, V. Morehead

The Hall amendment lost with 21 ayes, 17 nays, 9 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Mr. DeCamp renewed his pending amendment, AM1100, found in the Journal on page 1879.

Mr. DeCamp moved for a call of the house. The motion prevailed with 11 ayes, 0 nays, and 38 not voting.

Mr. DeCamp requested a roll call vote on his amendment.

Voting in the affirmative, 24:

| | | | | |
|---|---|---|---|---|
| Baack | DeCamp | Hartnett | Landis | Schmit |
| Beutler | Goodrich | Hoagland | Lynch | Vickers |
| Chambers | Haberman | Johnson, L. | Marsh | Wesely |
| Chizek | Hall | Johnson, R. | Miller | Withem |
| Conway | Hannibal | Labedz | Pappas | |

Voting in the negative, 22:

| | | | | |
|---|---|---|---|---|
| Abboud | Eret | Lamb | Peterson | Rupp |
| Barrett | Goll | Lundy | Pirsch | Sieck |
| Beyer | Harris | Nelson | Remmers | Smith |
| Carsten | Hefner | Nichol | Rogers | Warner |
| Chronister | Higgins | | | |

Present and not voting, 1:

Scofield

Excused and not voting, 2:

Johnson, V. Morehead

The DeCamp amendment lost with 24 ayes, 22 nays, 1 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Mr. Hall moved to reconsider the Haberman et al. motion to bracket LB 157 until Jan. 15, 1986.

Speaker Nichol asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Lundy moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

The Hall motion to reconsider prevailed with 25 ayes, 13 nays, 9 present and not voting, and 2 excused and not voting.

The Haberman et al. motion to bracket LB 157 until Jan. 15, 1986 was reconsidered.

Mr. Beutler offered the following amendment to the pending Haberman et al. motion:

To amend the Haberman motion to bracket, by striking "January 15, 1986" and inserting "May 15, 1985"

Mrs. Labedz 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. Beutler moved for a call of the house. The motion prevailed with 9 ayes, 0 nays, and 40 not voting.

Mr. Haberman requested a roll call vote on the Beutler amendment.

Voting in the affirmative, 26:

| | | | | |
|---|---|---|---|---|
| Baack | DeCamp | Higgins | Lynch | Schmit |
| Beutler | Eret | Hoagland | Miller | Scofield |
| Carsten | Hannibal | Johnson, L. | Nelson | Vickers |
| Chambers | Harris | Landis | Pappas | Wesely |
| Chizek | Hartnett | Lundy | Rupp | Withem |
| Conway | | | | |

Voting in the negative, 20:

| | | | | |
|---|---|---|---|---|
| Abboud | Chronister | Haberman | Johnson, R. | Nichol |
| Barrett | Goll | Hall | Labedz | Peterson |
| Beyer | Goodrich | Hefner | Lamb | Pirsch |

Remmers Rogers Sieck Smith Warner

Present and not voting, 1:

Marsh

Excused and not voting, 2:

Johnson, V. Morehead

The Beutler amendment was adopted with 26 ayes, 20 nays, 1 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

The Haberman et al. motion, as amended, to bracket prevailed with 29 ayes, 9 nays, 9 present and not voting, and 2 excused and not voting.

## STANDING COMMITTEE REPORT
### Miscellaneous Subjects

**LEGISLATIVE BILL 144.** Placed on General File as amended. (Standing Committee amendments printed separate from the Journal and on file in the Clerk's Office - Room 1102 - AM1291.)

(Signed) Elroy M. Hefner, Chairperson

## SELECT COMMITTEE REPORTS
### Enrollment and Review

### Correctly Engrossed

The following bills were correctly engrossed: 112, 216, 372, and 382.

(Signed) Timothy Hall, Chairperson

### Enrollment and Review Change to LB 372

The following changes, required to be reported for publication in the Journal, have been made:
ER0067

1. In the Landis amendment adopted April 29, 1985, underscoring has been inserted under all material within quotation marks.
2. In the Landis amendment, AM1174, adopted April 29, 1985,

on page 1, line 2, "2" has been struck and "5" inserted.

3. In the Standing Committee amendments, AM0495, on page 11, line 18, the comma has been struck.

**Enrollment and Review Change to LB 382**

The following changes, required to be reported for publication in the Journal, have been made:

ER0068

1. In the Wesely amendment, AM1187, adopted April 29, 1985:

a. On page 2, line 21, "44-1001" has been struck and "1 of Laws 1985, LB 508" inserted;

b. On page 3, line 23, "or" has been struck; in line 24 "nor the" has been struck and "or" inserted; and in line 25 "programs" has been struck and "program" inserted;

c. On page 4, line 7, the comma has been struck; and

d. Sections 18 and 19 have been renumbered as sections 19 and 18 respectively.

2. E & R amendment 3 has been struck.

3. On page 1, line 1, "hospitals" has been struck and "health care" inserted; and line 3 has been struck and "Hospital Consumer Information Act; to provide penalties; to" inserted.

(Signed) Mary Sommermeyer
E & R Attorney

**UNANIMOUS CONSENT - Print in Journal**

Messrs. Schmit and Wesely asked unanimous consent to print the following amendment to LB 102 in the Journal. No objections. So ordered.

On page 5, Line 22, after the word "dollars", insert ", which shall not include operation and maintenance costs,"

Mr. Haberman asked unanimous consent to print the following amendment to LB 553 in the Journal. No objections. So ordered.

AM1297

1. Insert the following new section :

"Sec. 7. That section 39-6,181, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-6,181. (1) The Department of Roads or the Nebraska State Patrol, with respect to highways under

its ~~their~~ jurisdiction including the National System of Interstate and Defense Highways, and county authorities with respect to highways under their jurisdiction may in their discretion upon application and good cause being shown therefor~~,~~ issue a special permit in writing authorizing the applicant or his or her designee (a) to operate or move a vehicle, a combination of vehicles or objects of a size or weight of vehicle or load exceeding the maximum specified by law when such permit is necessary to further the national defense or the general welfare, (b) to permit movement of cost-saving equipment to be used in highway or other public construction or in agricultural land treatment, or is necessary because of an emergency, an unusual circumstance, or a very special situation, (c) to operate vehicles loaded up to ~~twenty-five~~ fifteen per cent greater than the maximum ~~gross~~ weight specified by law, or up to ten per cent greater than the maximum length specified by law, or both, when carrying grain or other seasonally harvested products from the field where they are harvested to storage, market, or stockpile in the field, or from ~~storage or~~ stockpile to market or factory when failure to move in abundant quantities would cause an economic loss to the person or persons whose product or products are being transported or when failure to move such product or products in as large quantities as possible would not be in the best interests of the national defense or general welfare, except that no permit shall authorize a weight greater than twenty thousand pounds on any single axle, or (d) to operate a vehicle or vehicles loaded at a weight ~~twenty-five~~ fifteen per cent greater than the maximum weight specified by law, when carrying garbage or refuse during and including the days of April ~~15~~ 1 to ~~July 1~~ September 30 of each year. No ~~; PROVIDED, no~~ permit shall be issued under subdivisions (a) and (b) of this subsection for a vehicle carrying a load unless such vehicle is loaded with an object which exceeds the size or weight limitations and which object cannot be dismantled or reduced in size or weight without great difficulty and which of necessity must be moved over the highways to reach its intended destination. No ~~; AND PROVIDED FURTHER, no~~ permit shall be required for the temporary movement on roads other than dustless-surfaced state highways and for necessary

access to points on such highways during daylight hours of cost-saving equipment to be used in highway or other public construction or in agricultural land treatment where such temporary movement is necessary and for a reasonable distance.

(2) The application for any such permit shall specifically describe the vehicle and the load to be operated or moved and whenever possible the particular highways, roads, or streets for which permit to operate is requested, and whether such permit is requested for a single trip or for continuous operation.

(3) The department or county authority is authorized to issue or withhold such permit at its discretion; or, if such permit is issued, to limit the number of days during which the permit is valid, to limit the number of trips, ~~or~~ to establish seasonal or other time limitations within which the vehicles described may be operated on the highways indicated, or to issue a continuing permit for use only on highways other than the National System of Interstate and Defense Highways to ~~(a)~~ a manufacturer or its carrier covering all similar vehicles or products produced by such manufacturer, ~~or (b) the owner of vehicles described in subdivision (1)(c) of this section,~~ subject to reasonable conditions as to periodic renewal of such permit and as to operation or movement of such vehicles, or otherwise to limit or prescribe conditions of operation of such vehicle or vehicles, when necessary to assure against undue damage to the road foundations, surfaces, or structures or undue danger to the public safety, and may require such undertaking or other security as may be deemed necessary to compensate for any injury to any roadway or road structure.

(4) Every such permit shall be carried in the vehicle to which it refers and shall be open to inspection by any police officer or authorized agent of any authority granting such permit. Each such permit shall state the maximum weight permissible on a single axle or combination of axles and the total gross weight allowed. No person shall violate any of the terms or conditions of such special permit and in case of any violation, the permit shall be deemed automatically revoked and the penalty of the original limitations shall be applied unless the violation consists solely of exceeding the size or weight specified by the permit, in

which case only the penalty of the original size or weight limitation exceeded shall be applied, or unless the total gross load is within the maximum authorized by the permit and no axle is more than ten per cent in excess of the maximum load for such axle or group of axles authorized by the permit and such load can be shifted to meet the weight limitations of wheel and axle loads authorized by such permit. Such shift may be made without penalty provided that such shift is made at the state or commercial scale designated in the permit. The vehicle may travel from its point of origin to such designated scale without penalty, and a scale ticket from such scale, showing the vehicle to be properly loaded and within the gross and axle weights authorized by the permit, shall be reasonable evidence of compliance with the terms of the permit.

(5) The department or county authority issuing a permit as provided in this section may promulgate rules and regulations with respect to the issuance of permits provided for in this section.

(6) The department or county authority issuing a permit may require a permit fee of not to exceed ten dollars, except ~~; PROVIDED,~~ that the fee for a continuing permit may not exceed twenty-five dollars for a ninety-day period, fifty dollars for a one hundred eighty-day period, or one hundred dollars for a one-year period. The fee for permits issued pursuant to subdivision (1)(c) of this section shall be twenty-five dollars and the permits shall be valid for thirty days. Such permits shall be renewable four times per year. A vehicle or combination of vehicles for which an application for a permit is requested pursuant to this section shall be registered under section 60-305.09 or 60-331, for the maximum gross vehicle weight that is permitted pursuant to section 39-6,180, before a permit shall be issued.".

2. In the Warner amendment, beginning on page 1587 of the Journal, on page 3, line 20, before "and" insert "39-6,181,".

3. Renumber remaining sections accordingly.

Mr. Conway asked unanimous consent to print the following amendment to LB 273 in the Journal. No objections. So ordered.

AM1285

(Amendments to Standing Committee amendments)

1. On page 5, strike beginning with "prove" in line 9 through line 11 and insert "determine whether the equipment qualifies for the refund."; and in line 13, after "77-2708" insert ", except that the Tax Commissioner shall approve qualifying claims filed under the Manufacturing and Processing Equipment Tax Refund Act within sixty days after the refund claim for qualifying equipment is completed under subsection (2) of this section".

Mr. Conway asked unanimous consent to print the following amendment to LB 715 in the Journal. No objections. So ordered.

AM1286

(Amendments to AM0523)

1. On page 46, strike beginning with "prove" in line 22 through line 23 and insert "determine whether the equipment qualifies for the refund."; and in line 25 after "77-2708" insert ", except that the Tax Commissioner shall approve qualifying claims filed under the Manufacturing and Processing Equipment Tax Refund Act within sixty days after the refund claim for qualifying equipment is completed under subsection (2) of this section".

## VISITORS

Visitors to the Chamber were 15 fifth through eighth grade students and sponsor from Ruskin; Troy James; 12 fourth through eighth grade students and sponsor from District 74 School, Boone; 50 fourth grade students and sponsors from Fairbury Public School; 11 second through eighth grade students and sponsor from District 22 School, West Point; and 50 fourth grade students and sponsor from Norfolk Public Schools.

## ADJOURNMENT

At 4:06 p.m., on a motion by Mrs. Nelson, the Legislature adjourned until 9:00 a.m., Friday, May 3, 1985.

Patrick J. O'Donnell
Clerk of the Legislature

# SEVENTY-SECOND DAY - MAY 3, 1985

## LEGISLATIVE JOURNAL

## EIGHTY-NINTH LEGISLATURE
## FIRST SESSION

## SEVENTY-SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Friday, May 3, 1985

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Nichol presiding.

## PRAYER

The prayer was offered by Reverend Gale Prentice, Presbyterian Church of the Master, Omaha, Nebraska.

## ROLL CALL

The roll was called and all members were present except Mr. Pappas who was excused; and Messrs. Beutler, Chambers, Chizek, Hall, Hefner, R. Johnson, V. Johnson, Landis, Wesely, Mesdames Higgins, and Nelson who were excused until they arrive.

## CORRECTIONS FOR THE JOURNAL

The Journal for the Seventy-First Day was approved.

## UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendment to LB 713 in the Journal. No objections. So ordered.

AM1292

(Amendments to AM1232)

1. On page 1, strike beginning with "Sections" in line 3 through line 23 and insert: There is hereby appropriated $8,500,000 from the General Fund for the period July 1, 1985, to June 30, 1986, to the

Department of Banking and Finance as receiver for Commonwealth Savings Company in settlement of any and all claims against the State of Nebraska relating to the insolvency of such company.

Sec. 2. The Director of Administrative Services is hereby authorized and directed to draw his or her warrants on or before June 30, 1986, upon the General Fund in the state treasury, in favor of the claimants against Commonwealth Savings Company for the amounts as determined by the Receiver of Commonwealth Savings Company upon the presentation of proper vouchers therefor. The aggregated amount herein appropriated shall be in full settlement and satisfaction of any and all claims of every character and kind owing by the State of Nebraska to each of the claimants in whose favor the appropriation is made. The director shall not deliver any warrant for any item herein appropriated until a receipt in full shall have been filed by each of the claimants respectively. Upon presentation of the warrants, the State Treasurer is hereby directed to pay the same out of money in the General Fund.

2. Strike pages 2 through 12.

## PROPOSED RULE CHANGE

Mr. Lamb asked unanimous consent to print the following proposed rule change. No objections. So ordered.

To amend Rule 7, Sec. 5, to read as follows:

Sec. 5. Call of the House. A call of the House may be made by any member in the manner following: "I move for a call of the House." The presiding officer shall direct that the board be cleared and the members shall then vote on placing themselves under call. If a majority of the senators present and voting, vote in favor of such a motion, then the Legislature shall be deemed to be under call. Each member present shall indicate his or her presence upon the electric roll call system and shall remain in his or her seat during the call. After the Clerk shall note the names of the absentees, proceedings under the call may be suspended at any time by a majority vote of the members then present, and when so suspended shall not again be ordered on the proposition pending, except by a majority vote of the members elected. If all absentees were to vote on one side of the question, and if their combined vote would be insufficient to change the result of the vote, the President shall declare the call raised.

Once a vote is begun, the call shall not be raised until the vote on

the question has been announced.

Referred to the Rules Committee.

## ATTORNEY GENERAL'S OPINION

April 30, 1985

Dear Senators:

On February 22, 1985, the Nebraska Unicameral passed Legislative Resolution 53, which requests this office to

> initiate a lawsuit in the United States District Court on behalf of the State of Nebraska, seeking to enjoin the Federal Deposit Insurance Corporation from enforcing its decision not to cover losses in accounts above $100,000 at the State Bank of Dannebrog and the Uehling State Bank or, in the alternative, seeking to recover appropriate monetary damages from the FDIC for losses suffered by the State of Nebraska as a result of the FDIC's discriminatory policy.

LR 53 (1985). The FDIC allegedly discriminated against the Nebraska banks by covering the accounts at the two banks in question in a different manner than accounts at Continental Illinois National Bank and other institutions. Based upon our review of the relevant legal materials and an analysis of the facts behind the failure of the Nebraska banks and the FDIC action in the matter of Continental Illinois National Bank, we must respectfully decline to bring the requested action against the Federal Deposit Insurance Corporation.

For the following reasons, it is our opinion that the State of Nebraska does not have a cause of action against the FDIC or, if a cause of action could be stated, the State of Nebraska would be unlikely to prevail.

The first distinction between the action taken by the FDIC in the matter of Continental Illinois National Bank and the Uehling State Bank and the State Bank of Dannebrog is the difference in the factual setting. The FDIC was appointed as receiver for the two Nebraska banks in question after they had been declared insolvent and had been taken over by the Nebraska Department of Banking and Finance. In the case of Continental Illinois, the FDIC acted to stem a run on the bank's deposit base and not to solve a problem of insufficient capital resources. Also, given the size of Continental Illinois and the large number of its correspondent banks, the FDIC acted in conjunction with the Federal Reserve Board to prevent a collapse of the bank to minimize the damage to the national banking

system.

A reading of the statutory authority of the FDIC would indicate that it was authorized to take the action it did in the situation of Continental Illinois and was probably required to take the steps it did in the cases of the State Bank of Dannebrog and the Uehling State Bank. Section 13(c) of the Federal Deposit Insurance Act provides:

> The corporation is authorized, in its sole discretion, and upon such terms and conditions as the board of directors may prescribe, to make loans to, to make deposits in, to purchase the assets or securities of, the assume the liabilities of, or to make contributions to, any insured bank . . .

(Emphasis supplied.)

It is clear that this statute authorized the FDIC to take the action that it did and grants the FDIC broad discretion in determining which course of action to pursue. Under §13(c) (4) of the Federal Deposit Insurance Act, the FDIC must choose the course of action which results in the least cost to the corporation.

Because of the fraud at the Uehling State Bank, it was impossible for the FDIC to determine what course of action would result in the least cost to the corporation. Therefore, it chose to effectuate a deposit transfer. This involved taking bids from individuals and banks to be the payout agent for the FDIC. In the case of the State Bank of Dannebrog, there was a large number of claims against the bank and its bonding company. Because of the large number of contingent claims, the FDIC was unable to determine that a purchase and assumption of the bank's assets and liabilities would be cheaper than a payout and liquidation. An effort was made to effectuate a deposit transfer. However, no bids were received on the right to act as the FDIC's agent, and consequently, the FDIC paid all insured depositors directly.

Based upon the above analysis, we do not feel that it would be a proper use of the limited resources of the Attorney General's office to file a lawsuit against the Federal Deposit Insurance Corporation based upon the request in Legislative Resolution 53. You may rest assured that we shall pursue all other avenues to obtain a recovery of the State's funds lost at the Uehling State Bank and the State Bank of Dannebrog. We remain

Respectfully yours,
ROBERT M. SPIRE
Attorney General

RMS:dr
cc: Patrick J. O'Donnell
Clerk of the Legislature

## UNANIMOUS CONSENT - Member Excused

Mrs. Morehead asked unanimous consent to be excused until she returns. No objections. So ordered.

## RESOLUTIONS

**LEGISLATIVE RESOLUTION 251.** Read. Considered.

Mr. Sieck asked unanimous consent to have his name added as co-introducer to LR 251. No objections. So ordered.

LR 251 was adopted with 28 ayes, 0 nays, and 21 not voting.

**LEGISLATIVE RESOLUTION 253.** Read. Considered.

LR 253 was adopted with 27 ayes, 0 nays, and 22 not voting.

**LEGISLATIVE RESOLUTION 254.** Read. Considered.

LR 254 was adopted with 29 ayes, 0 nays, and 20 not voting.

**LEGISLATIVE RESOLUTION 255.** Read. Considered.

LR 255 was adopted with 27 ayes, 0 nays, and 22 not voting.

Mr. DeCamp asked unanimous consent to be excused until he returns. No objections. So ordered.

**LEGISLATIVE RESOLUTION 256.** Read. Considered.

LR 256 was adopted with 29 ayes, 0 nays, and 20 not voting.

## SPEAKER'S ANNOUNCEMENT

Pursuant to Rule 4, Sec. 8, LR 252 was referred to the Reference Committee.

## UNANIMOUS CONSENT - Print in Journal

Messrs. Vickers and Warner asked unanimous consent to print the following amendment to LB 60 in the Journal. No objections. So ordered.

AM1261

1. Insert the following new sections:

"Section 1. That section 2-2301, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-2301. Sections 2-2301 to 2-2319 and section 4 of this act may be cited as the Nebraska Wheat Resources Act.

Sec. 4. If the board uses checkoff funds to influence legislation, any grower who has an assessment deducted by the board may, upon written application to the board, secure a refund. The refund shall be in an amount at least equal to the amount of the assessment times the percentage of the board's annual budget used to influence legislation. The board may elect to return a higher percentage, including one hundred per cent, of the assessment to the grower. The refund shall be payable by the board upon application within sixty days after the deduction. Each application for a refund by a grower shall have attached thereto proof of the assessment deducted. There shall be no refunds for assessments deducted prior to the effective date of this act.

Sec. 5. That section 2-3601, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-3601. Sections 2-3601 to 2-3635 and section 7 of this act shall be known and may be cited as the Nebraska Corn Resources Act.

Sec. 7. If the board uses checkoff funds to influence legislation, any grower who has an assessment deducted by the board may, upon written application to the board, secure a refund. The refund shall be in an amount at least equal to the amount of the assessment times the percentage of the board's annual budget used to influence legislation. The board may elect to return a higher percentage, including one hundred per cent, of the assessment to the grower. The refund shall be payable by the board upon application within sixty days after the deduction. Each application for a refund by a grower shall have attached thereto proof of the assessment deducted. There shall be no refunds for assessments deducted prior to the effective date of this act.

Sec. 8. That section 2-4001, Reissue Revised Statutes of Nebraska, 1943, be amended to read as

follows:

2-4001. Sections 2-4001 to 2-4020 and section 10 of this act shall be known and may be cited as the Grain Sorghum Resources Act.

Sec. 10. If the board uses checkoff funds to influence legislation, any grower who has an assessment deducted by the board may, upon written application to the board, secure a refund. The refund shall be in an amount at least equal to the amount of the assessment times the percentage of the board's annual budget used to influence legislation. The board may elect to return a higher percentage, including one hundred per cent, of the assessment to the grower. The refund shall be payable by the board upon application within sixty days after the deduction. Each application for a refund by a grower shall have attached thereto proof of the assessment deducted. There shall be no refunds for assessments deducted prior to the effective date of this act.

Sec. 11. That section 54-2101, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

54-2101. Sections 54-2101 to 54-2119 and section 13 of this act shall be known and may be cited as the Nebraska Beef Industry Development Act.

Sec. 13. If the board uses checkoff funds to influence legislation, any producer who has an assessment deducted by the board may, upon written application to the board, secure a refund. The refund shall be in an amount at least equal to the amount of the assessment times the percentage of the board's annual budget used to influence legislation. The board may elect to return a higher percentage, including one hundred per cent, of the assessment to the producer. The refund shall be payable by the board upon application within sixty days after the deduction. Each application for a refund by a producer shall have attached thereto proof of the assessment deducted. There shall be no refunds for assessments deducted prior to the effective date of this act.".

2. On page 8, line 19, after "sections" insert "2-2301," and after "2-3311," insert "2-3601,"; and in line 20 after "2-3622," insert "2-4001," and after "2-4011," insert "54-2101,".

3. Renumber the remaining sections

16 accordingly.

## SELECT FILE

**LEGISLATIVE BILL 236.** E & R amendments, AM5150, found in the Journal on page 1859 for the Sixty-Fifth Day were adopted.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 715.** E & R amendments, AM5151, found in the Journal on page 1942 for the Sixty-Eighth Day were adopted.

Mr. V. Johnson renewed his pending amendment, AM1157, found in the Journal on page 1987.

The V. Johnson amendment was adopted with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

Mr. Conway renewed his pending amendment, AM1286, found in the Journal on page 2040.

The Conway amendment was adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Mrs. Higgins offered the following amendment:
1 1. On pg. 38, line 26, strike "and" and ";" and after
2 "farming" insert ", or by any hospital;"

Mrs. Higgins moved for a call of the house. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

Mrs. Higgins requested a roll call vote on her amendment.

Voting in the affirmative, 25:

| | | | | |
|---|---|---|---|---|
| Abboud | Conway | Hall | Lynch | Rupp |
| Baack | Eret | Harris | Nelson | Schmit |
| Beyer | Goll | Hartnett | Nichol | Smith |
| Carsten | Goodrich | Higgins | Remmers | Wesely |
| Chizek | Haberman | Labedz | Rogers | Withem |

Voting in the negative, 11:

| | | | | |
|---|---|---|---|---|
| Johnson, L. | Landis | Marsh | Scofield | Vickers |
| Johnson, V. | Lundy | Miller | Sieck | Warner |
| Lamb | | | | |

Present and not voting, 9:

| | | | | |
|---|---|---|---|---|
| Barrett | Chronister | Hefner | Morehead | Pirsch |
| Chambers | Hannibal | Hoagland | Peterson | |

Excused and not voting, 4:

| | | | |
|---|---|---|---|
| Beutler | DeCamp | Johnson, R. | Pappas |

The Higgins 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. Sieck moved the previous question. The question is, "Shall the debate now close?"

Mr. V. Johnson 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, 7 nays, and 17 not voting.

The Chair declared the call raised.

Mr. Haberman requested a record vote on the advancement of the bill.

Voting in the affirmative, 26:

| | | | | |
|---|---|---|---|---|
| Beutler | Hannibal | Labedz | Miller | Sieck |
| Chambers | Hartnett | Landis | Nelson | Vickers |
| Chizek | Higgins | Lundy | Pirsch | Warner |
| Conway | Hoagland | Lynch | Schmit | Wesely |
| Eret | Johnson, V. | Marsh | Scofield | Withem |
| Hall | | | | |

Voting in the negative, 21:

| | | | | |
|---|---|---|---|---|
| Abboud | Chronister | Haberman | Johnson, R. | Remmers |
| Baack | DeCamp | Harris | Lamb | Rogers |
| Barrett | Goll | Hefner | Morehead | Rupp |
| Beyer | Goodrich | Johnson, L. | Peterson | Smith |
| Carsten | | | | |

Present and not voting, 1:

Nichol

Excused and not voting, 1:

Pappas

Advanced to E & R for Engrossment with 26 ayes, 21 nays, 1 present and not voting, and 1 excused and not voting.

## SELECT COMMITTEE REPORTS
### Enrollment and Review

**LEGISLATIVE BILL 723.** Placed on Select File as amended.
E & R amendments to LB 723:
AM5157

1. On page 4, line 15, after the first "for" insert "the".
2. On page 10, line 18, strike "highest ranking" and insert "highest-ranking".
3. On page 11, line 6, strike the comma.
4. On page 13, line 8, strike "sections 81-173 to 81-191" and insert "the Deferred Building Renewal Act".
5. On page 14, line 3, strike "Second Session,".
6. On page 16, line 11, after "appropriated" insert "(1)".
7. On page 18, line 25, strike the comma.
8. On page 19, line 10, strike "; and" and insert a period.
9. On page 22, line 10, after "Fund" insert a comma.
10. On page 23, lines 11, 13, 15, and 18, strike the dash and insert paragraphing; in line 19 strike the colon; in line 20 insert paragraphing before the first "Programs"; in line 25 strike the second dash; and in line 26 insert paragraphing before "Programs".
11. On page 24, line 11, strike the period and insert a semicolon.

**LEGISLATIVE BILL 728.** Placed on Select File.

**LEGISLATIVE BILL 564.** Placed on Select File as amended.
E & R amendment to LB 564:
AM5160

1. In the Hannibal-Landis amendment adopted April 30, 1985, found on page 1967 of the Journal, before line 1 insert:

"Insert the following new amendments:"; in line 1 before "On" insert "3."; underscore beginning with "for" in lines 1 and 3, respectively, through "1986" in lines 2 and 4, respectively; and in line 3 before "On" insert "4.".

**LEGISLATIVE BILL 420.** Placed on Select File as amended.
E & R amendment to LB 420:
AM5158

1. On page 1, strike beginning with "a" in line 1 through "authorize" in line 2; and in line 3 after "Services" insert "; to authorize the department".

**LEGISLATIVE BILL 727.** Placed on Select File as amended.
E & R amendment to LB 727:
AM5159

1. On page 1, line 1, after "ACT" insert "relating to homestead exemptions;".

**LEGISLATIVE BILL 718.** Placed on Select File as amended.
E & R amendments to LB 718:
AM5161

1. In the Standing Committee amendments, AM0965:

a. On page 1, line 5, after the comma insert "68508";

b. On page 4, line 22, strike the period; and

c. On page 5, line 19, strike the second period.

2. On page 4, line 9, strike "apposite" and insert "opposite".

3. On page 5, line 5, strike "60" and insert "060".

(Signed) Timothy Hall, Chairperson

**UNANIMOUS CONSENT - Print in Journal**

Mr. Lamb asked unanimous consent to print the following

amendment to LB 633 in the Journal. No objections. So ordered.

AM1290

1. In the Lamb amendment on page 1999 of the Journal, in line 3 after "board" insert "or governing authority of a private school"; and in lines 3 and 7 strike "biannual" and insert "biennial".

## SELECT FILE

**LEGISLATIVE BILL 273.** E & R amendments, AM5152, found in the Journal on page 1944 for the Sixty-Eighth Day were adopted.

Mr. Chizek asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. DeCamp asked unanimous consent to withdraw his pending amendment, AM1080, found in the Journal on page 1875. No objections. So ordered.

Mr. Eret renewed his pending amendment, AM1180, found in the Journal on page 1925.

The Eret amendment was adopted with 28 ayes, 0 nays, 19 present and not voting, and 2 excused and not voting.

Mr. Schmit asked unanimous consent to withdraw his pending amendment, AM1192, found in the Journal on page 1995. No objections. So ordered.

Mr. V. Johnson renewed his pending amendment, AM1278, found in the Journal on page 2018.

The V. Johnson amendment was adopted with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

Mr. Conway renewed his pending amendment, AM1285, found in the Journal on page 2039.

The Conway amendment was adopted with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

Messrs. Landis and Rogers offered the following amendment:
AM1306

(Amendments to Standing Committee Amendments)

1. On page 169, line 27, after the second comma, insert "and also sections 77-3,101 to 77-3,108, Reissue Revised Statutes of Nebraska, 1943,".

The Landis-Rogers amendment was adopted with 25 ayes, 0 nays, 22 present and not voting, and 2 excused and not voting.

Mr. Haberman requested a machine vote on the advancement of the bill.

Advanced to E & R for Engrossment 25 ayes, 2 nays, 20 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 271.** E & R amendments, AM5154, found in the Journal on page 1988 for the Seventieth Day were adopted.

Speaker Nichol asked unanimous consent to withdraw his pending amendment found in the Journal on page 1928. No objections. So ordered.

Messrs. Landis, Rogers, and Miller offered the following amendment: AM1304

(Amendments to AM1025)

1. On page 7, line 2, before "An" insert "(1)"; in line 9 strike "(1)" and insert "(a)"; in line 12 strike "(2)" and insert "(b)"; in line 14 strike "(3)" and insert "(c)"; after line 17 insert a new subsection as follows:

"The agricultural land valuation manual shall contain allowances to adjust actual values for irrigation costs and land productivity cost variations. Adjustments shall be based on empirical data and apply to areas with uniform characteristics which are within or which cross county lines. Upon written application to and approval from the Tax Commissioner a county assessor may apply such adjustments to specific parcels of agricultural land and horticultural land. No other site specific adjustments shall be made. The provisions of this subsection shall be strictly construed to maintain the concept of statewide mass appraisal of agricultural land and horticultural land.".

2. On page 11, strike beginning with "chairperson" in line 24 through "Committee" in line 25 and insert "Director of Agriculture".

3. On page 13, line 20, after "new" insert "statewide"; in lines 23 and 25 strike "statewide"; and

in line 24 after "land" insert "in any crop reporting district".

4. Insert new sections as follows:

"Sec. 14. That section 77-1330, Revised Statutes Supplement, 1984, be amended to read as follows:

77-1330. (1) The Tax Commissioner shall prepare, issue, and annually revise guides for county assessors in the form of handbooks of rules and regulations, appraisal manuals, special manuals and studies, cost and price schedules, news and reference bulletins, property tax laws, and memorandums. County assessors shall continually use such guides in the performance of their duties. All appraisals or reappraisals of property for tax purposes shall be in compliance with such manuals and guides.

(2) At any time after an examination has been conducted of the county books and records by the Department of Revenue and when it is apparent that the county has failed or neglected to implement any guide prescribed or issued pursuant to subsection (1) of this section, the Tax Commissioner may, after notice and a hearing conducted in accordance with Chapter 84, article 9, order whatever corrective measures the Tax Commissioner deems necessary to secure compliance with subsection (1) of this section. The values resulting from such corrective measures shall be placed upon the assessment rolls and used as a basis for taxation for the current tax year if deemed possible by the Tax Commissioner, otherwise for the next calendar year. Each property owner shall be notified of the valuations to be used, in the manner required by section 77-1315, and individual protests may be taken from such valuations in the manner prescribed by section 77-1502, except that if the Tax Commissioner determines that corrective measures are able to be made for the current tax year, the Tax Commissioner shall have authority to extend statutory due dates and filing requirements corresponding to the correction. Any current year corrections shall be completed no later than August 10. The performance of such corrective measures shall be a charge on the county and, upon completion, ~~thereof~~ the Tax Commissioner shall notify the county board of the cost and make demand for such cost. If payment is not received within sixty days after the mailing of such

demand, the Tax Commissioner shall forthwith report such fact to the State Treasurer. The State Treasurer shall immediately make payment to the Department of Revenue for the costs incurred by the department for such corrective measures. The payment shall be made out of any money to which such county may be entitled under ~~the provisions of~~ Chapter 77, articles 27 ~~2~~ and 35, and Chapter 66, articles 4 and 6.

Sec. 23. That original section 77-1330, Revised Statutes Supplement, 1984, is repealed.".

5. On page 18, line 21 after the stricken "(4)" insert "(2)"; reinstate the stricken matter beginning with "Sale" in line 21 through the semicolon in line 22; and in line 26 strike "(2)" and insert "(3)".

6. On page 19, line 3, strike "(3)" and insert "(4)"; in line 4 strike "(4)" and insert "(5)"; and in line 7 strike "(5)" and insert "(6)".

7. On page 20, line 23, strike "14 to 19, and 21" and insert "15 to 20, and 22".

8. Renumber remaining sections accordingly.

Mr. Peterson asked unanimous consent to be excused until he returns. No objections. So ordered.

The Landis-Rogers-Miller amendment was adopted with 28 ayes, 0 nays, 19 present and not voting, and 2 excused and not voting.

Mr. DeCamp renewed his pending amendment, AM1209, found in the Journal on page 1936.

Mr. Haberman moved for a call of the house. The motion lost with 4 ayes, 12 nays, and 33 not voting.

Mrs. Smith and Mr. Miller 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. Landis moved for a call of the house. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

The motion to cease debate prevailed with 27 ayes, 9 nays, and 13 not voting.

The Chair declared the call raised.

Mr. DeCamp moved for a call of the house. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

Mr. Haberman requested a record vote on the DeCamp amendment.

Voting in the affirmative, 13:

| | | | | |
|---|---|---|---|---|
| Beyer | Haberman | Johnson, R. | Peterson | Schmit |
| Carsten | Hefner | Lamb | Rupp | Wesely |
| DeCamp | Johnson, L. | Nichol | | |

Voting in the negative, 30:

| | | | | |
|---|---|---|---|---|
| Abboud | Goll | Higgins | Lynch | Rogers |
| Baack | Goodrich | Hoagland | Marsh | Scofield |
| Barrett | Hall | Johnson, V. | Morehead | Sieck |
| Chizek | Hannibal | Labedz | Nelson | Vickers |
| Conway | Harris | Landis | Pirsch | Warner |
| Eret | Hartnett | Lundy | Remmers | Withem |

Present and not voting, 3:

| | | |
|---|---|---|
| Beutler | Chambers | Chronister |

Excused and not voting, 3:

| | | |
|---|---|---|
| Miller | Pappas | Smith |

The DeCamp amendment lost with 13 ayes, 30 nays, 3 present and not voting, and 3 excused and not voting.

Pending.

## BILL ON FIRST READING

The following bill was read for the first time by title:

**LEGISLATIVE BILL 87A.** By Wesely, 26th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 87, Eighty-ninth Legislature, First Session, 1985.

## UNANIMOUS CONSENT - Print in Journal

Mr. Wesely asked unanimous consent to print the following amendment to LB 127 in the Journal. No objections. So ordered.

AM1117

1. Insert the following new section:

"Sec. 2. (1) When purchasing products, materials, or supplies for use by the State of Nebraska, the Department of Administrative Services, the University of Nebraska, and any other agency making such purchases shall give preference to products, materials, and supplies which are manufactured or produced from recycled material. Such preference shall not operate when such preference would result in the purchase of products, materials, or supplies which are of inadequate quality or substantially higher cost.

(2) When purchasing products for use by the State of Nebraska, the Department of Administrative Services, the University of Nebraska, and any other agency making such purchases shall give preference to products, materials, and supplies which can be readily reused or recycled after their normal use. Such preference shall not operate when such preference would result in the purchase of products, materials, or supplies which are of inadequate quality or substantially higher cost.

(3) The Department of Administrative Services and the University of Nebraska shall encourage venders to supply information regarding the recycled material content and the recyclability of their products, materials, and supplies. The Department of Administrative Services and the University of Nebraska shall submit a report to the Clerk of the Legislature and the Environmental Control Council on or before June 30, 1986, and every two years thereafter on the progress made in implementing this section. The report shall identify efforts to encourage venders to provide information on the recycled material content and recyclability of their products, efforts to encourage venders of recycled products, materials, and supplies to bid on contracts to supply goods to the state, problems encountered in the implementation of this section, and estimates, whenever possible, of the percentage of

products, materials, and supplies purchased in the preceding two years which were manufactured or produced from recycled materials, or received the preference prescribed in subsection (1) or (2) of this section.

(4) The Department of Administrative Services and the University of Nebraska may adopt and promulgate rules and regulations necessary to carry out the purposes of this section.".

2. Renumber the remaining section accordingly.

## NOTICE OF COMMITTEE HEARINGS
**Public Works**

Governor Appointments Thursday, May 9, 1985 8:30 A.M.
Michael J. O'Hara - Power Review Board
Daniel Meyer - Power Review Board

(Signed) Loran Schmit, Chairperson

## REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of May 2, 1985. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Bartie, Robert F. - Lincoln, Retail Merchants Association of Nebraska Inc.
Brashear II, Kermit A. - Omaha, Nucor Corporation
Glaess, Mark - Lincoln, (Withdrawn 5/3/85), Nebraska Rural Electric Association
McCullough, Mardy - Grant, Kelley, Kelley & Lehan
Radcliffe, Walter/Tews & Radcliffe
Radcliffe, Walter H. - Lincoln, Prudential Insurance Company of America
Ryan, James E. - Lincoln, Farmers Mutual Insurance Company of Nebraska, Great West Casualty Company

## MESSAGE FROM THE GOVERNOR

May 3, 1985

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 97, 183, 279, 207 and 413 were received in my office on April 30, 1985.

These bills were signed by me on May 3, 1985 and delivered to the Secretary of State.

Sincerely,
(Signed) ROBERT KERREY
Governor

RK/jm

## VISITORS

Visitors to the Chamber were 24 eighth grade students and sponsor from Bassett Elementary School; 50 students and sponsor from Fremont High School; Bryan Hauxwell from McCook; 17 sixth through eighth grade students and sponsor from District 8 School, McCook; and 25 seventh and eighth grade students and sponsors from Hildreth Public School.

## RECESS

At 12:03 p.m., on a motion by Mr. Harris, the Legislature recessed until 1:30 p.m.

## AFTER RECESS

The Legislature reconvened at 1:32 p.m., Speaker Nichol presiding.

## ROLL CALL

The roll was called and all members were present except Messrs. Haberman and Pappas who were excused; and Messrs. Barrett, Beutler, Chronister, Conway, Goodrich, Hannibal, Hoagland, Miller, Peterson, Rupp, Withem, Mesdames Higgins, and Labedz who were excused until they arrive.

## REPORT OF EXECUTIVE BOARD

April 24, 1985

1985 Resolutions Calling for a Study

62 Possible legislation regarding martial arts weapons and their use in Nebraska. (Lundy, Chronister) Judiciary

87 Retirement Committee study of the following: data on wealth held by retirees; evaluation of how pension benefits, social security, and asset income work together to provide retirement income for Nebraskans. (Harris) Nebraska Retirement Systems

89 Study by Government Committee relating to the timing of primary elections. (Hoagland, Withem) Government, Military and Veterans Affairs

94 Retirement Committee examine issues related to providing early retirement incentives, etc. (Harris) Nebraska Retirement Systems

98 Examination of rule-making procedures employed by state agencies & comparison with Model Administrative Procedures Act. (Administrative Rules and Regulations Committee - Hannibal) Administrative Rules and Regulations

99 Study of the need to update the NE statutes relative to NE Tractor Engine testing law. (Haberman, Sieck, Chronister, etc.) Agriculture and Environment

100 Study by Revenue Committee of the process and methods of reappraisal of property in NE. (Lynch) Revenue

101 Study by Urban Affairs Committee of NE Housing authorities. (Lynch) Urban Affairs

102 Study of NEs current system of taxation of insurance companies and the feasibility of alternative methods of taxation. (Lynch) Revenue

103 Study of benefits and disadvantages of mandatory arrest in cases involving domestic violence. (Marsh) Judiciary

105 Problems and solutions thereto associated with Alzheimer's disease. (Carsten, Lamb) Public Health and Welfare

106 Study of municipal elections in cities of the metropolitan class. (Goodrich) Government, Military and Veterans Affairs

107 Study by Revenue Committee of Nebraska's current system of taxation of motor vehicles. (Lundy) Revenue

108 Study to identify and examine actions taken by state government to attract and retain industry. (Goodrich)

Banking, Commerce and Insurance

110 Review and evaluate the implementation of LB 409, 1981, relative to education requirements for abstractors. (Remmers) Banking, Commerce and Insurance

111 Study by Public Health Committee of the necessity of instituting a licensing procedure to license business entities engaging in removal or encapsulation of asbestos. (Chizek) Public Health and Welfare

112 Study by Government Committee of involvement of Nebraskans in extremist groups. (Chizek) Judiciary

113 Study by Judiciary Committee of the feasibility of instituting procedure which allows a person charged with violating traffic law to deposit his/her driver's license. (Chizek) Judiciary

114 Study by Health Committee of Nebraska's Medicaid Program and the relevant federal rules and regulations. (Chizek) Public Health and Welfare

115 Study of the impact of residential utility shutoffs on low-income persons. (Marsh) Public Works

116 Study by Government Committee on the effectiveness of the NE Racing Commission. (Withem, Hoagland) Government, Military and Veterans Affairs

117 Study by Health Committee of the effectiveness of current enforcement procedures under health care licensure and practices act. (Withem, Lamb) Public Health and Welfare

118 Study of issues of civil law and procedures in Nebraska. (Hoagland) Judiciary

119 Study Rules of the Road and laws intended to improve highway safety. (Hoagland) Public Works

121 Study issue of whether membership in the NE State Bar Assn should be required to attorneys wishing to practice law in Nebraska. By joint Constitutional Revision and Judiciary Committees. (Rupp) Judiciary/Constitutional Revision and Recreation

122 Study of Nebraska's system of providing vocational rehab services to disabled individuals. (V. Johnson) Education

124 Study possibility of providing structured lifeline telephone service to certain individuals and families. (Pappas) Public Works/Telecommunications

125 Study by Agriculture Committee of the feasibility of NE leading agricultural seed industry by developing a cold test on certain agricultural seeds. (Pappas) Agriculture and Environment

126 Study the annual income reporting requirements of NE residents to consider establishing a reliable state compilation

of net farm income statistics. (Eret) Revenue

127 Study by Urban Affairs Committee of the authority which municipalities have to regulate utility rates. (Withem) Urban Affairs

128 Study to investigate the need to legalize "living wills" in Nebraska. (Morehead) Judiciary/Public Health and Welfare

129 Study to address transportation needs of rural NE. (Morehead) Public Works

130 Study of the current and future implications of issues involving transportation of high-level radioactive waste across Nebraska. (Morehead) Agriculture and Environment/Public Works

131 Study possibility of legislation to allow 14-yr olds to obtain driving permit for driving motor vehicles other than farm vehicles, for purposes of farming. (Hefner) Public Works

132 Study by Agriculture Committee of the role of the state and various entities in the prevention of soil erosion. (R. Johnson, Sieck, Remmers, etc.) Agriculture and Environment

133 Study by Agriculture Committee of the potential for the development of acid rain and measure to avoid or abate the development of same in NE. (Ag. Committee, R. Johnson) Agriculture and Environment

134 Study by Judicial Committee of the Uniform Marital Property Act in regard to Nebraska's system of marital property. (Pappas, Hoagland) Judiciary

135 Study of the feasibility of creating a Dept of Public Safety. (Chizek) Government, Military and Veterans Affairs

136 Study of the impact of state-wide case management system for the "at-risk" elderly on slowing cost increases and better utilization of existing services and funding sources. (Smith) Public Health and Welfare

137 Study by Health Committee of issues regarding a system of integrated case management for Alzheimer's disease and the coverage of that disease as a physical ailment under health insurance policies. (Smith) Public Health and Welfare

138 Study by Urban Affairs Committee of the manpower requirements and declining rosters of Nebraska's volunteer fire departments. (Hartnett) Urban Affairs

139 Study by the Telecommunications Committee of the progress of intrastate telephone telecommunications deregulation in NE. (Telecommunications, Goodrich) Telecommunications/Public Works

140 Joint study by Public Health and Education Committees of all aspects of nursing education. (Vickers, Wesely)

Education/Public Health and Welfare

141 Study by Judiciary Committee of traffic laws and rules of the road contained in Chapters 39 and 60. (Hoagland) Judiciary

142 Study of the appointment rather than election of Clerks of the District Court. (Hoagland) Judiciary

143 Study by the Agriculture Committee of the state's role in developing state's economic resources. (Chizek, Schmit) Agriculture and Environment

144 Study of the mirrored or one-way glass, adhesive film, or other glaze or applications attached to windshields, side or rear windows of motor vehicles. (Pirsch) Judiciary

145 Study of missing or runaway children. (Pirsch) Judiciary

146 Study the Board of Parole in Nebraska. (Pirsch) Judiciary

147 Study of pre-sentence investigations, and Victims' Bill of Rights (Sec. 81-1848). (Pirsch) Judiciary

148 Study of the effectiveness, degree of uniformity in representation, and proper utilization of resources, the state's public defender system. (Beutler) Judiciary

149 Study by Agriculture Committee of the nature, extent, and sources of ground water pollution in Nebraska. (Beutler) Agriculture and Environment/Public Works

150 Study by Health Committee of the needs of the elderly and disabled for community-based, in-home, and institutional long-term care services. (V. Johnson, Wesely, Hefner, Sieck) Public Health and Welfare

151 Study by Education Committee of alternative financing methods to control cost to the state of providing special education programs. (Vickers) Education

152 Study by Education Committee of potential for cooperation with contiguous states in providing educational services to certain handicapped persons. (Vickers) Education

153 Study by Education Committee of the current formula and articulate principles that will help determine the terms of the distribution formula. (Vickers) Education

154 Study to evaluate state employment policies as they relate to the employment and retention of workers age 60 and older. (Miller) Government, Military and Veterans Affairs

155 Study feasibility and desirability of allowing group self-insurance pools among NE political subdivisions. (Miller) Government, Military and Veterans Affairs

156 Study to explore advantages and disadvantages of creating district government services in Nebraska. (Nichol, Vickers, Rogers, Scofield, Haberman) Government, Military and Veterans Affairs

157 Study by Health Committee of the current funding

mechanism and system for providing medical care to the medically indigent. (Wesely) Public Health and Welfare

158 Study by Health Committee of the state-local relationship for the funding of various human service delivery systems. (Wesely, Rupp) Public Health and Welfare

159 Study by Health Committee to determine appropriate actions to be taken to improve health professional disciplinary proceedings by Dept of Health and Office of Attorney General. (Wesely) Public Health and Welfare

160 Study by Health Committee of the need to streamline current procedural process for Certificate of Need program. (Wesely) Public Health and Welfare

161 Study by Health Committee to identify need for legislation providing for confidentiality, etc. of a patient's medical records. (Wesely) Public Health and Welfare

162 Study by Health Committee of current status of the NE Tumor Registry. (Wesely) Public Health and Welfare

163 Study by Health Committee of feasibility of expanding the concept developed by the Disabled Person and Family Support Program to other human service programs. (Wesely) Public Health and Welfare

164 Study by Health Committee and Judiciary Committee to develop more precise definitions of child abuse and neglect. (Wesely) Judiciary/Public Health and Welfare

165 Study by Judiciary and Health Committee to develop precise definition of adult abuse and neglect and the need for alterations in current statutes. (Wesely, Hoagland) Judiciary/Public Health and Welfare

166 Study of various aspects of telephone service in Nebraska. (Wesely) Public Works/Telecommunications

167 Study by Urban Affairs Committee of the impact of the new Federalism on cities of the 1st and 2nd class and villages in Nebraska. (Withem, Scofield, Baack) Urban Affairs

168 Study by Health Committee of current funding of and responsibility for local emergency medical services. (Withem) Public Health and Welfare

169 Committee chaired by Chrm of Government Committee study the personnel classification system of the State. (Landis) Government, Military and Veterans Affairs

170 Study of the current level of importance of the military arms industries on local and state economies within the state. (Landis) Government, Military and Veterans Affairs

171 Study of all election statutes in order to make any changes necessary to improve the participation of Nebraskans in the election process. (Landis) Government, Military and

Veterans Affairs

172 Study of the basic structure of county government with specific focus on home rule charters. (Landis) Government, Military and Veterans Affairs

173 Study the impact of energy purchases, particularly of natural gas, upon expenditures of the state and political subdivisions. (Landis) Government, Military and Veterans Affairs

174 Study the effects of increasing the membership of the State Racing Commission. (Landis) Government, Military and Veterans Affairs

176 Study the causes and means to prevent railroad fires. (Lamb) Public Works

177 Study to determine if some of the exemptions to the documentary stamp tax should be eliminated. (Lamb) Revenue

178 Study by Public Works Committee of the effects of federal deregulation of the telecommunications industry on Nebraska ratepayers. (Public Works Committee, Schmit) Public Works/Telecommunications

179 Study by Public Works Committee of certain issues related to railroad transportation in Nebraska. (Public Works Committee, Schmit) Public Works

180 Study by Public Works Committee of issues related to Nebraska's policies with regard to water. (Public Works Committee, Schmit) Public Works

181 Study by Banking Committee of the marketing of alcohol in Nebr. and surrounding states. (DeCamp) Banking, Commerce and Insurance

182 Study by Banking Committee of minimum standards for nursing home insurance which would be administered by the NE Dept of Insurance. (Smith) Banking, Commerce and Insurance

183 Study alternatives in providing essential services for the elderly living in rural towns. (Smith) Urban Affairs

184 Study by Banking Committee of various issues relating to interstate banking. (DeCamp) Banking, Commerce and Insurance

185 Study by Banking Committee of financial impact upon individual and group policyholders, small businesses and farmers due to various pieces of legislation. (DeCamp) Banking, Commerce and Insurance

186 Study by Banking Committee into the financial impact of the US Supreme Court decision pertaining to premium tax on NE's insurance industry. (DeCamp) Banking, Commerce and Insurance

187 Study by Banking Committee into the economic affects of Initiative 300 on Nebraska. (DeCamp) Banking, Commerce and Insurance

188 Study of the recommendations of the Task Force and any recommendations of the NE Liquor Control Commission. (Mis. Subj. Committee - Hefner) Miscellaneous Subjects

189 Study the possibility of separating the regulation of bingo, pickle card lotteries, raffles, and lotteries conducted by cities and counties into separate acts. (Mis. Subj. Committee - Hefner) Miscellaneous Subjects

190 Study by the Revenue Committee of the feasibility of offering an income tax credit to persons who invest in companies which invest capital in NE businesses. (Revenue Committee - V. Johnson) Revenue

191 Study by the Revenue Committee regarding taxation of community antenna television service, commonly known as cable TV. (Revenue Committee, V. Johnson) Revenue

192 Study of the feasibility of merging the NE School for the Visually Handicapped and the NE School for the Deaf. (V. Johnson) Education

193 Study of the intent and purpose of Initiative 300, the basis upon which it was approved, and the impact it has on the economy of the state. (Rupp) Agriculture and Environment

194 Study to explore the diminishing revenue base available for fish and wildlife management. (Rupp) Constitutional Revision and Recreation

195 Study the feasibility and merits of introducing legislation to implement a "junior drivers license" program or to establish curfew hours for licensed drivers who are minors. (Beutler) Judiciary

197 Study the financial health and stability of Sanitary and Improvement Districts. (Withem) Urban Affairs

198 Study the effectiveness of Motor Vehicles Manufacturers Warranty duties. (Withem) Public Works

199 Study by the Revenue Committee of the eligibility of the disabled for the homestead exemption based on income. (Revenue Committee - V. Johnson) Revenue

201 Study by the Revenue Committee of the overall state and local revenue and tax structure in NE. (Revenue Committee - V. Johnson) Revenue

202 Study of the various avenues available to the State of Nebraska which would stimulate the development of our state's economy. (Wesely) Banking, Commerce and Insurance

204 Study the formation of a Cooperative Advisory and

Development Council. (Wesely) Agriculture and Environment

205 Study changes in building technology since 1983 which may require legislative revision of sections 81-1609 through 81-1625. (Withem, Wesely) Public Health and Welfare

206 Study the organizational structure of the NE State Historical Society. (Wesely) Government, Military and Veterans Affairs

207 Study the need for a Trade Secrets Act in NE; examine the Uniform Trade Secrets Act proposed by the National Conference of Commissioners on Uniform State Laws and determine the best form for a trade secrets act in NE. (Wesely) Judiciary

208 Study of the evidence gathered during motor fuel testing program in Ag Dept, and experience of program, to determine whether or not a permanent fuel testing/enforcement program is needed in Nebraska. (Wesely) Agriculture and Environment

209 Study of the evidence regarding the use of VDTs and their possible health risk to employees. (Wesely) Public Health and Welfare

210 Study of the changing nature of the energy situation in Nebraska. (Wesely, DeCamp) Banking, Commerce and Insurance

211 Study the conduct of the banking industry in NE, & to exercise legislative oversight over existing legislation governing the subject. (DeCamp, Higgins, Harris, Haberman, Pappas, Beyer, Labedz) Banking, Commerce and Insurance

212 Study the conduct of commerce within NE, and to exercise legislative oversight over existing legislation governing the subject. (DeCamp, Higgins, Harris, Haberman, Beyer, Labedz, Pappas) Banking, Commerce and Insurance

213 Study the conduct of the insurance industry within NE and to exercise legislative oversight over existing legislation governing the subject. (DeCamp, Higgins, Harris, Pappas, Haberman, Labedz, Beyer) Banking, Commerce and Insurance

214 Study by the Agriculture Committee of the benefits that direct marketing of agricultural, vegetable, and horticultural crops offer to both the producers and consumers of NE. (Sieck, Beyer, Abboud) Agriculture and Environment

215 Study the NE Forest Service and the value that trees, woodlands, and shelterbelts contribute toward the overall betterment of NE. (Sieck, Marsh, Carsten) Appropriations

216 Study the NE Visitors' Development Act. (Sieck, Baack,

Landis, Miller, Chizek) Government, Military and Veterans Affairs

217 Study the feasibility of reinstating a Motor Vehicle Inspection Program in NE in one form or another. (Schmit, Sieck, Nelson, Beyer) Public Works

218 Study by Agriculture Committee of the levels and affects of nitrates in both the groundwater and surface water of NE. (R. Johnson, Sieck, Nelson, Chronister, Beutler, Schmit) Agriculture and Environment

219 Study by Education Committee of the state's role in the funding of education, and specifically the state's role in distributing its resources in such a manner as to provide opportunity for all students to receive equal education. (Withem, Hartnett, Chizek) Education

220 Study by Public Works Committee to review policies, procedures, and decision-making with respect to roads and highways within NE. (Public Works Committee - Schmit) Public Works

221 Study by Public Works Committee of the feasibility of using our renewable water resources in a manner which would generate revenue for NE and an income for the citizens of NE. (Schmit) Public Works

222 Study by the Public Works Committee of issues related to the generation of electrical power within NE. (Schmit) Public Works

223 Study by the Education Committee of factors involving educational service unit boundaries. (Vickers) Education

224 Joint study by the Education and Appropriations Committees of the current organization of NE public higher education to determine whether or not a reorganization is feasible. (Vickers, Pappas) Education/Appropriations

225 Study by the Business and Labor Committee and the Banking Committee of the procedures by which the miscellaneous claims against the state are considered for approval or denial by the State Claims Board and the Legislature. (Barrett, DeCamp) Business and Labor/Banking, Commerce and Insurance

226 Study by the Business and Labor Committee of NEs Workmen's Compensation Law with regard to the basic intent of workmen's compensation and in comparison with other states' laws. (Barrett, Vickers) Business and Labor

227 Study by the Business and Labor Committee of the issues concerning the NE Employment Security Law. (Barrett, Hall) Business and Labor

228 Study to examine the feasibility of establishing a statewide,

rather than the present city-by-city system for the examination and licensure of plumbers in NE. (Barrett) Miscellaneous Subjects

229 Study by the Banking, Commerce and Insurance Committee of the residential real estate sale and the potential problems that might arise from a lack of knowledge with regard to the rights and responsibilities of all parties involved. (Hartnett) Banking, Commerce and Insurance

230 Study of the concepts for the financial support of elementary and secondary education in NE. (Labedz) Education

231 Re Task Force for Community/Public Health Services. (Wesely) Public Health and Welfare

232 Study by Judiciary Committee the issues of criminal law, criminal procedure and law enforcement in NE. (Hoagland) Judiciary

233 Study of whether tax laws and policies should be revised to encourage conservation of soil and water resources. (Sieck) Revenue

234 Study by the Retirement Committee of the public employee retirement system. (Harris) Nebraska Retirement Systems

235 Study by the Public Works Committee of the opportunities for the Public power industry in NE to stabilize electrical rates by various positive measures. (Harris) Public Works

236 Study by the Education Committee of the special education services available to certain high-speed handicapped students in public schools. (Withem) Education

237 Study of economic development opportunities in northeast Nebraska. (Conway) Banking, Commerce and Insurance

238 Study of the NE Groundwater Quality Protection Strategy. (Chronister) Public Works

239 Study of present practices and problems in the disposal of solid waste in NE and review of the effectiveness of the laws governing them. (Chronister) Agriculture and Environment

240 Study by the Agriculture Committee of all matters pertaining to the disposal of low-level radioactive waste. (Chronister) Agriculture and Environment

243 Study by the Agriculture Committee of the particulars of Nebraska's agricultural economy. (R. Johnson) Agriculture and Environment

244 A review of the action taken on the recommendations of the Natural Resources Commission to the Governor and the Legislature contained in various reports. (Sieck) Public Works

245 Comprehensive study by the Executive Board of the current statutes relating to the Legislative Council. (Beutler)

Executive Board

246 Joint study by the Executive Board and the Rules Committee of the standing committee system. (Beutler) Executive Board/Rules Com.

247 Study by the Judiciary Committee of the summary jury trial process. (Hoagland) Judiciary

248 Examination of current issues regarding the Commission of Industrial Relations. (Warner, Barrett) Business and Labor/Appropriations

The Legislative Council Executive Board submits the attached report on the referral of legislative resolution 252.

| LR | Committee |
|---|---|
| 252 | Constitutional Revision and Recreation |

(Signed) Chris Beutler, Chairperson
Legislative Council
Executive Board

## UNANIMOUS CONSENT - Members Excused

Messrs. Sieck, Hall, and Mrs. Labedz asked unanimous consent to be excused until they return. No objections. So ordered.

## SELECT FILE

**LEGISLATIVE BILL 271.** Mr. DeCamp renewed his pending amendment, AM1205, found in the Journal on page 1929.

Mr. Conway moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. DeCamp requested a record vote on his amendment.

Voting in the affirmative, 11:

| | | | | |
|---|---|---|---|---|
| Baack | Hefner | Johnson, R. | Nichol | Rupp |
| Carsten | Johnson, L. | Lamb | Peterson | Wesely |
| DeCamp | | | | |

Voting in the negative, 27:

| | | | | |
|---|---|---|---|---|
| Abboud | Barrett | Beyer | Chambers | Chizek |

| | | | | |
|---|---|---|---|---|
| Conway | Hartnett | Lynch | Nelson | Scofield |
| Goll | Hoagland | Marsh | Pirsch | Smith |
| Goodrich | Johnson, V. | Miller | Remmers | Vickers |
| Hannibal | Landis | Morehead | Rogers | Withem |
| Harris | Lundy | | | |

Present and not voting, 4:

| | | | |
|---|---|---|---|
| Chronister | Eret | Schmit | Warner |

Excused and not voting, 7:

| | | | | |
|---|---|---|---|---|
| Beutler | Hall | Labedz | Pappas | Sieck |
| Haberman | Higgins | | | |

The DeCamp amendment lost with 11 ayes, 27 nays, 4 present and not voting, and 7 excused and not voting.

Mr. Lynch offered the following amendment:
To amend LB 271, Am1025
Page 11, Line 10, Strike "seven" and Insert "eight, Strike "six" and Insert "seven"
Page 11, Line 21, Strike "and"
Page 11, after Line 21 Insert "(f) One county board member; and"
Page 11, Line 22, Strike (f) and Insert (g)

The Lynch amendment was adopted with 29 ayes, 0 nays, 13 present and not voting, and 7 excused and not voting.

Messrs. Lundy, Goodrich, and Mrs. Pirsch asked unanimous consent to be excused until they return. No objections. So ordered.

Messrs. Hefner, Vickers, Lynch, Eret, and Remmers offered the following amendment:
AM1314

1. Insert a new section as follows:

"Sec. 20. That section 23-119, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-119. (1) It shall be the duty of the county board of each county to cause to be annually levied and collected taxes authorized by law for county purposes, not exceeding fifty cents on the one hundred dollars' actual valuation, except in any county in which a health district has been duly constituted as provided

by sections 71-1601 to 71-1625 and has not been dissolved; in such last-named counties the tax so levied shall not exceed forty cents on the one hundred dollars' actual valuation; an additional amount may be levied in any county if authorized by a vote of the people of the county.

(2) When the total actual valuation of all land in a county decreases due to the implementation of a new agricultural land valuation manual and the county board of such county can not generate property tax revenue equal to the amount generated in the immediately preceding fiscal year without exceeding fifty cents per one hundred dollars' actual valuation, the county board shall place on the ballot at the next regular or special election the following question:

Shall the county levy limit of fifty cents per one hundred dollars' actual valuation be exceeded to generate property tax revenue equal to property tax revenue generated in the current fiscal year?

Yes..... No.....".

2. On page 20, line 23, strike "19, and 21" and insert "20, and 22".

3. On page 21, line 1, strike "section" and insert "sections 23-119 and".

4. Renumber remaining sections accordingly.

Mr. Hefner moved for a call of the house. The motion prevailed with 7 ayes, 0 nays, and 42 not voting.

Mr. Hefner requested a roll call vote on his amendment.

Voting in the affirmative, 18:

| | | | | |
|---|---|---|---|---|
| Carsten | Goll | Johnson, L. | Nichol | Schmit |
| Chronister | Goodrich | Lamb | Peterson | Scofield |
| DeCamp | Hannibal | Lynch | Rupp | Withem |
| Eret | Hefner | Morehead | | |

Voting in the negative, 15:

| | | | | |
|---|---|---|---|---|
| Abboud | Chizek | Johnson, V. | Miller | Vickers |
| Baack | Hoagland | Landis | Remmers | Warner |
| Barrett | Johnson, R. | Marsh | Smith | Wesely |

Present and not voting, 8:

| | | | | |
|---|---|---|---|---|
| Beyer | Conway | Hartnett | Nelson | Rogers |
| Chambers | Harris | Higgins | | |

Excused and not voting, 8:

| | | | | |
|---|---|---|---|---|
| Beutler | Hall | Lundy | Pirsch | Sieck |
| Haberman | Labedz | Pappas | | |

The Hefner et al. amendment lost with 18 ayes, 15 nays, 8 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

Mr. Goll asked unanimous consent to be excused. No objections. So ordered.

Mr. Lamb requested a machine vote on the advancement of the bill.

Advanced to E & R for Engrossment with 27 ayes, 10 nays, 8 present and not voting, and 4 excused and not voting.

## UNANIMOUS CONSENT - Members Excused

Messrs. Hall, R. Johnson, and Barrett asked unanimous consent to be excused. No objections. So ordered.

## BILL ON FIRST READING

The following bill was read for the first time by title:

**LEGISLATIVE BILL 653A.** By DeCamp, 40th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 653, Eighty-ninth Legislature, First Session, 1985.

## UNANIMOUS CONSENT - Print in Journal

Mrs. Smith asked unanimous consent to print the following amendment to LB 722 in the Journal. No objections. So ordered.

AM1300
1. 1.
PURPOSE: To provide funding for an alcohol

detoxification at the Hastings Regional Center.

1. On page 41, line 11, strike "25,127,907" and insert "25,267,345"; in line 12 strike "7,260,510" and insert "7,304,360"; in line 14 strike "36,099,289" and insert "36,282,577"; and in line 17 strike "$21,366,612" and insert "$21,509,549"; and after line 17 insert the following new paragraph:

"It is the intent of the Legislature that the Department of Public Institutions shall maintain a medical detoxification program at the Hastings Regional Center for persons addicted to the excessive use of alcoholic liquors.".

2. On page 42, after line 1, insert the following:

"There is included in the appropriation to this program $139,438 General Funds and $43,850 Cash Funds, for the operation of an alcohol detoxification unit at the Hastings Regional Center, which shall only be used for such purpose.".

3. On page 48, line 9, strike "65,918,534" and insert "66,057,972"; in line 10 strike "20,326,722" and insert "20,370,572"; and in line 12 strike "100,806,959" and insert "100,990,247".

Mr. DeCamp asked unanimous consent to print the following amendment to LB 722 in the Journal. No objections. So ordered.

AM1309

1. On page 19, line 10, strike "2,455,872" and insert "11,051,556"; in line 13 strike "20,014,535" and insert "28,610,219"; in line 16 strike "$1,494,230" and insert "$1,546,308"; and in line 18 strike "$1,304,000" and insert "$9,479,684".

2. On page 20, line 23, strike "193,572,758" and insert "202,168,442"; and in line 27 strike "251,866,054" and insert "260,461,738".

Mr. DeCamp asked unanimous consent to print the following amendment to LB 87 in the Journal. No objections. So ordered.

AM1263

(Amendments to Final Reading Copy)

1. Insert the following new section:

"Sec. 4. This act shall become operative on July 1, 1986.".

2. On page 1, line 7, after the second semicolon insert "to provide an operative date;".

3. Renumber the remaining section accordingly.

## GENERAL FILE

**LEGISLATIVE BILL 271A.** Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

**LEGISLATIVE BILL 273A.** Title read. Considered.

Advanced to E & R for Review with 28 ayes, 0 nays, 14 present and not voting, and 7 excused and not voting.

**LEGISLATIVE BILL 608A.** Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

**LEGISLATIVE BILL 715A.** Title read. Considered.

Advanced to E & R for Review with 26 ayes, 10 nays, 6 present and not voting, and 7 excused and not voting.

**LEGISLATIVE BILL 717A.** Title read. Considered.

Advanced to E & R for Review with 26 ayes, 6 nays, 10 present and not voting, and 7 excused and not voting.

## SELECT FILE

**LEGISLATIVE BILL 432.** E & R amendment, AM5135, found in the Journal on page 1616 for the Sixty-First Day was adopted.

Messrs. Hartnett, Withem, and Beyer renewed their pending amendment, AM1252, found in the Journal on page 1987.

Messrs. Peterson, Chronister, Baack, Hefner, and Eret asked unanimous consent to be excused. No objections. So ordered.

Pending.

## VISITORS

Visitors to the Chamber were 18 fourth grade students and sponsor from Coleridge Elementary School; Roger, Judy, Sally, and Ben Plasecki from Kearney; 11 fifth through eighth grade students and sponsors from Creston Public School; and 26 seventh and eighth grade students and sponsor from St. John's Lutheran School, Battle Creek.

## ADJOURNMENT

Mr. Lynch moved to adjourn. The motion prevailed and at 3:34 p.m., on a motion by Mr. Lynch, the Legislature adjourned until 9:00 a.m., Monday, May 6, 1985.

Patrick J. O'Donnell
Clerk of the Legislature

# SEVENTY-THIRD DAY - MAY 6, 1985

## LEGISLATIVE JOURNAL

## EIGHTY-NINTH LEGISLATURE
## FIRST SESSION

## SEVENTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Monday, May 6, 1985

Pursuant to adjournment, the Legislature met at 9:00 a.m., President McGinley presiding.

## PRAYER

The prayer was offered by Dr. Robert Palmer, Westminster Presbyterian Church, Lincoln, Nebraska.

## ROLL CALL

The roll was called and all members were present except Messrs. Baack, Beutler, Chambers, Hoagland, V. Johnson, Rupp, Schmit, and Mrs. Labedz who were excused until they arrive.

## CORRECTIONS FOR THE JOURNAL

Page 2074, line 36, strike "DeCamp" and insert "Wesely".
The Journal for the Seventy-Second Day was approved as corrected.

## NOTICE OF COMMITTEE HEARING
**Constitutional Revision and Recreation**

LR 252 Tuesday, May 14, 1985 7:00 p.m.

(Signed) Lee Rupp, Chairperson

## MESSAGE FROM THE GOVERNOR

April 30, 1985

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment requiring legislative confirmation.

Appointee:
Dayle E. Williamson as Director of Natural Resources, P.O. Box 94876, Lincoln, NE 68509, 471-2081. Term begins April 2, 1985 and serves at the pleasure of the Governor. Succeeds: is a new appointment.

This appointment is respectfully submitted for your consideration.

Sincerely.
(Signed) ROBERT KERREY
Governor

cc: Staff Assistant to the Governor
Accountability and Disclosure Commission
Department of Administrative Services
Department of Natural Resources

**UNANIMOUS CONSENT - Members Excused**

Mrs. Nelson, Messrs. Hall, and Lundy asked unanimous consent to be excused until they return. No objections. So ordered.

**PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following resolutions: LRs 251, 253, 254, 255, and 256.

**UNANIMOUS CONSENT - Member Excused**

Mr. Miller asked unanimous consent to be excused Tuesday, May 7, 1985 and Wednesday, May 8, 1985. No objections. So ordered.

**RESOLUTION**

**LEGISLATIVE RESOLUTION 91.** Read. Considered.

LR 91 was adopted with 29 ayes, 0 nays, and 20 not voting.

## GENERAL FILE

**LEGISLATIVE BILL 343.** Title read. Considered.

Standing Committee amendment, AM0496, found in the Journal on page 893 for the Thirty-Sixth Day was adopted with 26 ayes, 0 nays, 12 present and not voting, and 11 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 12 present and not voting, and 11 excused and not voting.

## ANNOUNCEMENT

The Chair announced yesterday was Senator Hannibal's birthday.

## GENERAL FILE

**LEGISLATIVE BILL 653.** Title read. Considered.

Standing Committee amendments, AM0741, printed separate from the Journal and referred to on page 1977 lost with 0 ayes, 18 nays, 21 present and not voting, and 10 excused and not voting.

Mr. DeCamp renewed his pending amendment, AM1233, printed separate from the Journal and referred to on page 1978.

Mrs. Morehead asked unanimous consent to be excused. No objections. So ordered.

The DeCamp amendment was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Mr. DeCamp renewed his pending amendment, AM1288, found in the Journal on page 2029.

The DeCamp amendment was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Mr. Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

**LEGISLATIVE BILL 653A.** Title read. Considered.

Advanced to E & R for Review with 25 ayes, 1 nay, 18 present and not voting, and 5 excused and not voting.

## RESOLUTION

**LEGISLATIVE RESOLUTION 257.**

Introduced by Haberman, 44th District.

RE: Study of the Sales Tax Exemptions for Manufacturing Equipment

Whereas the 1981 Legislature passed and the Governor signed into law LB 3 exempting from the sales tax "manufacturing and processing equipment for use directly in manufacturing or processing operations, initially installed in manufacturing facility of new construction;"

Whereas the Governor and the Revenue Department have been requested to produce a list of the firms who have used this exemption, and the amounts which have been lost due directly to these exemptions, and were unwilling or unable to produce such list as requested;

Whereas the Department of Revenue has determined as a result of audit examinations conducted of several businesses, that the applicability of the sales tax exemption has been liberally construed and even abused by private business industry;

Whereas the Department of Revenue has been provided a list of products and has been requested to identify which products qualify for the sales tax exemption, and was unable or unwilling to identify such products;

Whereas the Department of Revenue has been provided a list of new manufacturing industries announcing a Nebraska location for the years 1981-84, and the Department was unable or unwilling to identify which businesses would be eligible for the tax exemption;

Whereas the Department of Revenue was provided with a list of products to be produced by such businesses, and the Department was unable or unwilling to identify which products would qualify for the tax exemption;

Whereas the most recent estimate by the Governor and the Department of Revenue states that $27,551,000.00 has been lost

through the sales tax exemption.

NOW THEREFORE BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Revenue Committee of the Legislature investigate the utilization of the sales tax exemption for manufacturing equipment; and provide to the members of the Legislature a list of the firms which have received the exemption; and provide a list of products which did so qualify for the sales tax exemption.

Laid over.

## SELECT FILE

**LEGISLATIVE BILL 432.** The Hartnett-Withem-Beyer pending amendment, AM1252, found in the Journal on page 1987 was considered.

Mr. Lundy requested a ruling of the Chair on whether the Hartnett et al. amendment is germane to the bill.

The Chair ruled the Hartnett et al. amendment germane to the bill.

Mr. Goodrich moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

The Hartnett et al. amendment was adopted with 26 ayes, 6 nays, 15 present and not voting, and 2 excused and not voting.

Mr. Haberman requested a machine vote on the advancement of the bill.

Mr. Wesely moved for a call of the house. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

Mr. Haberman requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 28:

| | | | | |
|---|---|---|---|---|
| Baack | Chizek | Hall | Higgins | Marsh |
| Beyer | DeCamp | Hannibal | Johnson, V. | Miller |
| Carsten | Eret | Harris | Landis | Pappas |
| Chambers | Goodrich | Hartnett | Lynch | Remmers |

| | | | | |
|---|---|---|---|---|
| Rogers | Sieck | Vickers | Wesely | Withem |
| Rupp | Smith | Warner | | |

Voting in the negative, 14:

| | | | | |
|---|---|---|---|---|
| Abboud | Conway | Hefner | Lundy | Peterson |
| Barrett | Goll | Johnson, R. | Nelson | Pirsch |
| Chronister | Haberman | Lamb | Nichol | |

Present and not voting, 4:

| | | | |
|---|---|---|---|
| Beutler | Johnson, L. | Schmit | Scofield |

Absent and not voting, 1:

Labedz

Excused and not voting, 2:

Hoagland Morehead

Advanced to E & R for Engrossment with 28 ayes, 14 nays, 4 present and not voting, 1 absent and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 432A.** Mr. Haberman requested a machine vote on the advancement of the bill.

Advanced to E & R for Engrossment with 26 ayes, 13 nays, 8 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 553.** E & R amendments, AM5137, found in the Journal on page 1617 for the Sixty-First Day were adopted.

The Chair declared the call raised.

Messrs. V. Johnson, Rogers, and Mrs. Labedz asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Conway renewed his pending amendment, AM1007, printed separate from the Journal and referred to on page 1780.

Mr. Conway moved for a call of the house. The motion prevailed with 11 ayes, 0 nays, and 38 not voting.

The Conway amendment was adopted with 26 ayes, 6 nays, 14 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Mr. Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Haberman renewed his pending amendment, AM1297, found in the Journal on page 2036.

Mr. Haberman moved for a call of the house. The motion prevailed with 9 ayes, 0 nays, and 40 not voting.

Mr. Wesely requested a roll call vote on the Haberman amendment.

Voting in the affirmative, 26:

| | | | | |
|---|---|---|---|---|
| Baack | Eret | Hefner | Lamb | Pappas |
| Beyer | Haberman | Higgins | Lynch | Schmit |
| Chizek | Hall | Johnson, R. | Miller | Scofield |
| Chronister | Harris | Johnson, V. | Nelson | Smith |
| Conway | Hartnett | Labedz | Nichol | Withem |
| DeCamp | | | | |

Voting in the negative, 13:

| | | | | |
|---|---|---|---|---|
| Abboud | Chambers | Johnson, L. | Remmers | Warner |
| Barrett | Goll | Lundy | Sieck | Wesely |
| Carsten | Hannibal | Pirsch | | |

Present and not voting, 5:

| | | | | |
|---|---|---|---|---|
| Beutler | Marsh | Peterson | Rupp | Vickers |

Absent and not voting, 1:

Goodrich

Excused and not voting, 4:

| | | | |
|---|---|---|---|
| Hoagland | Landis | Morehead | Rogers |

The Haberman amendment was adopted with 26 ayes, 13 nays, 5 present and not voting, 1 absent and not voting, and 4 excused and

not voting.

The Chair declared the call raised.

Mr. Barrett asked unanimous consent to be excused until he returns. No objections. So ordered.

Speaker Nichol offered the following amendment:
On page 6; line 10; after "width" insert the following: ", and an outside tire width dimension not exceeding 120 inches"

The Nichol amendment was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Mr. Warner moved to indefinitely postpone LB 553.

Pending.

Mesdames Nelson and Pirsch asked unanimous consent to be excused until they return. No objections. So ordered.

## VISITORS

Visitors to the Chamber were 40 sixth grade students and sponsors from Western Hills School, Omaha; 75 fourth grade students and teacher from District 30, Grand Island; 5 representatives and coordinator from Concordia Teachers College, Seward; a group from Howard-Greeley-Sherman County Extension; and 34 third through sixth grade students, sponsors, and teacher from District 15, Hastings.

## RECESS

At 12:10 p.m., on a motion by Mr. Wesely, the Legislature recessed until 1:30 p.m.

## AFTER RECESS

The Legislature reconvened at 1:33 p.m., Mrs. Marsh presiding.

## ROLL CALL

The roll was called and all members were present except Mr. Chambers and Mrs. Morehead who were excused; and Messrs. Beutler, Hoagland, R. Johnson, V. Johnson, Rogers, Rupp, Wesely,

Mesdames Higgins, Labedz, Pirsch, and Ms. Scofield who were excused until they arrive.

**UNANIMOUS CONSENT - Print in Journal**

Messrs. L. Johnson, Baack, Barrett, Beutler, Beyer, Chambers, Chizek, Chronister, Conway, DeCamp, Eret, Goll, Goodrich, Haberman, Hall, Hannibal, Hartnett, Hefner, R. Johnson, V. Johnson, Lundy, Lynch, Peterson, Remmers, Rupp, Schmit, Sieck, Vickers, Wesely, Mesdames Labedz, Marsh, Morehead, Nelson, Pirsch, Smith, and Ms. Scofield asked unanimous consent to print the following amendment to LB 614 in the Journal. No objections. So ordered.

(Amendment printed separate from the Journal and on file in the Clerk's Office - Room 1102 - AM1310.)

Mr. Landis asked unanimous consent to print the following amendment to LB 401 in the Journal. No objections. So ordered.

AM1319

1. On page 3, line 12, strike "or"; in line 13 after "action" insert an underscored comma; in line 16 before "(a)" insert "any action by an agency which"; after "(a)" insert "is"; and after "(b)" insert "results in"; in line 17 after "(c)" insert "creates"; in line 21 strike "shall" and insert "may"; and in line 24 after "allegation" insert "unless the Public Counsel or official believes that:

(a) The employee has available to him or her another remedy which the employee could reasonably be expected to use;

(b) The complaint pertains to a matter outside the Public Counsel's or official's power;

(c) The complaint is trivial, frivolous, vexatious, or not made in good faith or has been too long delayed to justify present examination of its merit;

(d) Other complaints are more worthy of attention; or

(e) The Public Counsel's or official's resources are insufficient for adequate investigation".

2. On page 4, line 7, strike "shall" and insert "may".

3. On page 5, line 16, after the period insert "If the contents of the report prepared pursuant

to subsection (3) of this section indicate a violation exists or has occurred, then a copy of such report shall also be forwarded to the Clerk of the Legislature. If the contents of such report indicate no violation exists or has occurred, then a copy of the report shall be released only after a majority vote of the members of the Executive Board of the Legislature authorizes its release."; and in lines 17 and 20 strike "or official".

4. On page 10, line 4, after "criteria" insert "prescribed in subdivision (5) of section 2 of this act".

## SELECT FILE

**LEGISLATIVE BILL 553.** Mr. Warner asked unanimous consent to withdraw his pending motion to indefinitely postpone. No objections. So ordered.

Mr. Lynch moved to reconsider the vote on the Haberman amendment.

Mr. Lynch moved for a call of the house. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

Mr. Lynch requested a roll call vote on the motion to reconsider the vote on the Haberman amendment.

Voting in the affirmative, 25:

| | | | | |
|---|---|---|---|---|
| Abboud | Hannibal | Landis | Nelson | Smith |
| Barrett | Hartnett | Lundy | Peterson | Vickers |
| Carsten | Hoagland | Lynch | Pirsch | Warner |
| Goll | Johnson, L. | Marsh | Remmers | Wesely |
| Goodrich | Lamb | Miller | Sieck | Withem |

Voting in the negative, 19:

| | | | | |
|---|---|---|---|---|
| Baack | Conway | Hall | Johnson, R. | Pappas |
| Beyer | DeCamp | Harris | Johnson, V. | Rupp |
| Chizek | Eret | Hefner | Labedz | Scofield |
| Chronister | Haberman | Higgins | Nichol | |

Present and not voting, 1:

Schmit

Excused and not voting, 4:

Beutler Chambers Morehead Rogers

The motion to reconsider prevailed with 25 ayes, 19 nays, 1 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

The Haberman amendment, AM1297, found in the Journal on page 2036 was reconsidered.

Mr. Haberman asked unanimous consent to withdraw his pending amendment. No objections. So ordered.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 532.** E & R amendments, AM5136, found in the Journal on page 1617 for the Sixty-First Day were adopted.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 201.** Advanced to E & R for Engrossment.

Mr. Schmit asked unanimous consent to be excused until he returns. No objections. So ordered.

**LEGISLATIVE BILL 201A.** Mr. V. Johnson renewed his pending amendment, AM1111, found in the Journal on page 1671.

The V. Johnson amendment was adopted with 26 ayes, 1 nay, 17 present and not voting, and 5 excused and not voting.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 439.** E & R amendments, AM5140, found in the Journal on page 1668 for the Sixty-Second Day were adopted.

Mr. Vickers renewed his pending amendment, AM1134, found in the Journal on page 1730.

The Vickers amendment was adopted with 25 ayes, 2 nays, 17 present and not voting, and 5 excused and not voting.

Mrs. Smith renewed her pending amendment, AM1133, found in the Journal on page 1915.

The Smith amendment was adopted with 26 ayes, 0 nays, 18 present

and not voting, and 5 excused and not voting.

Mr. Withem asked unanimous consent to withdraw his pending amendment, AM1135, found in the Journal on page 1990. No objections. So ordered.

Mr. Withem offered the following amendment:
AM1298

1. In the Standing Committee amendments, AM0585, on page 1, line 6, after "person" insert "who is or on the date of the next election will be"; in line 10 strike "upon the"; and in line 11 strike "proper form" and after the period insert "Any such person may register by mail on the form provided in subsection (3) of this section.".

The Withem amendment was adopted with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

Speaker Nichol requested a machine vote on the advancement of the bill.

Mr. Withem moved for a call of the house. The motion prevailed with 10 ayes, 0 nays, and 39 not voting.

Advanced to E & R for Engrossment with 27 ayes, 10 nays, 7 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

**LEGISLATIVE BILL 389.** E & R amendments, AM5139, found in the Journal on page 1668 for the Sixty-Second Day were adopted.

Messrs. Haberman and R. Johnson renewed their pending amendment found in the Journal on page 2001.

The Haberman-R. Johnson 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.

**LEGISLATIVE BILL 447.** E & R amendments, AM5141, found in the Journal on page 1709 for the Sixty-Third Day were adopted.

Mr. Chronister asked unanimous consent to be excused until he

returns. No objections. So ordered.

Advanced to E & R for Engrossment.

**LEGISLATIVE RESOLUTION 32CA.** E & R amendments, AM5143 found in the Journal on page 1848 for the Sixty-Fifth Day were adopted.

Mr. Goll moved to indefinitely postpone LR 32CA.

Mr. Goll asked unanimous consent to withdraw his motion to indefinitely postpone. No objections. So ordered.

Speaker Nichol requested a machine vote on the advancement of the resolution.

Mr. Hoagland moved for a call of the house. The motion prevailed with 10 ayes, 0 nays, and 39 not voting.

Mr. Hoagland requested a roll call vote on the advancement of the resolution.

Voting in the affirmative, 23:

| | | | | |
|---|---|---|---|---|
| Baack | Eret | Hartnett | Lynch | Scofield |
| Beutler | Goodrich | Hoagland | Marsh | Vickers |
| Chizek | Hall | Johnson, V. | Pappas | Wesely |
| Conway | Hannibal | Labedz | Rupp | Withem |
| DeCamp | Harris | Landis | | |

Voting in the negative, 22:

| | | | | |
|---|---|---|---|---|
| Abboud | Haberman | Lamb | Nichol | Schmit |
| Barrett | Hefner | Lundy | Peterson | Sieck |
| Beyer | Higgins | Miller | Pirsch | Smith |
| Carsten | Johnson, L. | Nelson | Remmers | Warner |
| Goll | Johnson, R. | | | |

Excused and not voting, 4:

| | | | |
|---|---|---|---|
| Chambers | Chronister | Morehead | Rogers |

Failed to advance to E & R for Engrossment with 23 ayes, 22 nays, and 4 excused and not voting.

The Chair declared the call raised.

**SPEAKER NICHOL PRESIDING**

**LEGISLATIVE BILL 608.** E & R amendments, AM5145, found in the Journal on page 1849 for the Sixty-Fifth Day were adopted.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 102.** E & R amendments, AM5146, found in the Journal on page 1849 for the Sixty-Fifth Day were adopted.

Messrs. Schmit and Wesely renewed their pending amendment found in the Journal on page 2036.

The Schmit-Wesely amendment was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 457.** E & R amendments, AM5148, found in the Journal on page 1849 for the Sixty-Fifth Day were adopted.

Mr. Vickers moved to bracket LB 457 until January, 1986.

The Vickers motion to bracket prevailed with 29 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

Mr. Haberman asked unanimous consent to be excused until he returns. No objections. So ordered.

**LEGISLATIVE BILL 154.** E & R amendments, AM5147, found in the Journal on page 1850 for the Sixty-Fifth Day were adopted.

Mr. DeCamp renewed his pending amendment, AM1257, found in the Journal on page 2008.

Mr. Miller moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. R. Johnson asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. DeCamp moved for a call of the house. The motion prevailed

with 15 ayes, 0 nays, and 34 not voting.

Mr. DeCamp requested a roll call vote on his amendment.

Voting in the affirmative, 19:

| | | | | |
|---|---|---|---|---|
| Baack | DeCamp | Hannibal | Lynch | Remmers |
| Beyer | Goll | Hefner | Nelson | Rupp |
| Carsten | Goodrich | Johnson, L. | Nichol | Warner |
| Conway | Hall | Labedz | Pappas | |

Voting in the negative, 20:

| | | | | |
|---|---|---|---|---|
| Abboud | Higgins | Landis | Peterson | Sieck |
| Beutler | Hoagland | Lundy | Pirsch | Smith |
| Chizek | Johnson, V. | Marsh | Schmit | Wesely |
| Hartnett | Lamb | Miller | Scofield | Withem |

Present and not voting, 4:

| | | | |
|---|---|---|---|
| Barrett | Eret | Harris | Vickers |

Excused and not voting, 6:

| | | | | |
|---|---|---|---|---|
| Chambers | Haberman | Johnson, R. | Morehead | Rogers |
| Chronister | | | | |

The DeCamp amendment lost with 19 ayes, 20 nays, 4 present and not voting, and 6 excused and not voting.

Advanced to E & R for Engrossment.

Mr. Pappas asked unanimous consent to be excused until he returns. No objections. So ordered.

## SELECT COMMITTEE REPORTS
### Enrollment and Review

### Correctly Engrossed

The following bills were correctly engrossed: 213 and 393.

(Signed) Timothy Hall, Chairperson

### Enrollment and Review Change to LB 393

The following changes, required to be reported for publication in the Journal, have been made:
ER0069

1. In the Lynch amendment, AM1121, adopted May 2, 1985, on page 2, line 3, "and" has been struck.

2. Because of the Withem amendment, AM0931, amendment 12, the Lynch amendment AM0939, adopted May 2, 1985, has been struck.

3. In the E & R amendments, AM5142, on page 5, line 11, ", 23-1112" has been inserted after "23-324.08".

4. In the Withem amendment, AM0931, on page 1, line 15, "27" has been struck and "26" inserted.

5. In the Standing Committee amendments, AM0877, on page 11, line 10, the period has been struck and shown as stricken.

6. On page 1, line 5, "to change the mileage rate for county officers;" has been inserted after the first semicolon.

(Signed) Mary Sommermeyer
E & R Attorney

## STANDING COMMITTEE REPORT
**Banking, Commerce and Insurance**

**LEGISLATIVE BILL 726.** Placed on General File.

(Signed) John DeCamp, Chairperson

## UNANIMOUS CONSENT - Print in Journal

Mrs. Marsh asked unanimous consent to print the following amendment to LB 516 in the Journal. No objections. So ordered.

AM1315
(Amendments to Standing Committee Amendments)

1. On page 1, strike beginning with "Adams" in line 9 through "York" in line 23 and insert "Sioux, Dawes, Box Butte, Morrill, Sheridan, Scottsbluff, Banner, Kimball, Cheyenne, Garden, Deuel, Cherry, Grant, Hooker, Thomas, Arthur, McPherson, Logan, Keith, Lincoln, Perkins, Chase, Keya Paha, Brown, Rock, Boyd, Holt, Dundy, Hayes, Hitchcock, Frontier, Gosper, Red Willow, Dawson, and Furnas".

2. On page 2, strike line 2 and insert "counties of Cedar, Dixon, Dakota, Thurston, Burt,

Dodge, Washington, Douglas, Sarpy, Cass, Otoe, Johnson, Nemaha, Pawnee, and Richardson; and"; and strike beginning with "county" in line 3 through "Lancaster" in line 4, show as stricken, and insert "Blaine, Loup, Garfield, Wheeler, Custer, Valley, Greeley, Sherman, Howard, Buffalo, Hall, Phelps, Kearney, Adams, Clay, Harlan, Franklin, Webster, Knox, Antelope, Pierce, Wayne, Madison, Stanton, Cuming, Boone, Platte, Colfax, Nance, Merrick, Polk, Butler, Saunders, Hamilton, York, Seward, Lancaster, Gage, Jefferson, Filmore, Saline, Nuckolls, and Thayer".

3. On page 4, line 4, strike "nineteen" and insert "six"; in line 6 strike "(3)" and insert "(5)"; and strike lines 8 through 26 and insert:

"Election District No. 1 shall consist of the counties of McPherson, Logan, Lincoln, Keith, Arthur, Hooker, Dawson, and Thomas;

Election District No. 2 shall consist of the counties of Chase, Hayes, Frontier, Furnas, Red Willow, Hitchcock, Perkins, Gosper, and Dundy;

Election District No. 3 shall consist of the counties of Sheridan, Grant, Dawes, Box Butte, Morrill, and Sioux;

Election District No. 4 shall consist of the county of Scottsbluff;

Election District No. 5 shall consist of the counties of Banner, Kimball, Cheyenne, Garden, and Deuel; and

Election District No. 6 shall consist of the counties of Brown, Keya Paha, Rock, Boyd, Holt, and Cherry.".

4. Strike page 5 and insert the following new subsections:

"(3) District No. 2 shall be divided into five election districts. From January 9, 1986, until January 9, 1988, or until changed as provided in subsection (5) of this section, such election districts shall be as follows:

Election District No. 1 shall consist of the counties of Johnson, Pawnee, Nemaha, and Richardson;

Election District No. 2 shall consist of the counties of Sarpy, Cass, and Otoe;

Election District No. 3 shall consist of the county of Douglas;

Election District No. 4 shall consist of the

counties of Burt, Thurston, Dodge, and Washington; and

Election District 5 shall consist of the counties of Dakota, Dixon, and Cedar.

(4) District No. 3 shall be divided into ten election districts. From January 9, 1986, until January 9, 1988, or until changes as provided in subsection (5) of this section, such election districts shall be as follows:

District No. 1 shall consist of the counties of Hamilton, Polk, York, Butler, Seward, and Saunders;

Election District No. 2 shall consist of the counties of Filmore, Saline, Thayer, and Nuckolls;

Election District No. 3 shall consist of the counties of Knox, Antelope, Cuming, Pierce, Madison, Stanton, and Wayne;

Election district No. 4 shall consist of the counties of Adams, Clay, Phelps, Kearney, Harlan, Franklin, and Webster;

Election District No. 5 shall consist of the counties of Hall and Howard;

Election District No. 6 shall consist of the counties of Sherman and Buffalo;

Election District No. 7 shall consist of the counties of Jefferson and Gage;

Election District No. 8 shall consist of the counties of Blaine, Loup, Garfield, Greeley, Wheeler, Valley, and Custer;

Election District No. 9 shall consist of the counties of Boone, Platte, Colfax, Nance, and Merrick; and

Election District No. 10 shall consist of the county of Lancaster.".

5. On page 6, line 1, strike "(3)" and insert "(5)"; strike lines 16 through 23 and insert:

(1) In the first judicial district, there shall be: (a) Two judges in election districts one, three, and four; and (b) one judge in election districts two, five, and six;

(2) In the second judicial district, there shall be: (a) Twelve judges in election district three; (b) three judges in election district one; (c) Two judges in election district four; and (d) one judge in election districts two and five; and

(3) In the third judicial district, there shall be: (a) Six judges in election district ten; (b)

two judges in election district one, three, four, five, and nine; and (c) one judge in election districts two, six, seven, and eight."; and strike beginning with "(1)" in line 24 through line 26.

6. On page 7, line 1, strike "district or (2)"; in line 2 strike "the first judicial district"; and in line 17 strike "judicial district or" and show the old matter as stricken.

7. On page 9, line 10, strike "nineteen" and insert "corresponding"; in line 14 strike "14" and insert "3 of the first county judge district"; in line 16 strike "15" and insert "4 of the first county judge district"; and in line 17 strike "17" and insert "5 of the first county judge district".

8. On page 10, strike lines 10 through 15 and insert the following new subsection:

"(3) There shall be the following number of judges of the county court:

(1) In the first county judge district, there shall be: (a) Two judges in election districts two, three, four, five, and six; and (b) one judge in election district one;

(2) In the second county judge district, there shall be: (a) Three judges in election district two; (b) two judges in election districts three, four, and five; and (c) one judge in election district one; and

(3) In the third county judge district there shall be: (a) Three judges in election districts one, three, and nine; (b) two judges in election districts two, four, five, eight, and ten; and (c) one judge in election districts six and seven."; and in line 21 after "in" insert "election district two of the second county judge district or election district one of the third county judge" and strike "2 or 3".

9. On page 11, strike beginning with "(1)" in line 8 through "(2)" in line 10; and in lines 11 and 12 strike "for the first county judge district".

10. On page 12, line 1, strike "county judge district or" and show the old matter as stricken.

11. On page 13, line 16, strike "judicial district or"

Mr. DeCamp asked unanimous consent to print the following amendment to LB 713 in the Journal. No objections. So ordered.

AM1295

(Amendments to Standing Committee Amendments)

1. On page 1, line 3, strike "10" and insert "9"; in line 8 strike "contract claim and the"; strike lines 10 through 15; in line 16 strike "(3)" and insert "(2)"; in line 18 strike "(4)" and insert "(3)"; in line 21 strike "(5)" and insert "(4)"; and in line 23 strike "(6)" and insert "(5)".

2. On page 2, line 5, strike "(7)" and insert "(6)"; strike beginning with "After" in line 23 through the second "the" in line 25 and insert "The"; and in line 26 strike "that the contract claim and the".

3. Strike section 3.

4. On page 3, strike line 1; and strike beginning with "and" in line 3 through "devoting" in line 26 and insert an underscored period.

5. On page 4, strike lines 1 through 12; in line 15 strike "contract claim and the" and strike "respective amounts" and insert "amount"; in line 16 strike "4" and insert "3"; in line 18 strike "claims are" and insert "claim is"; in line 19 strike "payments constitute" and insert "payment constitutes"; in line 21 strike "sums" and insert "sum"; and in line 22 strike "4" and insert "3" and strike "are" and insert "is".

6. On page 5, line 5, strike "twenty" and insert "eight"; in line 14 strike "5" and insert "4"; and in line 16 strike "contract claim and the".

7. On page 9, line 8, strike "Nine" and insert "Eleven".

8. On page 11, line 8, strike "four" and insert "two".

9. Renumber remaining sections accordingly.

Mr. Lynch asked unanimous consent to print the following amendment to LB 722 in the Journal. No objections. So ordered.

AM1308

1. On page 72, after line 19 insert:

"(1) Program No. 297 - State Scholarship Program

| | |
|---|---|
| GENERAL FUND | 234,249 |
| PROGRAM TOTAL | 234,249"; |

in line 20 strike "(1)" and insert "(2)"; after line 20 insert:

| | |
|---|---|
| GENERAL FUND | 160,000"; |

in line 22 strike "600,000" and insert "760,000"; and in line 24 after "program" insert "$160,000 General Funds and".

2. On page 73, line 7, strike "(2)" and insert "(3)"; in line 17 strike "176,095" and insert "570,344"; and in line 20 strike "789,095" and insert "1,183,344".

3. On page 81, lines 23 and 27, strike the period and insert a semicolon.

4. On page 82, line 7, strike the period and insert "; and"; after line 7 insert a new subdivision as follows:

"(x) Tuition remissions shall increase ten per cent for need-based student financial aid programs, but no additional funds above the 1984-85 base budget shall be used for nonneed-based aid programs."; and in lines 26 and 27 strike "90,795,773" and insert "90,532,450".

5. On page 83, line 3, strike "$3,493,000" and insert "$3,229,677"; in line 19 strike "$313,900"; strike beginning with "which" in line 20 through "purposes" in line 21 and insert "shall increase ten per cent for need-based programs only"; and in lines 26 and 27 strike "23,095,863" and insert "23,005,121".

6. On page 84, line 2, strike "$1,680,429" and insert "1,589,687"; in lines 9 and 10 strike "47,161,481" and insert "47,121,297"; and in line 12 strike "$622,061" and insert "$581,877".

## REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the following Governor appointment.

**Public Works**

Dayle Williamson - Director, Department of Natural Resources

(Signed) Chris Beutler, Chairperson
Legislative Council
Executive Board

## NOTICE OF COMMITTEE HEARING
**Public Works**

Governor Appointment Thursday, May 9, 1985 8:30 a.m.

Dayle Williamson - Director, Department of Natural Resources

(Signed) Loran Schmit, Chairperson

## UNANIMOUS CONSENT - Add Co-Introducer

Mr. Lundy asked unanimous consent to have his name added as co-introducer to LB 112. No objections. So ordered.

## SELECT FILE

**LEGISLATIVE BILL 333.** E & R amendments, AM5128, printed separate from the Journal and referred to on page 1503 for the Fifty-Seventh Day were adopted.

Mr. Abboud asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Warner offered the following amendment:
AM1299

(Amendments to AM5128)

1. On page 6, strike beginning with "The" in line 21 through "all" in line 22 and insert "The Legislature shall appropriate two hundred fifty thousand dollars each year from the General Fund to the Nebraska Child Abuse Prevention Fund. All"; and in line 25 after "act" insert "shall be credited to and deposited in the Nebraska Child Abuse Prevention Fund by the State Treasurer".

2. On page 7, strike lines 4 through 24 and insert:

"Until the amount in the fund exceeds two and one half million dollars, not more than seventy-five per cent of the money deposited in the fund each year plus seventy-five per cent of all earnings from the investment of money in the fund credited during the previous fiscal year shall be available for disbursement by the board in accordance with sections 1 to 6 of this act, except that any amounts which may be received from any grants, gifts, bequests, the federal government, or other sources shall be disbursed pursuant to the conditions imposed by such sources. Money not available for disbursement shall be retained and accumulated in the fund. When the assets in the fund exceed two and one half million dollars, only the earnings from the

investment of money in the fund credited during the previous fiscal year or other income credited to the fund shall be available for disbursement by the board in accordance with sections 1 to 6 of this act.".

Mr. Beutler offered the following amendment to the Warner amendment:

1. On page 6, strike beginning with "The" in line 21 through "all" in line 22 and insert "The Legislature shall appropriate two hundred thousand dollars each year from the General Fund to the Nebraska Child Abuse Prevention Fund. All"; and in line 25 after "act" insert "shall be credited to and deposited in the Nebraska Child Abuse Prevention Fund by the State Treasurer".

2. On page 7, strike lines 4 through 26 and lines 1-2 on page 8.

Mr. Beutler moved for a call of the house. The motion prevailed with 9 ayes, 1 nay, and 39 not voting.

Mr. Beutler requested a roll call vote on his amendment.

Voting in the affirmative, 13:

| | | | | |
|---|---|---|---|---|
| Beutler | Johnson, V. | Peterson | Sieck | Vickers |
| Goll | Lundy | Pirsch | Smith | Withem |
| Hannibal | Miller | Schmit | | |

Voting in the negative, 26:

| | | | | |
|---|---|---|---|---|
| Baack | Conway | Hoagland | Lynch | Rogers |
| Barrett | Hall | Johnson, L. | Marsh | Rupp |
| Beyer | Harris | Labedz | Nelson | Scofield |
| Carsten | Hefner | Lamb | Nichol | Warner |
| Chizek | Higgins | Landis | Remmers | Wesely |
| Chronister | | | | |

Present and not voting, 4:

| | | | |
|---|---|---|---|
| Abboud | Eret | Goodrich | Hartnett |

Absent and not voting, 1:

DeCamp

Excused and not voting, 5:

Chambers Haberman Johnson, R. Morehead Pappas

The Beutler amendment lost with 13 ayes, 26 nays, 4 present and not voting, 1 absent and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Mr. DeCamp asked unanimous consent to be excused until he returns. No objections. So ordered.

The Warner amendment was adopted with 27 ayes, 2 nays, 14 present and not voting, and 6 excused and not voting.

Mr. Lynch offered the following amendment:
AM1012

(Amendments to AM5128)

1. Insert the following new sections:

"Sec. 8. That section 33-126.05, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

33-126.05. The county court shall be allowed the following miscellaneous fees: For delayed birth registration, for the entire proceedings, ten dollars; for adoptive birth registration, for the entire proceedings, five dollars; for taking and approving any recognizance or bond for each of the same, five dollars; for issuing a marriage license, administering the oath therein, and recording the certificate, ten dollars; for filing, approving, and recording official bonds or bonds of abstracters, five dollars; for depositing a will for safekeeping and indexing the same, two dollars. The legal fees for printing notices required by law to be printed in some newspaper shall be allowed in addition to the fees herein allowed. For the following services performed by the county court, it shall be entitled to receive the following fees: For a temporary restraining order in injunction, in the absence of the district judge, five dollars; appointment of appraisers in condemnation proceedings, fifteen dollars, plus one dollar for each additional parcel of land included in the petition, when ~~where~~ more than one; certifying report of appraisers to the county clerk or register of deeds, and making a transcript of the same to the district court, one dollar per page. In addition to the fees provided in sections 33-123 to 33-125, the county

court shall be entitled to the following fees: For transcripts, copies, certified copies, taking depositions, one dollar per page; for executing a certificate and affixing the seal, one dollar; for comparing copies presented for certification, which copies are not prepared by the county court or its employees, a fee at a rate of one dollar per page; and in any other matter, in which there is not a fee specifically provided for herein, the fees of the clerk of the district court, as authorized by law for similar services, shall be collected. In addition to the fee charged for issuing a marriage license, administering the oath therein, and recording the certificate, the county court shall charge and collect an additional fee of ten dollars for the same. The ten dollar fee shall be paid to the state treasury and credited to the General Fund by the State Treasurer.

Sec. 9. That section 71-612, Revised Statutes Supplement, 1984, as amended by section 7, Legislative Bill 42, Eighty-ninth Legislature, First Session, 1985, be amended to read as follows:

71-612. (1) The Director of Health, as the State Registrar, through the Department of Health shall preserve permanently and index all certificates received. The department shall supply to any applicant for any proper purpose, as defined by regulations of the department, a certified copy of the record of any birth, death, marriage, or divorce registered. Except as provided in subsections (2), (3), ~~and~~ (5), and (6) of this section, the department shall be entitled to charge and collect in advance a fee of five dollars, to be paid by the applicant for each certified copy supplied to the applicant or for any search made at the applicant's request for any such record, whether or not the record is found on file with the department.

(2) The department shall, free of charge, search for and furnish a certified copy of any record on file with the department upon the request of (a) the United States Veterans' Administration, or any lawful service organization empowered to represent veterans, if the copy of the record is to be issued for the welfare of any member or veteran of the armed forces of the United States, or in the interests of any member of his or her family, in connection with a claim growing out of service in the armed forces of the nation or (b) the

military department of the State of Nebraska.

(3) The department may, free of charge, search for and furnish a certified copy of any record on file with the department when in the opinion of the director of vital statistics it would be a hardship for the claimant of old age, survivors', or disability benefits under the Social Security Act to pay the fee provided in this section.

(4) A strict account shall be kept of all funds received by the department. Such funds shall be paid to the state treasury and by the State Treasurer credited to the Bureau of Vital Statistics Fund, which is hereby created. The fund shall be used for the purpose of administering the laws relating to vital statistics. The fund may be used to create, under section 81-104.01, a petty cash fund administered by the department to facilitate the payment of refunds to individuals who apply for copies of records. The petty cash fund shall be subject to section 81-104.01, except that the amount in the fund shall not be less than twenty-five dollars nor more than one thousand dollars.

(5) The Department of Health shall, upon request, conduct a search of death certificates for stated individuals for the Nebraska Medical Association or any of its allied medical societies or any inhospital staff committee pursuant to sections 71-3401 to 71-3403. If such death certificate is found, the department shall provide a noncertified copy. The department shall charge a fee for each search or copy sufficient to cover its actual direct costs, except that such fee shall not exceed two dollars per individual search or copy requested.

(6) In addition to the fees charged under subsection (1) of this section, the department shall charge and collect an additional fee of one dollar for any certified copy of the record of any birth. Such fees collected shall be paid to the state treasury and credited to the General Fund.

Sec. 10. That section 22, Legislative Bill 42, Eighty-ninth Legislature, First Session, 1985, be amended to read as follows:

Sec. 22. The Department of Health shall charge and collect a fee of five dollars for each delayed birth certificate application when submitted. Upon request and payment of the fee required by section

71-612, a certified copy of such a certificate shall be furnished by the Director of Health through the Bureau of Vital Statistics. ~~All~~ The department shall charge and collect an additional fee of one dollar for each delayed birth certificate. Except as provided in subsection (6) of section 71-612, all fees so collected shall be paid into the state treasury and by the State Treasurer credited to the Bureau of Vital Statistics Fund.

Sec. 11. That section 71-627, Revised Statutes Supplement, 1984, be amended to read as follows:

71-627. The certificate of birth of adopted children shall be filed as other certificates of birth. There shall be a fee of five dollars charged for each certificate filed. All fees so collected shall be paid into the state treasury and shall be credited by the State Treasurer to the Bureau of Vital Statistics Fund~~,~~ as provided in section 71-612, except as provided in subsection (6) of section 71-612. Upon request and the payment of the fee prescribed by section 71-612 for the same, a certified copy of such a certificate may be furnished by the Director of Health~~,~~ through the Bureau of Vital Statistics. The department shall charge and collect an additional fee of one dollar for each certificate furnished.

Sec. 12. That section 71-628, Revised Statutes Supplement, 1984, be amended to read as follows:

71-628. In case of the legitimation of any child born in Nebraska by the subsequent marriage of its parents, as provided in section 43-1409, the Bureau of Vital Statistics, Department of Health, upon the receipt of a certified copy of the marriage certificate of the parents and a statement of the husband acknowledging paternity, shall prepare a new certificate of birth in the new name of the child so legitimated, in substantially the same form as that used for other live births~~,~~ and shall charge a filing fee of five dollars. The department shall charge and collect an additional fee of one dollar for each new certificate of birth prepared. Such fees collected shall be paid to the state treasury and credited to the General Fund by the State Treasurer.".

2. On page 11, line 9, after "original"

insert "section 33-126.05, Reissue Revised Statutes of Nebraska, 1943," and after "28-710," insert "71-627, 71-628,"; and in line 10 after the last comma insert "section 71-612, Revised Statutes Supplement, 1984, as amended by section 7, Legislative Bill 42, Eighty-ninth Legislature, First Session, 1985, and section 22, Legislative Bill 42, Eighty-ninth Legislature, First Session, 1985,".

3. Renumber the remaining sections accordingly.

Messrs. Rupp, Schmit, and Withem asked unanimous consent to be excused. No objections. So ordered.

Mr. Abboud asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Beutler offered the following amendment to the Lynch amendment:

By striking all sections

There is hereby established a divorce fee in the amount of $100 to be collected as court costs

Pending.

## MESSAGES FROM THE GOVERNOR

May 6, 1985

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol Building
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

Engrossed Legislative Bill 709 was received in my office on April 30, 1985.

This bill was signed by me on May 6, 1985 and delivered to the Secretary of State.

LB 709 places in statute the continued operation of the Youth Development Center at Geneva. Regardless of one's position on whether we should continue this facility, this bill represents questionable practice by the Legislature. The use of the state's resources, both physical and financial, should be determined in the

broader context of the overall budget.

The continued operation of Geneva is not assured with my signature. Only an appropriation can do that.

At this point, the funds to continue the Center are contained in the recommendation of the Appropriations Committee. If the budget, as finally passed, remains at $847 million, it is my intention not to veto the funding.

I encourage you to approach the continued operation of the Youth Development Center through the proper vehicle ... LB 722.

Sincerely,
(Signed) ROBERT KERREY
Governor

RK/jm

May 6, 1985

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bill 280 was received in my office on April 30, 1985.

This bill was signed by me on May 6, 1985 and delivered to the Secretary of State.

Sincerely,
(Signed) ROBERT KERREY
Governor

RK/jm

## SELECT COMMITTEE REPORTS
### Enrollment and Review

**LEGISLATIVE BILL 633.** Placed on Select File as amended.
E & R amendments to LB 633:
AM5163

1. In the Lamb amendment on Journal page 1999, adopted May 1, 1985, on page 1, line 1, after the comma insert "line 1, strike 'section' and insert 'sections'; in"; strike beginning with "strike" in line 1 through "10" in line 2 and insert "after the first

period" in line 3 strike "4" and insert "5"; in lines 3 and 7 strike "biannual" and insert "biennial"; and in line 9 strike "are to" and insert "shall".

2. In the Vickers amendment, AM1092, adopted on April 30, 1985:

a. On page 1, line 6, strike "shall have", show as stricken, and insert "has"; in line 7 strike the comma and show as stricken and strike "shall" and show as stricken and strike "fail", show as stricken, and insert "fails"; and in line 12 after "district" insert an underscored comma;

b. On page 2, line 12, strike "shall find", show as stricken, and insert "finds";

c. On page 3, line 1, strike "8" and insert "10"; and

d. Strike amendments 2 and 3.

3. In the Rogers amendment on Journal page 1974, adopted April 30, 1985:

a. On page 1, line 2, strike "2" and insert "3"; and

b. Strike amendment 2.

4. In the Standing Committee amendments, AM0820, adopted April 19, 1985:

a. On page 1, line 2, strike "2" and insert "4"; in line 5 strike "79-549." and show as stricken; and in lines 15 to 16 strike "performance based" and insert "performance-based";

b. On page 2, line 19, before "1985" insert a comma and before "1986" insert an underscored comma;

c. On page 3, line 1, strike the comma and insert "and"; and in line 2 strike beginning with the comma through "comma"; and

d. Strike amendment 10.

5. On page 1, line 1, after "sections" insert "79-420, 79-4,154, 79-549, and 79-1304, Reissue Revised Statutes of Nebraska, 1943, and sections"; in line 4 after the first semicolon insert "to change provisions relating to when a district must be dissolved;"; strike beginning with "provide" in line 6 through "committee" in line 7 and insert "require a vote for the issuance of certain bonds; to change provisions relating to kindergarten programs; to provide for biennial course offerings as prescribed; to change provisions relating to advisory committees"; and in line 9 after "examinations" insert ", teaching certificates and

permits, and the entry-year assistance program; to eliminate a provision on when school must be open and in session".

6. On page 5, line 11, strike the first "in" and show as stricken; and in line 12 after "credit" insert an underscored comma.

7. On page 11, line 2, strike ", 1985", show as stricken, and insert ", 1986".

8. On page 15, line 3, after "original" insert "sections 79-420, 79-4,154, 79-549, and 79-1304, Reissue Revised Statutes of Nebraska, 1943, and".

**LEGISLATIVE BILL 204.** Placed on Select File as amended.
E & R amendment to LB 204:
AM5162

1. For purposes of correlation with section 1, LB 28:

a. On page 1, line 3; page 3, line 8; and page 4, line 2, after "1943" insert ", as amended by section 1, Legislative Bill 28, Eighty-ninth Legislature, First Session, 1985"; and

b. On page 3, line 20, strike "and"; in line 21 after "Arts" insert "; and (20) Journalism"; and strike lines 22 through 27.

**LEGISLATIVE BILL 204A.** Placed on Select File.
**LEGISLATIVE BILL 271A.** Placed on Select File.
**LEGISLATIVE BILL 273A.** Placed on Select File.
**LEGISLATIVE BILL 608A.** Placed on Select File.
**LEGISLATIVE BILL 715A.** Placed on Select File.
**LEGISLATIVE BILL 717A.** Placed on Select File.

(Signed) Timothy Hall, Chairperson

## UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendment to LB 606 in the Journal. No objections. So ordered.

AM1313

(Amendments to Final Reading Copy)

1. On page 5, line 2, strike "January 1, 1986" and insert "September 1, 1988"; after line 15 insert a new subsection as follows:

"(7) A buyer who in the ordinary course of

business purchases farm products from a person engaged in farming or a person who sells farm products for another for a fee or commission who wishes to avail himself or herself of the protections of subsection (4) of section 9-307 shall post, in public view in a prominent place on the premises where the transactions are initiated, or deliver, in writing to a prospective seller at the time the transaction is initiated, the following or substantially similar notice:

Notice to Sellers

Nebraska law, section 9-307(4), Uniform Commercial Code, provides that a buyer who purchases farm products or a person who sells farm products for another for a fee or commission may require that the seller, under the penalties of a Class I misdemeanor, declare and identify in writing the first security interest holder or first lienholder, as the case may be, with regard to the farm products being sold. If such seller is then tendered the total purchase price by means of a check payable to such seller and, if one be named, payable to the named first security interest holder or first lienholder, as the case may be, and if the named first security interest holder or first lienholder authorizes the negotiation of such check, the buyer of such farm products so purchased shall take free of any security interest or lien."; and in line 16 strike "(7)" and insert "(8)".

2. On page 24, strike lines 9 through 17.

3. Strike original section 16 and insert new sections as follows:

"Sec. 10. That section 9-417, Uniform Commercial Code, be amended to read as follows:

9-417. Uniform Commercial Code Filing Council; develop or recommend computer system; duties.

The Governor shall appoint a chairperson from the membership of the Uniform Commercial Code Filing Council. The council shall be responsible for developing or recommending a system or systems to implement the provisions of sections 9-401, 9-403, and 9-411 to 9-420, Uniform Commercial Code, as well as recommended rules and regulations and any further statutory changes as may be necessary to implement such provisions.

Such system or systems shall be designed so that for liens arising under Chapter 52, articles 5, 7,

9, 10, and 11, and Chapter 54, article 2, information similar to that required by section 9-414 may be transmitted and made available in the same manner as provided in sections 9-413 to 9-420 for Uniform Commercial Code filings.

Estimates of the costs of such recommendations shall be made, including the costs of computer terminals, line costs, and other associated costs for each county. The council shall recommend a schedule of fees adequate to meet all such costs.

The Uniform Commercial Code Council shall, on or before December 1, 1985, develop a plan for including in the data base of the centralized indexing computer system information relative to valid security interests and liens which were filed prior to July 1, 1983. Such plan shall include cost alternatives and a copy of such plan shall be reported to the Legislature's Banking, Commerce and Insurance Committee prior to December 1, 1985.

Sec. 17. Sections 4 and 19 of this act shall become operative on July 1, 1985. The remaining sections shall become operative on their effective date.

Sec. 19. That original section 9-403, Uniform Commercial Code, is repealed.".

4. On page 30, line 14, after "9-401" insert ", 9-402, 9-404".

5. Renumber remaining sections accordingly.

6. On page 1, line 2, strike "and"; in line 3 after the comma insert "and 9-417,"; in line 6 after the first semicolon insert "to provide for notice to sellers;"; and in line 12 after the semicolon insert "to provide duties;".

Mr. DeCamp asked unanimous consent to print the following amendment to LB 713 in the Journal. No objections. So ordered.

AM1328

(Amendments to AM1232)

1. On page 1, strike beginning with "Sections" in line 3 through line 23 and insert: "There is hereby appropriated $8,500,000 from the General Fund for the period July 1, 1985, to June 30, 1986, to the Department of Banking and Finance as Receiver for Commonwealth Savings Company, insolvent, in payment of the settlement of Tort Claim Number 4-302, as approved

by the District Court of Lancaster County, and in full settlement and satisfaction of any and all claims against the State of Nebraska and its officers and employees relating to the insolvency of such company.

Sec. 2. The Director of Administrative Services is hereby authorized and directed to draw his or her warrant on or before June 30, 1986, upon the General Fund in the state treasury, in favor of the Receiver for Commonwealth Savings Company, insolvent, upon the presentation of a proper voucher therefor. The amount herein appropriated shall be in full settlement and satisfaction of any and all claims of every character and kind owing by the State of Nebraska and its officers and employees to the Receiver for Commonwealth Savings Company, insolvent, in whose favor the appropriation is made. The director shall not deliver a warrant for the item herein appropriated until a receipt in full shall have been filed by the Receiver for Commonwealth Savings Company, insolvent. Upon presentation of the warrant, the State Treasurer is hereby directed to pay the same out of money in the General Fund.".

2. Strike pages 2 through 12.

Messrs. Wesely, Remmers, and DeCamp asked unanimous consent to print the following amendment to LB 126 in the Journal. No objections. So ordered.

AM1307

(Amendments to Final Reading Copy)

1. On page 2, line 21, strike "1989" and insert "1990"; and in line 26 strike "and 1988-89" and insert "1988-89, and 1989-90".

2. On page 3, line 12, strike "1989" and insert "1990"; and strike beginning with "School" in line 14 through "Equalization" in line 23, show the old matter as stricken and insert "Permanent School".

3. Strike section 2 and insert new sections as follows:

"Sec. 2. That section 81-1632, Revised Statutes Supplement, 1984, be amended to read as follows:

81-1632. (1) Any school district may apply to the State Energy Office for an energy efficiency loan from the School Weatherization Fund. Loans ~~grant. Each~~

~~school district applying for such a grant shall provide matching funds equal to twenty-five per cent of the grant request. Such matching funds may consist of a combination of cash or in-kind services, except that in-kind services may not exceed fifty per cent of the required matching funds. Grants~~ received pursuant to this subsection ~~and the matching school district funds~~ shall only be used for energy efficiency projects which are approved by the State Energy Office at the time the ~~grant~~ loan is approved.

(2) The State Energy Office shall approve energy efficiency ~~grant~~ loan applications for proposed programs or projects which will reduce energy use or result in a more efficient use of available energy resources. Any such ~~grant~~ loan not denied within forty-five days of its submission shall be considered approved. In determining whether to approve, reduce, or deny such application the State Energy Office shall consider the type of project or program proposed, the life expectancy of the building, the projected energy savings, and the simple payback period for the project. ~~No school district shall receive such grants totaling more than one hundred thousand dollars for use in any one school.~~

(3) Upon approval of an energy efficiency ~~grant~~ loan application pursuant to this section, the State Energy Office shall submit its voucher against the School Weatherization Fund to the Director of Administrative Services for the amount of the approved ~~grant~~ loan. The Director of Administrative Services shall, on a monthly basis or more frequently if requested, notify the State Energy Office of the balance available in the School Weatherization Fund.

(4) Any school district may apply to the State Energy Office for a technical analysis study grant. The State Energy Office shall adopt and promulgate, not later than January 1, 1985, rules and regulations pertaining to the application procedures, approval criteria, funding based on building floor area, and the required contents of a technical analysis study. The funds distributed in any fiscal year for such studies shall not exceed three per cent of the funds available from the School Weatherization Fund during that fiscal year. No technical analysis ~~study~~ grant shall exceed two thousand five hundred dollars for any one building.

~~The grant for a technical analysis study shall not count against the one hundred thousand dollars allowable to a school district for an energy efficiency grant.~~ Grants received pursuant to this subsection shall only be used for technical analysis studies which are approved by the State Energy Office at the time the grant is approved. The school district shall submit a copy of the technical analysis report and an expense voucher to the State Energy Office as a request for payment. The State Energy Office shall submit its voucher to the Director of Administrative Services upon approval of the technical analysis study by the State Energy Office.

(5) Approved loan or grant applications shall be effected by contract or such other form or method as shall be provided by the State Energy Office. Loans shall be repaid in semiannual payments, with the first payment due six months after the date the project or program is completed. Loans shall carry no interest or finance charge and payments shall be deposited in the School Weatherization Fund. The amount of each semiannual payment shall be one-fourth of the estimated first-year savings resulting from the project as established in the approved loan application, except that no such loan shall be made for a term longer than fourteen years after the completion of the project or program. ~~Commencing July 1, 1983, the State Energy Office shall divide grants between major and minor projects or programs. Thirty per cent of available grant money shall be for major energy efficiency projects or programs. Seventy per cent of available grant money shall be for technical analysis studies and minor energy efficiency projects or programs. Major energy efficiency projects or programs shall mean those with a simple payback period of more than five years and minor energy efficiency projects or programs shall mean those with a simple payback period of five years or less. Any entity requesting a grant for a minor energy efficiency project or program shall be required to provide matching funds equal to twenty per cent of the grant request.~~

(6) For purposes of this section simple payback period shall mean the cost of the project divided by the first year's savings resulting from the project.

(7) The State Energy Office shall provide

forms on which loan and grant applications may be made. The State Energy Office shall record and compile a complete list of all loan and grant applications and shall make an equitable geographic distribution of loans and grants as nearly as possible among the congressional districts provided in section 5-101.01.

Sec. 3. That section 81-1633, Revised Statutes Supplement, 1984, be amended to read as follows:

81-1633. (1) Each school district receiving a grant or loan pursuant to section 81-1632 shall, on an annual basis, submit a report to the State Energy Office detailing any changes in energy consumption for each school in which an energy efficiency project or program was funded pursuant to sections 77-3434, 81-1632, and 81-1633. The report shall also include a detailed breakdown of project expenditures for the previous twelve months.

(2) The Legislature's Performance Review and Audit Committee shall annually review and assess the need for continuation of the School Weatherization Fund.

(3) The State Energy Office may adopt and promulgate rules and regulations necessary to ensure the effectiveness of sections 81-1632 and 81-1633 and may retain an amount from the School Weatherization Fund for each loan or grant, not to exceed three per cent of the total loan or grant, to cover the actual cost of administering the loan or grant.".

4. On page 4, line 2, strike "section 81-1634" and insert "sections 81-1632 and 81-1633"; and in line 3 after the second comma insert "and also section 81-1634, Revised Statutes Supplement, 1984,"

5. Renumber remaining sections accordingly.

6. On page 1, line 3, strike "section 81-1634" and insert "sections 81-1632 and 81-1633"; in line 6 after the semicolon insert "to change certain energy efficiency grants to loans; to change provisions relating to such loans and grants;" and strike "change" and insert "eliminate"; and in line 8 after "sections" insert ", and also section 81-1634, Revised Statutes Supplement, 1984".

Mr. Miller asked unanimous consent to print the following amendment to LB 723 in the Journal. No objections. So ordered.

AM1332

1. Insert a new section as follows:

"Sec. 25. Program 939. The Board of Regents is hereby authorized to construct such facilities as shall be approved by the Legislature to provide for the clinical training of students in the cooperative veterinary medicine program. There is hereby appropriated $200,000 from Federal Funds and $100,000 from the State Building Fund, to be matched by $100,000 from private funds, for the period July 1, 1985, to June 30, 1986. No money shall be expended from state funds until the $100,000 from private funds has been provided. There is hereby appropriated $200,000 from the State Building Fund and $200,000 from Federal Funds for the period July 1, 1986, to June 30, 1987, to the Board of Regents of the University of Nebraska, for Program 939, to complete plans and designs for such facilities.

There is hereby appropriated (1) $1,000,000 from the State Building Fund and $1,000,000 from Federal Funds for the period July 1, 1987, to June 30, 1988, (2) $2,709,367 from the State Building Fund and $2,709,367 from Federal Funds for the period July 1, 1988, to June 30, 1989, (3) $2,361,384 from the State Building Fund and $2,361,384 from Federal Funds for the period July 1, 1989, to June 30, 1990, and (4) $2,419,433 from the State Building Fund and $2,419,433 from Federal Funds for the period July 1, 1990, to June 30, 1991, to the Board of Regents of the University of Nebraska, for Program 939, to complete construction of such facilities. Total project costs shall not exceed $17,780,367.

## VISITORS

Visitors to the Chamber were 19 students and teacher from St. Francis, Humphrey; 10 eighth grade students and Pastor from Good Shepherd Lutheran School, Omaha; 58 students and sponsor from St. Thomas More, Omaha; 8 kindergarten through sixth grade students and teacher from West Grove - Cass County School, Ashland; 30 fourth grade students and teacher from St. Joseph's School, York; and students from UNL Educational Administration Class.

## ADJOURNMENT

Mrs. Higgins moved to adjourn. The motion prevailed, and at 4:45 p.m., on a motion by Mrs. Higgins, the Legislature adjourned until 9:00 a.m., Tuesday, May 7, 1985.

Patrick J. O'Donnell
Clerk of the Legislature

# SEVENTY-FOURTH DAY - MAY 7, 1985

# LEGISLATIVE JOURNAL

# SEVENTY-FOURTH DAY - MAY 7, 1985

## LEGISLATIVE JOURNAL

## EIGHTY-NINTH LEGISLATURE
## FIRST SESSION

## SEVENTY-FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, May 7, 1985

Pursuant to adjournment, the Legislature met at 9:00 a.m., President McGinley presiding.

## PRAYER

The prayer was offered by Reverend Louis Champ, Bethany Christian Church, Lincoln, Nebraska.

## ROLL CALL

The roll was called and all members were present except Messrs. Chambers, Goodrich, and Miller who were excused; and Messrs. Carsten, Chizek, Hartnett, Hoagland, R. Johnson, V. Johnson, and Schmit who were excused until they arrive.

## CORRECTIONS FOR THE JOURNAL

The Journal for the Seventy-Third Day was approved.

## MESSAGE FROM THE GOVERNOR

May 6, 1985

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

I am hereby returning LB 280A without my signature and with my objections.

LB 280A appropriates an additional $1.6 million in FY 86 for mental health aid and alcoholism/drug abuse aid; two existing programs within the Department of Public Institutions. I object to using this A-bill as a vehicle to supplement current funding for the two programs. If the Legislature wishes to increase funding of mental health and alcoholism/drug abuse aid programs, the more appropriate vehicle is the mainline appropriations bill, where the increase must compete with other priorities.

With the recent decline in revenues it is vital that we exercise fiscal restraint now or we will face even more difficult choices in the near future.

I urge you to sustain my veto.

Sincerely,
(Signed) ROBERT KERREY
Governor

RK/elb

**PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following resolution: LR 91.

**MOTION - Return LB 395 to Select File**

Mr. Haberman moved to return LB 395 to Select File for the following specific amendment:

Page 17 line 27 add language

no carrier enforcement officer shall carry on his person any side arm or weapon and no carrier enforcement vehicle shall be equipped or carry in the vehicle any type of fire arm or weapon.

Mr. Haberman requested a roll call vote on his motion to return.

Voting in the affirmative, 19:

| | | | | |
|---|---|---|---|---|
| Baack | Eret | Hartnett | Landis | Pappas |
| Barrett | Haberman | Higgins | Lynch | Pirsch |
| Conway | Hall | Johnson, V. | Morehead | Remmers |
| DeCamp | Harris | Labedz | Nichol | |

Voting in the negative, 22:

| | | | | |
|---|---|---|---|---|
| Abboud | Hannibal | Lundy | Rupp | Smith |
| Beyer | Hefner | Marsh | Schmit | Vickers |
| Chizek | Hoagland | Nelson | Scofield | Wesely |
| Chronister | Johnson, L. | Peterson | Sieck | Withem |
| Goll | Lamb | | | |

Present and not voting, 3:

| | | |
|---|---|---|
| Beutler | Rogers | Warner |

Excused and not voting, 5:

| | | | | |
|---|---|---|---|---|
| Carsten | Chambers | Goodrich | Johnson, R. | Miller |

The Haberman motion to return lost with 19 ayes, 22 nays, 3 present and not voting, and 5 excused and not voting.

Mr. Beutler moved to return LB 395 to Select File for the following specific amendment:
AM1137

(Amendments to Final Reading Copy)

1. On page 14, line 26, after the period insert "The failure of the officer to give notice to such owner or driver of the right to demand an immediate reweighing may not be used by such owner or driver as a defense in any action.".

Mr. Beutler requested a roll call vote on his motion to return.

Voting in the affirmative, 20:

| | | | | |
|---|---|---|---|---|
| Abboud | Hall | Johnson, V. | Morehead | Remmers |
| Beutler | Harris | Landis | Nelson | Scofield |
| Chizek | Hartnett | Lundy | Pappas | Sieck |
| Conway | Hoagland | Lynch | Pirsch | Vickers |

Voting in the negative, 24:

| | | | | |
|---|---|---|---|---|
| Baack | Eret | Higgins | Nichol | Smith |
| Barrett | Goll | Johnson, L. | Peterson | Warner |
| Beyer | Haberman | Labedz | Rogers | Wesely |
| Chronister | Hannibal | Lamb | Rupp | Withem |
| DeCamp | Hefner | Marsh | Schmit | |

Excused and not voting, 5:

Carsten Chambers Goodrich Johnson, R. Miller

The Beutler motion to return lost with 20 ayes, 24 nays, and 5 excused and not voting.

## BILLS ON FINAL READING

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 395.** With Emergency.

A BILL FOR AN ACT relating to weighing stations; to amend sections 39-699, 60-305.03, 60-329, 60-1301, 60-1303, 60-1305 to 60-1309, 81-2003, 81-2005, and 84-1005, Reissue Revised Statutes of Nebraska, 1943, and sections 66-410.03 and 88-518, Revised Statutes Supplement, 1984; to change provisions relating to the operation of weighing stations; to provide powers and duties; to create a carrier enforcement division; to create a fund; to harmonize provisions; to provide an operative date; to repeal the original sections, and also section 60-1304, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 42:

| | | | | |
|---|---|---|---|---|
| Abboud | Goll | Johnson, L. | Morehead | Schmit |
| Baack | Haberman | Johnson, V. | Nelson | Scofield |
| Barrett | Hall | Labedz | Nichol | Sieck |
| Beyer | Hannibal | Lamb | Peterson | Smith |
| Chizek | Harris | Landis | Pirsch | Vickers |
| Chronister | Hartnett | Lundy | Remmers | Warner |
| Conway | Hefner | Lynch | Rogers | Wesely |
| DeCamp | Higgins | Marsh | Rupp | Withem |
| Eret | Hoagland | | | |

Voting in the negative, 1:

Beutler

Present and not voting, 1:

Pappas

Excused and not voting, 5:

Carsten Chambers Goodrich Johnson, R. Miller

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 395A.** With Emergency.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 395, Eighty-ninth Legislature, First Session, 1985; and to declare an emergency.

Whereupon the President stated: "All provisions of 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 | Goll | Johnson, L. | Nelson | Schmit |
| Baack | Haberman | Johnson, V. | Nichol | Scofield |
| Barrett | Hall | Labedz | Pappas | Sieck |
| Beyer | Hannibal | Lamb | Peterson | Smith |
| Chizek | Harris | Landis | Pirsch | Vickers |
| Chronister | Hartnett | Lundy | Remmers | Warner |
| Conway | Hefner | Lynch | Rogers | Wesely |
| DeCamp | Higgins | Marsh | Rupp | Withem |
| Eret | Hoagland | Morehead | | |

Voting in the negative, 0.

Present and not voting, 1:

Beutler

Excused and not voting, 5:

Carsten Chambers Goodrich Johnson, R. Miller

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 404 to Select File

Mr. DeCamp moved to return LB 404 to Select File for his specific amendment, AM1107, found in the Journal on page 1682.

Mr. DeCamp asked unanimous consent to withdraw his pending motion to return. No objections. So ordered.

Mr. DeCamp asked unanimous consent to withdraw his pending amendment, AM1107, found in the Journal on page 1682. No objections. So ordered.

## BILL ON FINAL READING

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 404.**

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-302 and 60-528, Reissue Revised Statutes of Nebraska, 1943; to require proof of financial responsibility as a requirement for motor vehicle registration; to change provisions relating to proof of financial responsibility; to provide a penalty; to prohibit certain surcharges by insurance carriers; to provide an exemption from liability; 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, 27:

| | | | | |
|---|---|---|---|---|
| Baack | Hall | Johnson, V. | Morehead | Scofield |
| Beutler | Hannibal | Labedz | Nelson | Smith |
| Beyer | Harris | Landis | Pirsch | Vickers |
| Chizek | Hartnett | Lundy | Remmers | Wesely |
| Conway | Higgins | Marsh | Rogers | Withem |
| Eret | Hoagland | | | |

Voting in the negative, 16:

| | | | | |
|---|---|---|---|---|
| Abboud | DeCamp | Hefner | Lynch | Rupp |
| Barrett | Goll | Johnson, L. | Nichol | Schmit |
| Chronister | Haberman | Lamb | Peterson | Sieck |

Warner

Present and not voting, 1:

Pappas

Excused and not voting, 5:

Carsten Chambers Goodrich Johnson, R. Miller

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**MOTION - Return LB 408 to Select File**

Mr. V. Johnson moved to return LB 408 to Select File for the following specific amendment:
On page 12, line 3, change "five" to "four" and in line 6, change "ten" to "eight."

The V. Johnson motion to return prevailed with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

**SELECT FILE**

**LEGISLATIVE BILL 408.** The V. Johnson specific amendment found in this day's Journal was adopted with 34 ayes, 0 nays, 10 present and not voting, and 5 excused and not voting.

Advanced to E & R for Re-Engrossment.

**MOTION - Return LB 408 to Select File**

Mr. Beutler moved to return LB 408 to Select File for the following specific amendment:
AM1336

(Amendments to Final Reading Copy)

1. On page 13, strike beginning with "The" in line 17 through "(4)" in line 24 and insert "(3)".
2. On page 14, line 4, strike "(5)" and insert "(4)".
3. On page 23, line 20, strike "in any way"; and in line 21 after "responsible" insert "for negligence".

The Beutler motion to return prevailed with 32 ayes, 0 nays, 12 present and not voting, and 5 excused and not voting.

## SELECT FILE

**LEGISLATIVE BILL 408.** The Beutler specific amendment, AM1336, 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 Re-Engrossment.

## BILL ON FINAL READING

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 112.**

A BILL FOR AN ACT relating to oils, fuels, and energy; to amend sections 66-474, 66-477, 66-478, and 66-605.03, Reissue Revised Statutes of Nebraska, 1943; to change the rate of excise tax on certain fuels as prescribed; to harmonize provisions; to provide an operative date; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 32:

| | | | | |
|---|---|---|---|---|
| Baack | Goll | Johnson, V. | Nelson | Scofield |
| Barrett | Hall | Labedz | Pappas | Sieck |
| Beyer | Hannibal | Lundy | Pirsch | Vickers |
| Chizek | Harris | Lynch | Remmers | Warner |
| Chronister | Hartnett | Marsh | Rogers | Wesely |
| Conway | Higgins | Morehead | Schmit | Withem |
| Eret | Hoagland | | | |

Voting in the negative, 11:

| | | | | |
|---|---|---|---|---|
| Abboud | Haberman | Lamb | Nichol | Rupp |
| Beutler | Johnson, L. | Landis | Peterson | Smith |
| DeCamp | | | | |

Present and not voting, 1:

Hefner

Excused and not voting, 5:

Carsten Chambers Goodrich Johnson, R. Miller

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**MOTION - Return LB 216 to Select File**

Mr. DeCamp moved to return LB 216 to Select File for his reoffered amendment, AM0950, found in the Journal on page 1525.

Mr. Conway 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. DeCamp requested a roll call vote on his motion to return.

Voting in the affirmative, 22:

| | | | | |
|---|---|---|---|---|
| Beutler | Haberman | Johnson, V. | Marsh | Schmit |
| Chizek | Hall | Labedz | Pappas | Sieck |
| Conway | Harris | Landis | Pirsch | Vickers |
| DeCamp | Higgins | Lynch | Rupp | Wesely |
| Eret | Hoagland | | | |

Voting in the negative, 23:

| | | | | |
|---|---|---|---|---|
| Abboud | Chronister | Johnson, R. | Nichol | Scofield |
| Baack | Goll | Lamb | Peterson | Smith |
| Barrett | Hannibal | Lundy | Remmers | Warner |
| Beyer | Hefner | Morehead | Rogers | Withem |
| Carsten | Johnson, L. | Nelson | | |

Present and not voting, 1:

Hartnett

Excused and not voting, 3:

Chambers Goodrich Miller

The DeCamp motion to return lost with 22 ayes, 23 nays, 1 present

and not voting, and 3 excused and not voting.

## BILL ON FINAL READING

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 216.**

A BILL FOR AN ACT relating to employment security; to amend sections 48-624 and 48-669, Reissue Revised Statutes of Nebraska, 1943; to change the unemployment benefit table; to provide for the determination of certain benefit amounts; 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 | Conway | Hoagland | Marsh | Rupp |
| Baack | Eret | Johnson, L. | Morehead | Scofield |
| Barrett | Goll | Johnson, R. | Nelson | Sieck |
| Beutler | Hannibal | Johnson, V. | Nichol | Smith |
| Beyer | Harris | Labedz | Pappas | Vickers |
| Carsten | Hartnett | Landis | Pirsch | Warner |
| Chizek | Hefner | Lundy | Remmers | Wesely |
| Chronister | Higgins | Lynch | Rogers | Withem |

Voting in the negative, 6:

| | | | | |
|---|---|---|---|---|
| DeCamp | Hall | Lamb | Peterson | Schmit |
| Haberman | | | | |

Excused and not voting, 3:

| | | |
|---|---|---|
| Chambers | Goodrich | Miller |

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

## UNANIMOUS CONSENT - Member Excused

Mr. Conway asked unanimous consent to be excused until he returns. No objections. So ordered.

## BILLS ON FINAL READING

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 372.**

A BILL FOR AN ACT relating to civil service; to amend sections 19-601, 19-618, 19-646, 19-1801 to 19-1803, 19-1804, and 19-1806 to 19-1823, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to civil service as prescribed; to adopt the Civil Service Act; to provide a penalty; to harmonize provisions; to eliminate an obsolete provision; to eliminate provisions relating to civil service boards in cities with city manager plans; and to repeal the original sections, and also sections 19-649 to 19-661, 19-1803.01, and 19-1805, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

| | | | | |
|---|---|---|---|---|
| Abboud | Goll | Johnson, L. | Morehead | Schmit |
| Baack | Haberman | Johnson, R. | Nelson | Scofield |
| Barrett | Hall | Johnson, V. | Nichol | Sieck |
| Beutler | Hannibal | Labedz | Pappas | Smith |
| Beyer | Harris | Lamb | Pirsch | Vickers |
| Carsten | Hartnett | Landis | Remmers | Warner |
| Chizek | Hefner | Lundy | Rogers | Wesely |
| Chronister | Higgins | Lynch | Rupp | Withem |
| DeCamp | Hoagland | Marsh | | |

Voting in the negative, 0.

Present and not voting, 2:

Eret Peterson

Excused and not voting, 4:

Chambers Conway Goodrich Miller

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 382.**

A BILL FOR AN ACT relating to health care; to amend section 71-2049, Revised Statutes Supplement, 1984; to adopt the Hospital Consumer Information Act; to provide penalties; to harmonize provisions; to provide severability; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

| | | | | |
|---|---|---|---|---|
| Abboud | Eret | Hoagland | Marsh | Schmit |
| Baack | Goll | Johnson, L. | Morehead | Scofield |
| Barrett | Haberman | Johnson, R. | Nelson | Sieck |
| Beutler | Hall | Johnson, V. | Nichol | Smith |
| Beyer | Hannibal | Labedz | Pappas | Vickers |
| Carsten | Harris | Lamb | Pirsch | Warner |
| Chizek | Hartnett | Landis | Remmers | Wesely |
| Chronister | Hefner | Lundy | Rogers | Withem |
| DeCamp | Higgins | Lynch | Rupp | |

Voting in the negative, 0.

Present and not voting, 1:

Peterson

Excused and not voting, 4:

| | | | |
|---|---|---|---|
| Chambers | Conway | Goodrich | Miller |

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

## GENERAL FILE

**LEGISLATIVE BILL 713.** Title read. Considered.

Standing Committee amendments, AM1232, printed separate from the Journal and referred to on page 1993 were considered.

Speaker Nichol asked unanimous consent to be excused until he

returns. No objections. So ordered.

Mr. DeCamp asked unanimous consent to withdraw his pending amendments, AM1292, found in the Journal on page 2041 and AM1295, found in the Journal on page 2095. No objections. So ordered.

Mr. DeCamp renewed his pending amendment, AM1328, found in the Journal on page 2109 to the Standing Committee amendments.

Mr. Haberman moved for a call of the house. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

Mr. Beutler requested a roll call vote on the DeCamp amendment.

Mr. Beutler inquired of the Chair as to whether the amendment would require a simple majority for adoption.

The Chair ruled a simple majority would prevail.

Voting in the affirmative, 21:

| | | | | |
|---|---|---|---|---|
| Abboud | Goll | Hefner | Lundy | Remmers |
| Barrett | Haberman | Higgins | Nichol | Rogers |
| Beyer | Hall | Johnson, R. | Pappas | Scofield |
| Carsten | Hannibal | Lamb | Peterson | Smith |
| DeCamp | | | | |

Voting in the negative, 19:

| | | | | |
|---|---|---|---|---|
| Baack | Eret | Johnson, V. | Morehead | Warner |
| Beutler | Harris | Landis | Nelson | Wesely |
| Chizek | Hoagland | Lynch | Sieck | Withem |
| Chronister | Johnson, L. | Marsh | Vickers | |

Present and not voting, 6:

| | | | | |
|---|---|---|---|---|
| Conway | Labedz | Pirsch | Rupp | Schmit |
| Hartnett | | | | |

Excused and not voting, 3:

| | | |
|---|---|---|
| Chambers | Goodrich | Miller |

The DeCamp amendment was adopted with 21 ayes, 19 nays, 6

present and not voting, and 3 excused and not voting.

Mr. Warner raised a point of order pursuant to Rule 6, Section 3(h) on whether the amendment would require a majority of those voting or a majority of the members.

The Chair ruled the amendment would require a majority of those voting.

The Chair ruled the DeCamp amendment was adopted.

Mr. Warner challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

Pending.

## VISITORS

Visitors to the Chamber were 60 sixth grade students and teachers from Sara Joslyn School, Omaha; 16 juniors, seniors, and teacher from Superior Public School; 75 fourth grade students and teacher from Meadow Lane School, Lincoln; 41 sixth grade students and teachers from Syracuse Elementary School; 9 kindergarten through sixth grade students and teacher from District 56, Rogers; 11 seventh and eighth grade students and teacher from St. Joseph Elementary School, Atkinson; and 24 eighth grade students and teacher from Assumption School, Omaha.

## RECESS

At 12:09 p.m., on a motion by Mr. Warner, the Legislature recessed until 1:30 p.m.

## AFTER RECESS

The Legislature reconvened at 1:32 p.m., President McGinley presiding.

## ROLL CALL

The roll was called and all members were present except Messrs. Chambers, Goodrich, and Miller who were excused; and Messrs. Hall, R. Johnson, and Schmit who were excused until they arrive.

## PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 395, 395A, 404, 112, 216, 372, and 382.

## UNANIMOUS CONSENT - Print in Journal

Mr. Vickers asked unanimous consent to print the following amendment to LB 722 in the Journal. No objections. So ordered.

AM1318
Purpose: To eliminate planning funds for the Regional College of Veterinary Medicine ($139,980 General Funds).
1. On page 82, in lines 26 and 27 strike "90,795,773" and insert "90,655,793".
2. On page 83, in lines 15 and 16 strike "30,842,378" and insert "30,702,398".

Messrs. Hannibal and Landis asked unanimous consent to print the following amendment to LB 564 in the Journal. No objections. So ordered.

In the Hannibal/Landis amendment found on page 1967 of the Journal, insert the following new amendment:
In lines 1 and 4, after "1986", insert "and thereafter".

## SELECT COMMITTEE REPORT
### Enrollment and Review

**LEGISLATIVE BILL 343.** Placed on Select File as amended.
E & R amendment to LB 343:
AM5164
1. On page 1, line 4, strike "periodic"; and in line 5 after the semicolon insert "to harmonize provisions;".

(Signed) Timothy Hall, Chairperson

## GENERAL FILE

**LEGISLATIVE BILL 713.** Mr. Warner renewed his pending motion to overrule the Chair found in this day's Journal on page 2129.

Mr. Warner moved for a call of the house. The motion prevailed with 10 ayes, 0 nays, and 39 not voting.

Mr. Warner asked unanimous consent to withdraw his motion to overrule the Chair. No objections. So ordered.

The Chair declared the call raised.

Mr. Beutler offered the following amendment to the Standing Committee amendments:

Strike the DeCamp amendment to committee amendment and reinsert the original committee amendment, amended as follows: on page 6, line 12 of the original committee amendment strike the period and insert: "or other suitable means of conveyance."

Mrs. Pirsch asked unanimous consent to be excused. No objections. So ordered.

Mrs. Marsh 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. Haberman moved for a call of the house. The motion prevailed with 16 ayes, 0 nays, and 33 not voting.

Mr. DeCamp requested a roll call vote on the Beutler amendment.

Voting in the affirmative, 25:

| | | | | |
|---|---|---|---|---|
| Baack | Eret | Landis | Pappas | Smith |
| Beutler | Harris | Lynch | Remmers | Vickers |
| Carsten | Hartnett | Marsh | Rupp | Warner |
| Chizek | Hoagland | Morehead | Scofield | Wesely |
| Chronister | Johnson, V. | Nelson | Sieck | Withem |

Voting in the negative, 17:

| | | | | |
|---|---|---|---|---|
| Abboud | DeCamp | Hannibal | Johnson, R. | Nichol |
| Barrett | Goll | Hefner | Lamb | Peterson |
| Beyer | Haberman | Johnson, L. | Lundy | Rogers |
| Conway | Hall | | | |

Present and not voting, 3:

| | | |
|---|---|---|
| Higgins | Labedz | Schmit |

Excused and not voting, 4:

| | | | |
|---|---|---|---|
| Chambers | Goodrich | Miller | Pirsch |

The Beutler amendment was adopted with 25 ayes, 17 nays, 3 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Mr. Haberman offered the following amendment to the Standing Committee amendments:

Section 4, page 3, line 1. Strike all words after claim to the word should.

Mrs. Labedz asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. V. Johnson moved for a call of the house. The motion prevailed with 7 ayes, 0 nays, and 42 not voting.

Mr. V. Johnson requested a roll call vote on the Haberman amendment.

Voting in the affirmative, 20:

| | | | | |
|---|---|---|---|---|
| Abboud | DeCamp | Hefner | Lamb | Peterson |
| Barrett | Goll | Higgins | Lundy | Remmers |
| Beyer | Haberman | Johnson, R. | Nichol | Rogers |
| Conway | Hannibal | Johnson, V. | Pappas | Withem |

Voting in the negative, 21:

| | | | | |
|---|---|---|---|---|
| Baack | Harris | Landis | Nelson | Smith |
| Beutler | Hartnett | Lynch | Rupp | Vickers |
| Carsten | Hoagland | Marsh | Scofield | Warner |
| Chizek | Johnson, L. | Morehead | Sieck | Wesely |
| Eret | | | | |

Present and not voting, 3:

| | | |
|---|---|---|
| Chronister | Hall | Schmit |

Excused and not voting, 5:

| | | | | |
|---|---|---|---|---|
| Chambers | Goodrich | Labedz | Miller | Pirsch |

The Haberman amendment lost with 20 ayes, 21 nays, 3 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Mr. Haberman offered the following amendment to the Standing Committee amendment:
Section 4, line 10 - strike "inadequate". Add questionable.

Mr. Wesely moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 12 ayes, 14 nays, and 23 not voting.

The Haberman amendment was adopted with 23 ayes, 10 nays, 11 present and not voting, and 5 excused and not voting.

Pending.

Speaker Nichol asked unanimous consent to be excused until he returns. No objections. So ordered.

## ATTORNEY GENERAL'S OPINION

Opinion No. 75
May 7, 1985

Dear Senator Morehead:

You have requested an Opinion from our office with regard to the constitutionality of language contained in the second final reading copy of LB 496. Specifically, you have expressed concern over the fact that the proposed rule of the road requiring operators of, and front seat passengers in, motor vehicles to wear safety belts, incorporates a definition of motor vehicle which would apply solely to vehicles sold in the State of Nebraska. Upon examining LB 496, it appears to us that such concern is well founded because in our opinion in its present form LB 496 is constitutionally suspect.

Section one of LB 496 provides in part as follows:

> As used in sections 1 and 3 to 6 of this act, motor vehicle shall mean a vehicle required by section 39-6,171 to be equipped with safety belts.

LB 496 limits the applicability of the safety belt law to motor vehicles sold in the State of Nebraska by incorporating the provisions of Neb.Rev.Stat. §39-6,171 which require that:

> {e}very new motor vehicle designated by the manufacturer as 1964

year model or later, except ~~motor trucks~~ motorcycles, mopeds, and buses, ~~and taxicabs~~, sold in this state and operated on any highway, road, or street in this state shall be equipped with two front seat safety belts of a type which has been approved by the Department of Motor Vehicles.

LB 496 seeks to protect the health, safety, and welfare of the public on the public highways of this state by requiring that individuals who operate motor vehicles on such highways, and their front seat passengers, wear safety belts. Regulation of the use of public highways is within the police power of the Legislature. Prucha v. Department of Motor Vehicles, 172 Neb. 415, 110 N.W.2d 75 (1961). Additionally, "{i}t is competent for the Legislature to classify objects of legislation and if the classification is reasonable and not arbitrary, it is a legitimate exercise of legislative power." City of Scottsbluff v. Tiemann, 185 Neb. 256, 266, 175 N.W.2d 74, 81 (1970).

In State ex rel. Douglas v. Marsh, 207 Neb. 598, 300 N.W.2d 181 (1980), the Supreme Court of Nebraska stated that:

> {w}hile the question of classification is one primarily for the Legislature and in the exercise of this power the Legislature possesses a wide discretion, there must, nevertheless, be some rational basis for the classification.

207 Neb. at 607, 300 N.W.2d at 186. In Marsh, supra, the Supreme Court of Nebraska further stated that:

> {a} legislative classification, in order to be valid, must be based upon some reason of public policy, some substantial difference of situation or circumstances, that would naturally suggest the justice or expediency of diverse legislation with respect to the objects to be classified. Classifications for the purpose of legislation must be real and not illusive; they cannot be based on distinctions without a substantial difference.

207 Neb. at 609, 300 N.W.2d at 187 (emphasis in original).

No real difference exists between motor vehicles sold in Nebraska and those sold elsewhere, for purposes of implementing mandatory safety belt legislation. If the true purpose of the safety belt law, LB 496, is to protect the health, safety, and welfare of members of the public as they travel on the highways of this state, the classification of motor vehicles sold in this state, as distinguished from motor vehicles sold elsewhere, for purposes of the mandatory safety belt legislation, is unreasonable, arbitrary, and unrelated to the public interest. Application of the safety belt law solely to vehicles sold in the State of Nebraska creates a classification which is not rationally related to the purpose of LB 496, and would, therefore, be constitutionally suspect.

Sincerely,

ROBERT M. SPIRE
Attorney General
(Signed) Jill Gradwohl
Assistant Attorney General

JG:bmh
cc: Patrick J. O'Donnell
Clerk of the Legislature

## RESOLUTION

**LEGISLATIVE RESOLUTION 258.**

Introduced by Pappas, 42nd District; Hartnett, 45th District; Goodrich, 20th District; DeCamp, 40th District; Chambers, 11th District; V. Johnson, 8th District; Haberman, 44th District; Marsh, 29th District; Schmit, 23rd District; Scofield, 49th District; Beutler, 28th District; Higgins, 9th District; Lundy, 36th District.

A Resolution Proposed for Adoption by the Nebraska Legislature Regarding Winnebago Retrocession

WHEREAS, pursuant to Public Law 280, the State of Nebraska was granted criminal and civil jurisdiction over the Winnebago Indian Reservation in 1953; and

WHEREAS, the assumption of state jurisdiction over the Winnebago Reservation has led to steadily increasing costs for civil and criminal law enforcement in Thurston County, such costs falling heavily upon the taxpayers of Nebraska and Thurston County since the federal government has wholly failed to provide federal financial assistance for P.L. 280 law enforcement; and

WHEREAS, due to the tax-exempt status of tribal trust land and individual Indian allotments on the Winnebago Reservation, Thurston County has not had a sufficient tax base to meet the ever-increasing costs of law enforcement on the Winnebago Reservation; and

WHEREAS, since 1957 state assistance has been provided for law enforcement purposes in Thurston County, and the cost of this assistance has increased each biennium; and

WHEREAS, Public Law 90-284 adopted as an Act of Congress on April 11, 1968, contains a number of provisions dealing with civil rights and jurisdiction of Indians; and

WHEREAS, Section 403(a) of Public Law 90-284 provides that the United States is authorized to accept a retrocession of all or any measure of the jurisdiction acquired by a state pursuant to Public Law 280 of 1953; and

WHEREAS, the Winnebago Tribe has petitioned the State of

Nebraska to effectuate a partial retrocession of criminal jurisdiction over the Winnebago Reservation to the United States and has demonstrated the capability to assume its portion of associated responsibilities; and

WHEREAS, the Bureau of Indian Affairs has confirmed that it will detail law enforcement personnel to the Winnebago Reservation immediately upon the effective date of retrocession, thereby assuring that a law enforcement "vacuum" will not result.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature hereby retrocedes criminal jurisdiction over the Winnebago Reservation acquired by the State of Nebraska pursuant to Public Law 280 of 1953, except as provided in paragraph 2 of this resolution. Such retrocession shall be effective commencing 12:01 A.M., July 1, 1985.

2. That the Winnebago Tribe shall have jurisdiction to prosecute Indians committing offenses involving the operation of motor vehicles on the public highways and roadways within the exterior boundaries of the Winnebago Reservation, and the State of Nebraska shall have jurisdiction to prosecute non-Indians committing similar offenses.

3. That the State of Nebraska and its political subdivisions shall take all necessary action to effectuate this resolution, including cooperative agreements with the Winnebago Tribe, the Bureau of Indian Affairs and/or the Department of Interior deemed by the affected parties to be necessary to enhance the efficiency and effectiveness of criminal law enforcement on the Winnebago Reservation and in Thurston County.

Laid over.

## PRESENTED TO THE GOVERNOR

Presented to the Governor on May 7, 1985, at 2:44 p.m., were the following bills: 395, 395A, 404, 112, 216, 372, and 382.

(Signed) Joni Millard, Enrolling Clerk

## UNANIMOUS CONSENT - Print in Journal

Mr. Hoagland asked unanimous consent to print the following amendment to LB 727 in the Journal. No objections. So ordered.

AM1259

1. Strike the original section and insert new sections as follows:

"Section 1. That section 77-3509.01, Revised Statutes Supplement, 1984, be amended to read as follows:

77-3509.01. In counties having a population greater than three hundred thousand, the owner of a homestead which has been granted an exemption provided in sections ~~77-3506.01~~ 77-3507 to 77-3509, who transfers the ownership of such homestead and becomes the owner of another homestead within the county prior to September 15 during the year for which the exemption was granted, may file an application with the county assessor, on or before September 15 of such year, for a transfer of the exemption to the new homestead. The county assessor shall examine each application and determine whether or not the new homestead, except for the January 1 occupancy requirement, is a homestead as defined in section 77-3502. If the application is approved by the county assessor, he or she shall make a deduction upon the assessment rolls using the same criteria as previously applied to the original homestead. The county assessor may allow the application for transfer to also be considered an application for a homestead exemption for the subsequent year.

Sec. 2. That section 77-3509.02, Revised Statutes Supplement, 1984, be amended to read as follows:

77-3509.02. In counties having a population greater than three hundred thousand, if the owner of any homestead granted an exemption under sections ~~77-3506.01~~ 77-3507 to 77-3509 transfers the ownership of such homestead on or before September 15 of any year pursuant to section 77-3509.01 and makes the application for transfer of the homestead exemption and such application is approved, the exemption shall be disallowed for such year as applied to the original homestead if the exemption was granted based on the status of such owner.

Sec. 3. That section 77-3510, Revised Statutes Supplement, 1984, be amended to read as follows:

77-3510. On or before January 1 of each year, the Tax Commissioner shall prescribe suitable blank forms to be used by all claimants for homestead exemption or for transfer of homestead exemption. Such forms shall contain provisions for the showing of all information which the Tax Commissioner may deem

necessary to (1) enable the proper county officials to determine whether each claim for exemption under sections ~~77-3506.01,~~ 77-3508~~,~~ and 77-3509 should be allowed, (2) enable the Tax Commissioner to determine whether each claim for exemption under section 77-3507 should be allowed, and (3) enable the county assessor to determine whether each claim for transfer of homestead exemption pursuant to section 77-3509.01 should be allowed. It shall be the duty of the county assessor of each county in this state to furnish such forms, upon request, to each person desiring to make application for homestead exemption or for transfer of homestead exemption on property located within that county. The forms so prescribed shall be used uniformly throughout the state and no application for exemption or for transfer of homestead exemption shall be allowed unless the applicant uses the regularly prescribed form in making an application.

Sec. 4. That section 77-3512, Revised Statutes Supplement, 1984, be amended to read as follows:

77-3512. It shall be the duty of each owner who applies for the homestead exemption provided in sections ~~77-3506.01~~ 77-3507 to 77-3509 to file an application therefor with the county assessor of the county in which the homestead is located after January 1 and on or before April 1, and failure to do so shall constitute a waiver of the exemption for that year.

Sec. 5. That section 77-3513, Revised Statutes Supplement, 1984, be amended to read as follows:

77-3513. (1) If an owner is granted a homestead exemption as provided in section ~~77-3506.01 or~~ 77-3509 or subdivision (2), (3), (4), or (5) of section 77-3508, the homestead exemption as to such property shall remain in full force and effect for each succeeding year without reapplication if the same owner is in all respects entitled to the same exemption granted under the provisions of sections 77-3501 to 77-3529. Once a qualified claimant has filed an application for homestead exemption and the exemption has been granted for that year, no reapplication need be filed for succeeding years, in which case the county assessor and Tax Commissioner shall determine whether the claimant shall qualify for the homestead exemption

in such succeeding years as otherwise provided in sections 77-3501 to 77-3529 as though a claim were made.

(2) It shall be the duty of each claimant who wants the homestead exemption provided in subdivision (1) of section 77-3508 to file an application therefor with the county assessor on or before April 1 of each year, and failure to do so shall constitute a waiver of the exemption for such year.

Sec. 6. That section 77-3514, Revised Statutes Supplement, 1984, be amended to read as follows:

77-3514. The owner of a homestead which has been granted an exemption under sections ~~77-3506.01~~ 77-3507 to 77-3509 shall notify the county assessor by March 15 of each year of any change in the homestead exemption status occurring in the preceding year. For purposes of this section, change in the homestead exemption status shall include any change in the name of the owner, ownership, residence, marital status, veteran status, rating by the Veterans' Administration, or any other change that would affect the qualification for or type of exemption granted, except income checked by the Tax Commissioner under section 77-3517. In addition, in counties having a population greater than three hundred thousand, the owner of a homestead which has been granted an exemption under sections ~~77-3506.01~~ 77-3507 to 77-3509 may notify the county assessor by September 15 of each year of any change in the homestead exemption status occurring in the preceding portion of the calendar year as a result of a transfer of the homestead exemption pursuant to sections 77-3509.01 and 77-3509.02. If by his or her failure to give such notice any such property owner permits the allowance of the homestead exemption for any succeeding year, or in the year of application in the case of transfers pursuant to sections 77-3509.01 and 77-3509.02, after the homestead exemption status of such property has changed, an amount equal to the amount of the taxes lawfully due but not paid by reason of such unlawful and improper allowance of homestead exemption, together with penalty and interest on such total sum as provided by statute on delinquent ad valorem taxes, shall be due and shall upon entry of the amount thereof on the books of the county treasurer be a lien on such property while unpaid. Such lien may be enforced in the manner

provided for liens for other delinquent taxes. Any person who has permitted the improper and unlawful allowance of such homestead exemption on his or her property shall as an additional penalty also forfeit his or her right to a homestead exemption on any other property in this state for the two succeeding years.

Sec. 7. That section 77-3516, Revised Statutes Supplement, 1984, be amended to read as follows:

77-3516. The county assessor shall examine each application for homestead exemption filed with him or her for an exemption pursuant to section ~~77-3506.01,~~ 77-3508, or 77-3509 and shall determine whether or not such application should be approved or rejected and, if approved, determine the amount of the exemption. If the application is approved, the county assessor shall mark the same approved and show thereon the amount of exemption allowed and make the proper deduction upon the assessment rolls. In case he or she finds that the exemption should not be allowed by reason of not being in conformity to law, the county assessor shall mark the application rejected and state thereon the reason for such rejection. In any case when the county assessor disallows or reduces an application for exemption, he or she shall notify the applicant of such action by mailing written notice to the applicant at the address shown in the application, which notice shall be mailed not later than the fourth Monday in April of each year and shall be on forms prescribed by the Tax Commissioner. All applications for exemption, showing thereon the action of the county assessor, shall be delivered to the county board of equalization on or before the fourth Monday of April of each year.

Sec. 8. That original sections 77-3509.01, 77-3509.02, 77-3510, 77-3512 to 77-3514, and 77-3516, Revised Statutes Supplement, 1984, and also sections 77-3506.01 and 77-3516.01, Revised Statutes Supplement, 1984, are repealed.".

Messrs. Hoagland, Chizek, and Withem asked unanimous consent to print the following amendment to LB 406 in the Journal. No objections. So ordered.

(Amendment printed separate from the Journal and on file in the Clerk's Office - Room 1102 - AM1311.)

Mr. Hoagland asked unanimous consent to print the following amendment to LB 406 in the Journal. No objections. So ordered.

(Amendment printed separate from the Journal and on file in the Clerk's Office - Room 1102 - AM0748.)

Mr. Hoagland asked unanimous consent to print the following amendment to LB 289 in the Journal. No objections. So ordered.

AM0940

1. Insert a new section as follows:

"Sec. 3. That section 37-1008, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

37-1008. For purposes of sections 37-1001 to 37-1008: (1) The term land includes roads, water, water courses, private ways and buildings, structures, and machinery or equipment thereon when attached to the realty; (2) the term owner includes tenant, lessee, occupant, or person in control of the premises, but does not include the state or any political subdivision; (3) the term recreational purposes shall include, but not be limited to, any one or any combination of the following: Hunting, fishing, swimming, boating, camping, picnicking, hiking, pleasure driving, nature study, water-skiing, winter sports, and visiting, viewing, or enjoying historical, archaeological, scenic, or scientific sites, or otherwise using land for purposes of the user; and (4) the term charge shall mean the amount of money asked in return for an invitation to enter or go upon the land.".

2. On page 3, line 14, after "original" insert "section 37-1008, Reissue Revised Statutes of Nebraska, 1943, and"; and in line 15 strike "is" and insert "are".

3. Renumber sections accordingly.

Mr. V. Johnson asked unanimous consent to print the following amendment to LB 715A in the Journal. No objections. So ordered.

On page 2, line 2, strike "$154,278" and insert "$91,978", in line 3, strike "$74,098" and insert "$42,400," in line 10, strike "$46,914" and insert "$19,400" and in line 11, strike "$47,530" and insert "$20,370."

## UNANIMOUS CONSENT - Member Excused

Mr. DeCamp asked unanimous consent to be excused until he returns. No objections. So ordered.

## GENERAL FILE

**LEGISLATIVE BILL 713.** Mr. Haberman offered the following amendment to the Standing Committee amendments:
Page 3 line 3 strike and to the period in line 5

Mr. Haberman requested a record vote on his amendment.

Voting in the affirmative, 10:

| | | | | |
|---|---|---|---|---|
| Abboud | DeCamp | Hefner | Lamb | Nichol |
| Beyer | Haberman | Johnson, L. | Lundy | Remmers |

Voting in the negative, 18:

| | | | | |
|---|---|---|---|---|
| Baack | Conway | Johnson, V. | Rupp | Vickers |
| Beutler | Eret | Landis | Scofield | Warner |
| Carsten | Harris | Marsh | Sieck | Wesely |
| Chizek | Hoagland | Nelson | | |

Present and not voting, 17:

| | | | | |
|---|---|---|---|---|
| Barrett | Hannibal | Labedz | Pappas | Schmit |
| Chronister | Hartnett | Lynch | Peterson | Smith |
| Goll | Higgins | Morehead | Rogers | Withem |
| Hall | Johnson, R. | | | |

Excused and not voting, 4:

| | | | |
|---|---|---|---|
| Chambers | Goodrich | Miller | Pirsch |

The Haberman amendment lost with 10 ayes, 18 nays, 17 present and not voting, and 4 excused and not voting.

Mr. V. Johnson offered the following amendment to the Standing Committee amendments:
To strike subsections 1 and 2 of Section 4 of the Committee Amendment.

The V. Johnson amendment was adopted with 29 ayes, 1 nay, 15 present and not voting, and 4 excused and not voting.

Mr. Wesely moved for a call of the house. The motion prevailed with 22 ayes, 0 nays, and 27 not voting.

Mr. Haberman requested a roll call vote on the Standing Committee amendments, as amended.

Voting in the affirmative, 25:

| | | | | |
|---|---|---|---|---|
| Baack | Conway | Johnson, V. | Nelson | Sieck |
| Beutler | Eret | Landis | Pappas | Vickers |
| Carsten | Harris | Lynch | Rogers | Warner |
| Chizek | Hartnett | Marsh | Rupp | Wesely |
| Chronister | Hoagland | Morehead | Scofield | Withem |

Voting in the negative, 14:

| | | | | |
|---|---|---|---|---|
| Abboud | DeCamp | Hannibal | Johnson, R. | Peterson |
| Barrett | Goll | Hefner | Lamb | Remmers |
| Beyer | Haberman | Johnson, L. | Lundy | |

Present and not voting, 6:

| | | | | |
|---|---|---|---|---|
| Hall | Labedz | Nichol | Schmit | Smith |
| Higgins | | | | |

Excused and not voting, 4:

| | | | |
|---|---|---|---|
| Chambers | Goodrich | Miller | Pirsch |

The Standing Committee amendments, as amended, were adopted with 25 ayes, 14 nays, 6 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Mr. Haberman moved to bracket LB 713 until May 15, 1985.

Speaker Nichol asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Haberman asked unanimous consent to withdraw his pending motion to bracket. No objections. So ordered.

Pending.

## RESOLUTIONS

### LEGISLATIVE RESOLUTION 259.

Introduced by Goll, 16th District.

WHEREAS, on June 29, 1985, the Village of Pender, Nebraska, will celebrate its Centennial

WHEREAS, the Village of Pender has a long and illustrious record as the County Seat of Thurston County

WHEREAS, Pender has been and will continue to be an outstanding community with tremendous citizens

WHEREAS, a Centennial Celebration gives a community and its citizens a unique opportunity to reflect upon their past and contemplate their future, and

WHEREAS, the Village of Pender and its citizens deserve special recognition during their Centennial Celebration

NOW, THEREFORE BY IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Members of the Legislature recognize and commend the Village of Pender and its citizens for their Centennial Celebration.

2. That a copy of this Resolution be delivered personally to the Mayor at the Village of Pender during the Celebration on June 29, 1985.

Laid over.

### LEGISLATIVE RESOLUTION 260.

Introduced by Barrett, 39th District; Vickers, 38th District.

WHEREAS, July 8, 1985, marks the one-hundredth anniversary of the incorporation of the community of Gothenburg; and

WHEREAS, Gothenburg is an important cornerstone to all residents of Dawson County; and

WHEREAS, Gothenburg has been, is, and will continue to be an outstanding community; and

WHEREAS, the citizens of Gothenburg deserve special recognition during their centennial celebration which takes place July 4-13, 1985.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS

OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the members of the Legislature recognize and commend the community of Gothenburg for its one-hundredth anniversary.

2. That the Legislature congratulates and extends its best wishes to the citizens of Gothenburg.

Laid over.

**LEGISLATIVE RESOLUTION 261.**

Introduced by Abboud, 12th District; Pirsch, 10th District; Rogers, 41st District; Peterson, 21st District; L. Johnson, 15th District; Remmers, 1st District; Hefner, 19th District; Beyer, 3rd District; Goll, 16th District; Baack, 47th District; Eret, 32nd District; Rupp, 22nd District; Hartnett, 45th District; Sieck, 24th District; Pappas, 42nd District; Conway, 17th District.

WHEREAS, Senators often need a prompt answer to questions and requests to effectively carry out their duties; and

WHEREAS, if requests are not acted upon promptly the Senators are at a disadvantage in planning their activities.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature hereby directs that the Chairman of the Executive Board shall either approve or deny a written request submitted to the Chairman of the Executive Board by a Senator within fourteen calendar days following the receipt of the written request.

Laid over.

**LEGISLATIVE RESOLUTION 262.**

Introduced by Hoagland, 6th District.

PURPOSE: The purpose of this resolution is to examine the manner by which attorneys are utilized in the executive branch of state government. Neb. Rev. Stat. §84-202 (Reissue 1981) provides that "The Department of Justice shall have general control and supervision of all actions and legal proceedings in which the State of Nebraska may be a party or may be interested, and shall have charge and control of all the legal business of all departments and bureaus of the state, or of any office thereof, which requires the services of attorney or counsel in order to protect the interests of the state." Yet

many state agencies and departments employ legal counsel independent of the Department of Justice who handle legal business on behalf of the state, including appearances in court. In order to accomplish its purpose this study may include but shall not be limited to the following topics:

(1) The functions performed by agency legal counsel and the extent to which they constitute responsibilities covered by §84-202.

(2) A review of the overlap, if any, of functions of agency and department legal staff with Department of Justice attorneys.

(3) The examination of conflicts between agency legal staff and the attorneys employed by the Department of Justice, if any.

(4) The examination of methods of making more efficient use of attorneys employed in the executive branch of government.

(5) Any other matter necessary for a complete examination of this issue.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

## MOTION - Override Veto on LB 280A

Mrs. Nelson moved that LB 280A become law notwithstanding the objection of the Governor.

Laid over.

## UNANIMOUS CONSENT - Print in Journal

Mesdames Morehead, Labedz, and Mr. Schmit asked unanimous consent to print the following amendment to LB 496 in the Journal. No objections. So ordered.

AM1342

(Amendments to Final Reading Second)

1. Insert the following new section:

"Sec. 2. That section 39-669.26, Reissue Revised Statutes of Nebraska, 1943, be amended to read

as follows:

39-669.26. In order to prevent and eliminate successive traffic violations, there is hereby provided a point system dealing with traffic violations as disclosed by the files of the Director of Motor Vehicles. The following point system shall be adopted:

(1) Conviction of motor vehicle homicide -- 12 points;

(2) Third offense drunken driving in violation of any city or village ordinance or of section 39-669.07, as disclosed by the records of the director, regardless of whether the trial court found the same to be a third offense -- 12 points;

(3) Failure to stop and render aid as required under the laws of this state in the event of involvement in a motor vehicle accident resulting in the death or personal injury of another -- 6 points;

(4) Failure to stop and render aid as required under the laws of this state or any city or village ordinance in the event of a motor vehicle accident resulting in property damage if such accident is reported by the owner or operator within twelve hours from the time of the accident -- 4 points, otherwise -- 8 points, and for purposes of this subdivision a telephone call or other notification to the appropriate peace officers shall be deemed to be a report;

(5) Driving a motor vehicle while under the influence of alcoholic liquor or any drug or with ten-hundredths of one per cent or more by weight of alcohol in body fluids in violation of any city or village ordinance or of section 39-669.07 -- 6 points;

(6) Willful reckless driving in violation of any city or village ordinance or of section 39-669.03 or 39-669.05 -- 6 points;

(7) Careless driving in violation of any city or village ordinance or of section 39-669 -- 4 points;

(8) Negligent driving in violation of any city or village ordinance -- 3 points;

(9) Reckless driving in violation of any city or village ordinance or of section 39-669.01 -- 5 points;

(10) Speeding in violation of any city or village ordinance or of section 39-662, 39-663, or 39-666: (a) Not more than five miles per hour over the speed limit -- 1 point; (b) more than five miles per

hour but not more than ten miles per hour over the speed limit -- 2 points; (c) more than ten miles per hour over the speed limit -- 3 points; PROVIDED, that no points shall be assessed upon conviction of exceeding by not more than ten miles per hour the speed limit on any part of the National System of Interstate and Defense Highways; AND PROVIDED FURTHER, that one point shall be assessed upon conviction of exceeding by not more than ten miles per hour, two points shall be assessed upon conviction of exceeding by more than ten miles per hour but not more than fifteen miles per hour, and three points shall be assessed upon conviction of exceeding by more than fifteen miles per hour, the speed limits provided for in subdivision (2)(c) or (d) of section 39-662 or subdivision (1)(c), (d), or (e), (2)(c), (d), or (e), or (4)(c) or (d) of section 39-666 except as provided in the first proviso in this subdivision;

(11) Failure to yield to a pedestrian not resulting in bodily injury to a pedestrian -- 2 points;

(12) Failure to yield to a pedestrian resulting in bodily injury to a pedestrian -- 4 points; and

(13) All other traffic violations involving the operation of motor vehicles by the operator, for which reports to the Department of Motor Vehicles are required under sections 39-669.22 and 39-669.23, not including violations for not wearing a safety belt as prescribed in section 1 of this act, parking violations, violations for operating a motor vehicle without a valid operator's license in the operator's possession, muffler violations, overwidth, overheight, or overlength violations, motorcycle protective headgear violations, or overloading of trucks -- 1 point.

All such points shall be assessed against the driving record of the operator as of the date of the violation for which conviction was had. Points may be reduced by the department under section 39-669.37.

In all cases, the forfeiture of bail, not vacated, shall be regarded as equivalent to the conviction of the offense with which the operator was charged.".

2. On page 1, line 1, strike "section" and insert "sections 39-669.26 and"; in line 4 after the second semicolon insert "to change a provision relating

to the point system;"; and in line 8 strike "section" and insert "sections".

3. On page 2, strike beginning with "has" in line 12 through "Vehicles" in line 13 and insert "meets the requirements of Federal Motor Vehicle Safety Standard 209 in existence on the effective date of this act"; in line 16 strike "3 to 6" and insert "4 to 7"; in line 21 strike "new" and show as stricken; in line 23 strike "sold" and show as stricken; in line 24 strike "in this state and" and show as stricken; and strike beginning with "has" in line 26 through "Vehicles" in line 27, show as stricken, and insert "meets the requirements of Federal Motor Vehicle Safety Standard 209 in existence on the effective date of this act".

4. On page 3, line 2, after "vehicle" insert "in this state".

5. On page 4, line 2, strike "section" and insert "sections 39-669.26 and"; and in line 3 strike "is" and insert "are".

6. Renumber the remaining sections accordingly.

Mr. Warner asked unanimous consent to print the following amendment to LB 721 in the Journal. No objections. So ordered.

AM1338

Purpose: To correct errors or omissions in the original draft of LB 721.

Amendment:

1. On page 5, lines 13 and 14, strike the new matter and reinstate the stricken matter.

2. Insert the following new section:

"Sec. 5. That Laws 1984, LB 1128, section 7, be amended to read as follows:

Sec. 7. Agency No. 9 -- Secretary of State

(1) Program No. 022 - Departmental Administration

| | |
|---|---|
| GENERAL FUND | 236,467 |
| PROGRAM TOTAL | 236,467 |

Total expenditures for permanent and temporary salaries and per diems shall not exceed $134,210.

(2) Program No. 051 - Enforcement of Standards - Corporations

| | |
|---|---|
| GENERAL FUND | 166,635 |
| CASH FUND | 10,000 |

PROGRAM TOTAL 176,635

Total expenditures for permanent and temporary salaries and per diems shall not exceed $80,803.

(3) Program No. 053 - Enforcement of Standards - Collection Agencies

CASH FUND 13,884

PROGRAM TOTAL 13,884

Total expenditures for permanent and temporary salaries and per diems shall not exceed $8,400.

The Cash Fund appropriation to this program shall be decreased by $1,165 if LB 471, Eighty-eighth Legislature, Second Session, 1984, which transfers the powers and duties of the Nebraska Collection Agency Board to the Secretary of State, becomes law.

(4) Program No. 086 - Enforcement of Standards - Records Management

GENERAL FUND 107,578

CASH FUND 10,781

REVOLVING FUND 491,351

PROGRAM TOTAL 609,710

Total expenditures for permanent and temporary salaries and per diems shall not exceed $271,815.

(5) Program No. 089 - Uniform Commercial Code Central Filing

GENERAL FUND ~~213,428~~ 216,743

PROGRAM TOTAL ~~213,428~~ 216,743

Total expenditures for permanent and temporary salaries and per diems shall not exceed ~~$108,455~~ $111,770.

For Informational Purposes Only: Total Appropriations to Agency No. 9 and Fund source

GENERAL FUND ~~724,108~~ 727,423

CASH FUND 34,665

REVOLVING FUND 491,351

AGENCY TOTAL ~~1,250,124~~ 1,253,439

".

3. On page 38, line 10, strike "97,000", show as stricken, and insert "185,000"; in line 12 strike "105,117,945" and insert "105,205,945"; and in line 17 strike "$97,000", show as stricken, and insert "$185,000".

4. On page 39, line 20, strike "97,000", show as stricken, and insert "185,000"; and in line 21 strike "1,165,000", show as stricken, and insert "1,253,000".

5. On page 43, line 4, strike "12,634,188",

show as stricken, and insert "12,722,188"; and in line 6, strike "314,012,688" and insert "314,100,688".

6. On page 78, line 15, after "3," insert "7,".

7. Renumber the remaining sections accordingly.

## SELECT COMMITTEE REPORTS
### Enrollment and Review

**LEGISLATIVE BILL 653.** Placed on Select File as amended.
E & R amendments to LB 653:
AM5165

Because of page and line number differences between the green copy and the bill as introduced, all amendments are to the green copy.

1. In the DeCamp amendment, AM1288, adopted on May 5, 1985, on page 2, lines 5 and 13, strike the comma and show as stricken; in line 9 strike "it", show as stricken, and insert "the department"; and in line 22 strike "it" and insert "the department".

2. In the DeCamp amendment, AM1233, adopted on May 5, 1985:

a. On page 1, lines 8 and 16, strike the comma and show as stricken;

b. On page 2, line 22, strike the comma and show as stricken;

c. On page 3, line 17, after "his" insert "or her"; and in line 22 after "bond" insert an underscored comma;

d. On page 5, line 1, strike the comma and show as stricken; and in line 18 strike "officer", show as stricken, and insert "officer's";

e. On page 6, line 9, after "or" insert "any";

f. On page 7, line 25, strike the comma and show as stricken; and

g. On page 9, line 26, strike "by" and insert "be".

3. On page 1, strike beginning with "financing" in line 1 through line 15 and insert "banks and banking; to amend sections 8-103, 8-108, 8-110, 8-140, 8-150, 8-164, 8-198, 8-199, 8-413, and 8-1506, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the powers of the Director of Banking and Finance; to prohibit certain persons from

borrowing money as prescribed; to provide a penalty; to change provisions relating to bonds; to eliminate obsolete language; to change provisions relating to the purchase and utilization of real estate by banks; to change provisions relating to the declaration of dividends; to change provisions relating to the department as receiver; to provide for the reorganization of certain financial institutions; to change provisions relating to industrial loan and investment companies; to provide for a hearing; to harmonize provisions; to repeal the original sections; and to declare an emergency.".

4. On page 2, strike lines 1 through 16.

**LEGISLATIVE BILL 653A.** Placed on Select File.

(Signed) Timothy Hall, Chairperson

## VISITORS

Visitors to the Chamber were 50 seventh and eighth grade students and teacher from Trinity Lutheran School, Fremont; 20 kindergarten through eighth grade students and teacher from Brugh School, Fremont; 6 students and teacher from Pound Junior High, Lincoln; and 73 fourth grade students and teacher from Grace Abbott School, Omaha.

## ADJOURNMENT

Mr. Landis moved to adjourn. The motion prevailed with 18 ayes, 14 nays, and 17 not voting, and at 4:30 p.m., on a motion by Mr. Landis, the Legislature adjourned until 9:00 a.m., Wednesday, May 8, 1985.

Patrick J. O'Donnell
Clerk of the Legislature

# SEVENTY-FIFTH DAY - MAY 8, 1985

## LEGISLATIVE JOURNAL

## EIGHTY-NINTH LEGISLATURE
## FIRST SESSION

## SEVENTY-FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, May 8, 1985

Pursuant to adjournment, the Legislature met at 9:00 a.m., President McGinley presiding.

## PRAYER

The prayer was offered by Dr. Robert Palmer, Westminster Presbyterian Church, Lincoln, Nebraska.

## ROLL CALL

The roll was called and all members were present except Messrs. Chambers, Miller, Mesdames Marsh, and Pirsch who were excused; and Messrs. Hoagland, V. Johnson, Mesdames Higgins, and Labedz who were excused until they arrive.

## CORRECTIONS FOR THE JOURNAL

The Journal for the Seventy-Fourth Day was approved.

## UNANIMOUS CONSENT - Member Excused

Mrs. Marsh asked unanimous consent to be excused May 8th & 9th, 1985. No objections. So ordered.

## MESSAGE FROM THE GOVERNOR

May 7, 1985

Mr. Speaker and Members
of the Legislature

State Capitol
Lincoln, Nebraska 68509

Dear Senators:

I am returning LB 552 and LB 552A without my signature and with my objections.

LB 552 would establish a procedure to attempt to collect the sales and use tax on out-of-state mail order purchases of goods by Nebraska residents. Although the bill identifies a problem for Nebraska and other states in sales tax collection, I cannot support the bill.

LB 552 would be difficult to enforce. It is possible that the cost of administering the bill would be greater than the revenue it would generate. Along with this, there are constitutional questions about the bill.

However, I commend Senator Hefner for identifying and attempting to address the lack of proper tax payment on purchases made from out-of-state retailers. The impact of this loss of revenue is severe. U.S. News and World Report in a recent article estimated that the 50 states may be losing as much as 1.6 billion dollars in tax revenue this year from untaxed purchases through mail order sales. In Nebraska, the estimates of revenue lost range from a low of seven million to a high of 17 million dollars in sales tax.

I will remain in close contact with Senator Hefner and direct the Nebraska Department of Revenue to study with him and the Revenue Committee as they continue to seek an effective solution to this serious loss of revenue in Nebraska. At this time, I cannot support the provisions of LB 552. If after study this summer this optional method proves Nebraska's only recourse, I might support such an approach in the future.

I urge you to sustain my veto of these bills.

Sincerely,
(Signed) ROBERT KERREY
Governor

## ATTORNEY GENERAL'S OPINION

Opinion No. 76
May 6, 1985

Dear Senator Schmit:

We have reviewed LB 608 in response to your March 20, 1985

letter asking for an opinion whether the retroactive provisions of the bill are unconstitutional.

The provisions in question would increase workmen's compensation benefits for persons injured prior to the effective date of the act. The most serious question arises with respect to the constitutional provision prohibiting the enactment of laws impairing the obligation of contracts, Article I, Section 16, Nebraska Constitution. Generally, the Nebraska Supreme Court has held that statutes may not operate retrospectively where they would impair obligations of contracts or interfere with vested rights. Travelers Insurance Co. v. Ohler, 119 Neb. 121, 227 N.W. 449.

The Court has further held with respect to the Nebraska Workmen's Compensation Act that the parties are entitled to a final determination of the character of the disability, the full amount to be recovered, and the times when this amount shall be paid, Dymak v. Haskins Brothers, 132 Neb. 308, 271 N.W. 860 (1937), and that in determining the effect of substantive provisions of the Act, it shall be construed as it was at the time of the injury. Solomon v. A.W. Forney, Inc., 136 Neb. 338, 286 NW. 254 (1939).

We find no Nebraska cases with the same factual basis. While the Delaware case of Price v. All American Engineering Co., 320 A.2d 336 (Del.Supr. 1974) approved retroactive cost of living adjustments for prior awards, we do not find such approval in other states. Price found no constitutional problems reasoning that the relationship between the parties was statutory and not contractual.

Other states have specifically rejected Price, including Maryland in Cooper v. Wicomico County, 398 A.2d 1237 (Md. 1979). The Maryland Court found that an increase in the amount payable to a worker under a prior disability award unconstitutionally disturbed contractual and other vested rights of the worker's employer and the employer's insurer. Similarly, in State ex rel. Briggs & Stratton v. Noll, 100 Wis.2d 650, 302 N.W.2d 489 (1981), the court held that retroactive increases in workmen's compensation benefits unconstitutionally affected obligations and vested rights of employers set by prior law.

We believe the general rule is that such retroactive increases are unconstitutional under the usual impairment of contract provisions and that the Nebraska Supreme Court would probably follow that rule. Having determined that the proposal would probably be held unconstitutional with respect to Article I, Section 16, of the Nebraska Constitution, it is unnecessary to reach the due process question.

Very truly yours,
ROBERT M. SPIRE
Attorney General

(Signed) John R. Thompson
Deputy Attorney General

JRT:pjs
cc: Patrick J. O'Donnell
Clerk of the Legislature

## SELECT FILE

**LEGISLATIVE BILL 721.** E & R amendments, AM5155, found in the Journal on page 2002 for the Seventieth Day were adopted.

Mr. Warner renewed his pending amendment, AM1338, found in the Journal on page 2149.

The Warner amendment was adopted with 26 ayes, 0 nays, 11 present and not voting, and 12 excused and not voting.

Messrs. Schmit, Hefner, and Conway renewed their pending amendment, AM1234, found in the Journal on page 2006.

The Schmit-Hefner-Conway amendment lost with 5 ayes, 14 nays, 19 present and not voting, and 11 excused and not voting.

Mr. Haberman offered the following amendment:
Strike sec 39 & 40

Mr. Haberman asked unanimous consent to withdraw his pending amendment. No objections. So ordered.

Advanced to E & R for Engrossment.

## UNANIMOUS CONSENT - Print in Journal

Mr. Hefner asked unanimous consent to print the following amendment to LB 153 in the Journal. No objections. So ordered.

AM1172

1. Insert the following new section:

"Sec. 2. That section 60-407, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-407. (1) No license or permit to operate a motor vehicle shall be granted to any applicant until such applicant satisfies the examiner that he or she possesses, with or without the aid of glasses,

sufficient powers of eyesight to enable him or her to operate a motor vehicle on the highways of this state with a reasonable degree of safety. If, from the examination given any applicant, it appears that the applicant's powers of eyesight are such that he or she cannot operate a motor vehicle on the highways of this state with a reasonable degree of safety, the examiner shall require the applicant to present a doctor's or optometrist's certificate to the effect that the applicant has sufficient powers of eyesight for such purpose before issuing a license to the applicant. If it is indicated by the examination by the examiner or by the doctor's or optometrist's certificate that the applicant must wear glasses to meet the minimum visual standards set by the department, then the applicant shall have the use of any license issued to him or her restricted to wearing glasses while operating a motor vehicle. If the application to operate a motor vehicle required by this act discloses that the applicant for such license suffers from any other physical defect or defects of a character which may affect the safety of operation by such applicant of a motor vehicle, the examiner shall require the applicant to show cause why such license should be granted and, through such personal examination and demonstration as may be prescribed by the director, to show the necessary ability to safely operate a motor vehicle on the public highways. If the examiner is satisfied, after the demonstration, that such applicant has the ability to safely operate a motor vehicle, an operator's license may be issued to the applicant subject, at the discretion of the director, to a limitation to operate only such motor vehicles at such time, for such purpose, and within such area as the license shall designate. The director may, at the request of a law enforcement officer or when he or she has reason to believe that a person may be physically or mentally incompetent to operate a motor vehicle or a person's driving record appears to the department to justify an examination, give notice to the holder of an operator's license to appear before an examiner for examination to operate a motor vehicle safely. A refusal to appear before an examiner for an examination shall be unlawful. If the license holder cannot qualify at the examination, his or her operator's license shall be immediately surrendered

to the examiner and forwarded to the director who shall cancel his or her license and privilege to operate a motor vehicle. Refusal to appear before an examiner for examination after notice to do so or to surrender an operator's license on demand shall be unlawful and any person failing to surrender his or her operator's license as required by the provisions of this section shall be guilty of a Class III misdemeanor. No operator's license referred to in this subsection shall, under any circumstances, be issued to any person who has not attained the age of sixteen years but, upon application therefor and proof of age in the manner provided in subsection (3) of this section, any such person may take the examination required by this subsection at any time within sixty days prior to his or her sixteenth birthday.

(2) A person who has not attained the age set forth in subsection (1) of this section but is over the age of fourteen years may be issued, by the county treasurer, a limited permit to drive a motor vehicle, moped, or motorcycle (a) to and from the school building where he or she attends school, by the nearest highway or street from his or her place of residence, if such child lives a distance of one and one half miles or more from such school and either resides outside a metropolitan, primary, or first-class city or attends a school which is outside a metropolitan, primary, or first-class city and (b) if such person is employed or lives on a farm, to and from the farm where he or she is employed or between sections of farmland where he or she lives or is employed, by the nearest highway or street. Such limited permit shall be used for the sole purpose of transporting such person to attend school or to work on the farm as prescribed in subdivision (b) of this subsection, except that the holder of the permit may drive under the personal supervision of his or her parents or guardian. A 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 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 such limited permit may first obtain a learner's permit from the county treasurer, which permit shall be valid for a period of two months. While

holding the 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 with 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 child or a person over the age of nineteen years who is authorized in writing by the child's parent or guardian to supervise the actions of the child in operating the vehicle. Prior to issuance of a learner's permit it shall be required that such person demonstrate that he or she has sufficient powers of eyesight to safely operate a motor vehicle or motorcycle.

(3) Each individual who is making an application for his or her first operator's license or a limited or learner's permit must furnish proof of age and name by a legal document, a learner's permit, a school permit, a birth certificate, a valid operator's license from another state, military papers, passport papers, immigration papers, alien registration papers, an affidavit, or written information signed by a parent or guardian of the applicant. The applicant may be required to furnish proof to the examiner that the parent or guardian signing any written information is in fact the parent or guardian of such applicant. All licenses, and limited permits issued pursuant to subsection (2) of this section, shall be subject to revocation under the terms of section 60-427 and any person who violates the terms of such license or limited permit shall be deemed guilty of a Class III misdemeanor.

(4) Any person who has attained the age of fifteen years or more may obtain a learner's permit from the county treasurer which shall be valid for a period of twelve months and he or she may operate a motor vehicle on the highways of this state if he or she is accompanied at all times by a licensed operator who is at least nineteen years of age and who is actually occupying the seat beside the driver or, in the case of a motorcycle or moped, if he or she is within visual contact with and under the supervision of, in the case

of a motorcycle, a licensed motorcycle operator or, in the case of a moped, a licensed motor vehicle operator. Any person who has attained the age of fourteen years may operate a motor vehicle over the highways of the state if he or she is accompanied or, in the case of a motorcycle or moped, supervised at all times by a licensed operator who shall be a high school driver training instructor certified by the Commissioner of Education.

(5) Any person who is thirteen years of age or older and resides upon a farm in this state or who is fourteen years of age or older and who is employed for compensation upon a farm in this state may obtain a special permit authorizing the operation of farm tractors and other motorized implements of farm husbandry upon the public highways and roads of this state, if the applicant for such a restricted permit furnishes to a license 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 and public roads 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 any person under sixteen years of age to operate such equipment upon the public highways and roads of this state unless he or she has been issued a special permit under the provisions of this subsection. The fee for such special permit shall be five dollars and the special permit shall be subject to revocation for cause.

(6) The county treasurer shall collect a fee of three dollars from each successful applicant for a school or learner's permit.".

2. In the Standing Committee amendments, AM0301, beginning on page 692 of the Journal:

a. On page 2, line 7, strike "3" and insert "4"; and

b. On page 3, line 11, after "39-669.16," insert "60-407,".

3. Renumber the remaining sections accordingly.

## GENERAL FILE

**LEGISLATIVE BILL 713.** Mr. Haberman moved to indefinitely postpone.

Mr. Haberman moved for a call of the house. The motion prevailed with 7 ayes, 1 nay, and 41 not voting.

The Chair declared the call raised.

Mr. Haberman asked unanimous consent to withdraw his pending motion to indefinitely postpone LB 713. 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.

Mr. Beutler moved for a call of the house. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

Mr. Hall requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 26:

| | | | | |
|---|---|---|---|---|
| Baack | Eret | Hoagland | Nichol | Smith |
| Beutler | Goodrich | Landis | Pappas | Vickers |
| Carsten | Hall | Lynch | Schmit | Warner |
| Chizek | Harris | Morehead | Scofield | Wesely |
| Chronister | Hartnett | Nelson | Sieck | Withem |
| Conway | | | | |

Voting in the negative, 14:

| | | | | |
|---|---|---|---|---|
| Abboud | DeCamp | Hannibal | Johnson, R. | Peterson |
| Barrett | Goll | Hefner | Lamb | Remmers |
| Beyer | Haberman | Johnson, L. | Lundy | |

Present and not voting, 3:

| | | |
|---|---|---|
| Labedz | Rogers | Rupp |

Excused and not voting, 6:

| | | | | |
|---|---|---|---|---|
| Chambers | Johnson, V. | Marsh | Miller | Pirsch |
| Higgins | | | | |

Advanced to E & R for Review with 26 ayes, 14 nays, 3 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

## SELECT FILE

**LEGISLATIVE BILL 271A.** Advanced to E & R for Engrossment.
**LEGISLATIVE BILL 273A.** Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 715A.** Mr. Landis renewed the pending V. Johnson amendment found in the Journal on page 2141.

Messrs. Pappas and Warner asked unanimous consent to be excused until they return. No objections. So ordered.

The V. Johnson amendment was adopted with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Mr. Lamb requested a machine vote on the advancement of the bill.

Mr. Hoagland moved for a call of the house. The motion prevailed with 6 ayes, 0 nays, and 43 not voting.

Mr. Haberman requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 20:

| | | | | |
|---|---|---|---|---|
| Carsten | Hall | Labedz | Morehead | Sieck |
| Chizek | Hannibal | Landis | Nelson | Vickers |
| Conway | Hartnett | Lundy | Schmit | Wesely |
| Eret | Hoagland | Lynch | Scofield | Withem |

Voting in the negative, 20:

| | | | | |
|---|---|---|---|---|
| Abboud | Chronister | Haberman | Johnson, R. | Remmers |
| Baack | DeCamp | Harris | Lamb | Rogers |
| Barrett | Goll | Hefner | Nichol | Rupp |
| Beyer | Goodrich | Johnson, L. | Peterson | Smith |

Present and not voting, 1:

Beutler

Excused and not voting, 8:

| | | | | |
|---|---|---|---|---|
| Chambers | Johnson, V. | Miller | Pirsch | Warner |
| Higgins | Marsh | Pappas | | |

Failed to advance to E & R for Engrossment with 20 ayes, 20 nays, 1 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

**MOTION - Return LB 87 to Select File**

Mr. Wesely moved to return LB 87 to Select File for the specific amendment, AM1263, found in the Journal on page 2074.

The motion to return prevailed with 28 ayes, 0 nays, 13 present and not voting, and 8 excused and not voting.

**SELECT FILE**

**LEGISLATIVE BILL 87.** The Wesely specific amendment, AM1263, found in the Journal on page 2074 was adopted with 28 ayes, 0 nays, 13 present and not voting, and 8 excused and not voting.

Advanced to E & R for Re-Engrossment.

**UNANIMOUS CONSENT - Withdraw Amendment to LB 126**

Messrs. Wesely, Remmers, and DeCamp asked unanimous consent to withdraw their pending amendment, AM1307, found in the Journal on page 2110. No objections. So ordered.

**MOTION - Return LB 126 to Select File**

Messrs. Wesely, Remmers, and DeCamp moved to return LB 126 to Select File for the following specific amendment:
AM1339

1. On page 2, line 21, strike "1989" and insert "1990"; and in line 26 strike "and 1988-89" and insert "1988-89, and 1989-90".

2. On page 3, line 12, strike "1989" and

insert "1990"; and strike beginning with "School" in line 14 through "Equalization" in line 23, show the old matter as stricken and insert "Permanent School"; in line 26 strike "77-3434, 81-1632," and insert "81-1632"; and in line 27 strike "1989" and insert "1996. Commencing July 1, 1996, funds received in repayment for energy efficiency loans from the School Weatherization Fund shall be placed in the Permanent School Fund".

3. Insert new sections as follows:

"Sec. 2. That section 81-1632, Revised Statutes Supplement, 1984, be amended to read as follows:

81-1632. (1) Any school district may apply to the State Energy Office for an energy efficiency loan from the School Weatherization Fund. Loans ~~grant. Each school district applying for such a grant shall provide matching funds equal to twenty-five per cent of the grant request. Such matching funds may consist of a combination of cash or in-kind services, except that in-kind services may not exceed fifty per cent of the required matching funds. Grants~~ received pursuant to this subsection ~~and the matching school district funds~~ shall only be used for energy efficiency projects which are approved by the State Energy Office at the time the ~~grant~~ loan is approved.

(2) The State Energy Office shall approve energy efficiency ~~grant~~ loan applications for proposed programs or projects which will reduce energy use or result in a more efficient use of available energy resources. Any such ~~grant~~ loan not denied within forty-five days of its submission shall be considered approved. In determining whether to approve, reduce, or deny such application the State Energy Office shall consider the type of project or program proposed, the life expectancy of the building, the projected energy savings, and the simple payback period for the project. ~~No school district shall receive such grants totaling more than one hundred thousand dollars for use in any one school.~~

(3) Upon approval of an energy efficiency ~~grant~~ loan application pursuant to this section, the State Energy Office shall submit its voucher against the School Weatherization Fund to the Director of Administrative Services for the amount of the approved ~~grant~~ loan. The Director of Administrative Services

shall, on a monthly basis or more frequently if requested, notify the State Energy Office of the balance available in the School Weatherization Fund.

(4) Any school district may apply to the State Energy Office for a technical analysis study grant. The State Energy Office shall adopt and promulgate, not later than January 1, 1985, rules and regulations pertaining to the application procedures, approval criteria, funding based on building floor area, and the required contents of a technical analysis study. The funds distributed in any fiscal year for such studies shall not exceed three per cent of the funds available from the School Weatherization Fund during that fiscal year. No technical analysis ~~study~~ grant shall exceed two thousand five hundred dollars for any one building. ~~The grant for a technical analysis study shall not count against the one hundred thousand dollars allowable to a school district for an energy efficiency grant.~~ Grants received pursuant to this subsection shall only be used for technical analysis studies which are approved by the State Energy Office at the time the grant is approved. The school district shall submit a copy of the technical analysis report and an expense voucher to the State Energy Office as a request for payment. The State Energy Office shall submit its voucher to the Director of Administrative Services upon approval of the technical analysis study by the State Energy Office.

(5) Approved loan or grant applications shall be effected by contract or such other form or method as shall be provided by the State Energy Office. Loans shall be repaid in semiannual payments, with the first payment due six months after the date the project or program is completed. Loans shall carry no interest or finance charge and payments made prior to July 1, 1996, shall be deposited in the School Weatherization Fund. The amount of each semiannual payment shall be one-fourth of the estimated first-year savings resulting from the project as established in the approved loan application, except that no such loan shall be made for a term longer than fourteen years after the completion of the project or program. ~~Commencing July 1, 1983, the State Energy Office shall divide grants between major and minor projects or programs. Thirty per cent of available grant money shall be for major energy efficiency projects or programs. Seventy per cent of~~

~~available grant money shall be for technical analysis studies and minor energy efficiency projects or programs. Major energy efficiency projects or programs shall mean those with a simple payback period of more than five years and minor energy efficiency projects or programs shall mean those with a simple payback period of five years or less. Any entity requesting a grant for a minor energy efficiency project or program shall be required to provide matching funds equal to twenty per cent of the grant request.~~

(6) For purposes of this section simple payback period shall mean the cost of the project divided by the first year's savings resulting from the project.

(7) The State Energy Office shall provide forms on which loan and grant applications may be made. The State Energy Office shall record and compile a complete list of all loan and grant applications and shall make an equitable geographic distribution of loans and grants as nearly as possible among the congressional districts provided in section 5-101.01.

Sec. 3. That section 81-1633, Revised Statutes Supplement, 1984, be amended to read as follows:

81-1633. (1) Each school district receiving a grant or loan pursuant to section 81-1632 shall, on an annual basis, submit a report to the State Energy Office detailing any changes in energy consumption for each school in which an energy efficiency project or program was funded pursuant to sections 77-3434, 81-1632, and 81-1633. The report shall also include a detailed breakdown of project expenditures for the previous twelve months.

(2) The Legislature's Performance Review and Audit Committee shall annually review and assess the need for continuation of the School Weatherization Fund.

(3) The State Energy Office may adopt and promulgate rules and regulations necessary to ensure the effectiveness of sections 81-1632 and 81-1633 and may retain an amount from the School Weatherization Fund for each loan or grant, not to exceed three per cent of the total loan or grant, to cover the actual cost of administering the loan or grant.

Sec. 5. Sections 2, 3, and 7 of this act shall become operative on July 1, 1986. The remaining

sections shall become operative on their effective date.

Sec. 7. That sections 81-1632 and 81-1633, Revised Statutes Supplement, 1984, are repealed.".

4. Renumber remaining sections accordingly.

5. On page 1, line 3, strike "section" and insert "sections 81-1632 to"; in line 6 after the semicolon insert "to change certain energy efficiency grants to loans; to change provisions relating to such loans and grants;"; and in line 7 after the semicolon insert "to provide operative dates;".

The motion to return prevailed with 29 ayes, 0 nays, 13 present and not voting, and 7 excused and not voting.

## SELECT FILE

**LEGISLATIVE BILL 126.** The Wesely-Remmers-DeCamp specific amendment, AM1339, found in this day's Journal was adopted with 33 ayes, 0 nays, 9 present and not voting, and 7 excused and not voting.

Advanced to E & R for Re-Engrossment.

## BILL ON FINAL READING

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 233.**

A BILL FOR AN ACT relating to fees; to amend section 33-139.01, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to witness and other fees and expenses; 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 | Chizek | Goodrich | Hefner | Labedz |
| Baack | Chronister | Hall | Higgins | Lamb |
| Barrett | Conway | Hannibal | Hoagland | Landis |
| Beutler | DeCamp | Harris | Johnson, L. | Lundy |
| Carsten | Goll | Hartnett | Johnson, R. | Lynch |

| | | | | |
|---|---|---|---|---|
| Morehead | Peterson | Rupp | Smith | Wesely |
| Nelson | Remmers | Schmit | Vickers | Withem |
| Nichol | Rogers | | | |

Voting in the negative, 3:

| | | |
|---|---|---|
| Eret | Scofield | Sieck |

Present and not voting, 2:

| | |
|---|---|
| Beyer | Haberman |

Excused and not voting, 7:

| | | | | |
|---|---|---|---|---|
| Chambers | Marsh | Pappas | Pirsch | Warner |
| Johnson, V. | Miller | | | |

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**MOTION - Return LB 356 to Select File**

Messrs. Peterson and Hoagland moved to return LB 356 to Select File for their specific amendment, AM0957, found in the Journal on page 1459.

The motion to return prevailed with 28 ayes, 0 nays, 14 present and not voting, and 7 excused and not voting.

**SELECT FILE**

**LEGISLATIVE BILL 356.** The Peterson-Hoagland specific amendment, AM0957, found in the Journal on page 1459 was adopted with 28 ayes, 0 nays, 14 present and not voting, and 7 excused and not voting.

Advanced to E & R for Re-Engrossment.

**MOTION - Return LB 406 to Select File**

Messrs. Hoagland, Chizek, and Withem moved to return LB 406 for their specific amendment, AM1311, printed separate from the Journal and referred to on page 2140.

The motion to return prevailed with 26 ayes, 0 nays, 16 present and

not voting, and 7 excused and not voting.

## SELECT FILE

**LEGISLATIVE BILL 406.** The Hoagland-Chizek-Withem specific amendment, AM1311, printed separate from the Journal and referred to on page 2140 was adopted with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

Advanced to E & R for Re-Engrossment.

## MOTION - Return LB 406 to Select File

Mr. Hoagland moved to return LB 406 to Select File for his specific amendment, AM0748, printed separate from the Journal and referred to on page 2140.

The motion to return prevailed with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

## SELECT FILE

**LEGISLATIVE BILL 406.** The Hoagland specific amendment, AM0748, printed separate from the Journal and referred to on page 2140 was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Advanced to E & R for Re-Engrossment.

## UNANIMOUS CONSENT - Members Excused

Messrs. Chizek and Hefner asked unanimous consent to be excused until they return. No objections. So ordered.

## MOTION - Return LB 496 to Select File

Mr. Schmit moved to return LB 496 to Select File for the specific amendment, AM1342, found in the Journal on page 2146.

The motion to return prevailed with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

## SELECT FILE

**LEGISLATIVE BILL 496.** The Schmit-Morehead-Labedz specific

amendment, AM1342, found in the Journal on page 2146 was adopted with 28 ayes, 1 nay, 13 present and not voting, and 7 excused and not voting.

Mr. Vickers requested a machine vote on the advancement of the bill.

Advanced to E & R for Re-Engrossment with 27 ayes, 5 nays, 10 present and not voting, and 7 excused and not voting.

## UNANIMOUS CONSENT - Withdraw Amendments to LB 496

Mrs. Morehead and Mr. Schmit asked unanimous consent to withdraw their pending amendment, AM1270, found in the Journal on page 2009. No objections. So ordered.

Mrs. Labedz asked unanimous consent to withdraw her pending amendment, AM1049, found in the Journal on page 1659. No objections. So ordered.

## UNANIMOUS CONSENT - Member Excused

Mr. Conway asked unanimous consent to be excused until he returns. No objections. So ordered.

## PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bill: 233.

## SELECT FILE

**LEGISLATIVE BILL 632.** E & R amendments, AM5130, found in the Journal on page 1504 for the Fifty-Seventh Day were adopted.

Mr. V. Johnson asked unanimous consent to withdraw his pending amendment, AM1098, found in the Journal on page 1634. No objections. So ordered.

Mr. Haberman requested a machine vote on the advancement of the bill.

Mr. V. Johnson moved for a call of the house. The motion prevailed with 11 ayes, 0 nays, and 38 not voting.

Mr. V. Johnson requested a roll call vote on the advancement of the

bill.

Voting in the affirmative, 20:

| | | | | |
|---|---|---|---|---|
| Beutler | Goodrich | Higgins | Landis | Schmit |
| Chizek | Hall | Hoagland | Lynch | Vickers |
| DeCamp | Harris | Johnson, V. | Morehead | Wesely |
| Eret | Hartnett | Labedz | Pappas | Withem |

Voting in the negative, 19:

| | | | | |
|---|---|---|---|---|
| Abboud | Chronister | Johnson, R. | Nichol | Rupp |
| Baack | Goll | Lamb | Peterson | Scofield |
| Barrett | Haberman | Lundy | Remmers | Warner |
| Carsten | Johnson, L. | Nelson | Rogers | |

Present and not voting, 4:

| | | | |
|---|---|---|---|
| Beyer | Hannibal | Sieck | Smith |

Excused and not voting, 6:

| | | | | |
|---|---|---|---|---|
| Chambers | Hefner | Marsh | Miller | Pirsch |
| Conway | | | | |

Failed to advance to E & R for Engrossment with 20 ayes, 19 nays, 4 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

**LEGISLATIVE BILL 401.** E & R amendments, AM5138, found in the Journal on page 1622 for the Sixty-First Day were adopted.

Mr. Landis renewed his pending amendment, AM1319, found in the Journal on page 2085.

The Landis 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 633.** E & R amendments, AM5163, found in the Journal on page 2105 for the Seventy-Third Day were adopted.

Mr. Lamb renewed his pending amendment, AM1290, found in the

Journal on page 2051.

Mrs. Nelson asked unanimous consent to be excused until she returns. No objections. So ordered.

The Lamb amendment was adopted with 29 ayes, 0 nays, 15 present and not voting, and 5 excused and not voting.

Mr. Vickers offered the following amendment:
AM1207

1. Insert the following new section:

"Sec. 7. That section 79-1254.06, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-1254.06. Before a reduction in force shall occur, it shall be the responsibility of the board of education and school district administration to present competent evidence demonstrating that a change in circumstances has occurred necessitating a reduction in force. Any alleged change in circumstances must be specifically related to the teacher or teachers to be reduced in force, and the board, based upon evidence produced at the hearing required by sections ~~79-1254 to 79-1262~~ 79-12,107 to 79-12,121, shall be required to specifically find that there are no other vacancies on the staff for which the employee to be reduced is qualified by endorsement or professional training to perform.".

2. In AM0820, beginning on page 1247 of the Journal, on page 3, line 13, strike "section" and insert "sections" and after "79-549" insert "and 79-1254.06".

3. Renumber the remaining sections accordingly.

The Vickers 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.

**LEGISLATIVE BILL 608A.** Advanced to E & R for Engrossment.

Messrs. Barrett, DeCamp, and Haberman asked unanimous consent to be excused until they return. No objections. So ordered.

## GENERAL FILE

**LEGISLATIVE BILL 612.** Mr. Hannibal asked unanimous consent to withdraw his pending amendment, AM0706, found in the Journal on page 1085. 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.

## VISITORS

Visitors to the Chamber were 50 fourth grade students and teacher from Tekamah-Herman Elementary School, Tekamah; 40 fourth through sixth grade students and teachers from Cedar Bluffs School; 27 eighth grade students and teacher from Neligh Public Schools; 22 students and teacher from St. Columbkille, Papillion; 41 fourth grade students and sponsor from Hill Rise Elementary School, Elkhorn; 22 fourth grade students and teacher from Exeter Elementary School; 13 fourth through sixth grade students and teacher from Avoca Elementary School; 32 eighth grade students and teachers from District 38-Shoemaker School, Grand Island; 18 students and teacher from Lincoln Christian School; and Senator Carsten's grandson, Chris Carsten.

## RECESS

At 11:54 a.m., on a motion by Mr. Lundy, the Legislature recessed until 1:30 p.m.

## AFTER RECESS

The Legislature reconvened at 1:32 p.m., Speaker Nichol presiding.

## ROLL CALL

The roll was called and all members were present except Messrs. Chambers, Miller, Peterson, Mesdames Marsh, and Pirsch who were excused; and Messrs. DeCamp and Hannibal who were excused until they arrive.

## PRESIDENT MCGINLEY PRESIDING

## SELECT COMMITTEE REPORTS
### Enrollment and Review

### Correctly Engrossed

The following bills were correctly engrossed: 236, 271, 271A, 273, 273A, and 715.

(Signed) Timothy Hall, Chairperson

**Enrollment and Review Change to LB 271**

The following changes, required to be reported for publication in the Journal, have been made:
ER0072

1. Underscoring has been added to the Lynch amendment adopted May 3, 1985, as appropriate.

2. In the Landis, Rogers, and Miller amendment, AM1304, adopted May 3, 1985, on page 1, line 6, "(2)" has been inserted before "The".

3. In the E & R amendments, AM5154:

a. On page 1, line 23, "77-1330," has been inserted after "sections"; and

b. On page 2, line 11, "to authorize the implementation of property appraisal and reappraisal corrective measures for the current tax year;" has been inserted after the first semicolon.

4. In the Standing Committee amendments, AM1025, on page 11, line 11, "six" has been struck and "seven" inserted; and in line 25 "seventh" has been struck and "eighth" inserted.

**Enrollment and Review Change to LB 273**

The following changes, required to be reported for publication in the Journal, have been made:
ER0071

1. In the Landis-Rogers amendment, AM1306, adopted May 3, 1985, "(Amendments to Standing Committee Amendments)" has been struck.

2. In the Conway amendment, AM1285, adopted May 3, 1985, on page 1, the matter beginning with "the" in line 6 through "Act" in line 7 has been struck and "this section" inserted.

3. In the E & R amendments, AM5152:

a. On page 1, line 18, "43 and 44" has been struck and "44 and 45" inserted;

b. On page 2, lines 4 and 18, "44" has been struck and "45" inserted; in line 23 "72" has been struck and "73" inserted and "47" has been struck and "49" inserted; in line 24 "64" has been struck and "68" inserted and "73" has been struck and "74" inserted; and in line 25 "46 and 74" has been struck and "48 and 75" inserted; and

c. On page 7, line 9, "the second" has been inserted after "strike".

4. In the Standing Committee amendments, AM0274:

a. On page 3, line 18, for purposes of consistency with LB 715, "for" has been struck and "of" inserted;

b. On page 8, line 26, "a fee" has been struck; and

c. On page 9, line 2, "a fee" has been inserted before "sufficient"; and in line 6 "Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1269." has been inserted after the period.

5. On page 1, line 3, after the last comma "77-1342," has been inserted.

6. On page 3, line 11, "to eliminate the Ad Valorem Advisory Committee;" has been inserted before "to"; and in line 13 ", and also sections 77-3,101 to 77-3,108, Reissue Revised Statutes of Nebraska, 1943" has been inserted after "sections".

7. The following new section has been inserted:

"Sec. 38. That section 77-1342, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-1342. There is hereby created a fund to be known as the Tax Commissioner Revolving Fund to which shall be credited all money received by the agency for services performed to county and multicounty assessment districts and under the provisions of sections 77-629, 77-1241.09, and 77-1250, which provisions shall be for the purpose of providing funds to be used to develop appraisal manuals and distribute them to the counties~~, to defray other incidental expenses of the Ad Valorem Advisory Committee,~~ and to engage competent counsel. The county or multicounty assessment district shall be billed by the Tax Commissioner for services rendered. Reimbursements to the Tax Commissioner shall be credited to the fund and expenditures therefrom shall be made only when such funds are available. The Tax Commissioner shall only bill for the actual amount expended in performing the service.

This fund shall, at the close of each year, be lapsed to the General Fund, except that no part of the fees received under sections 77-629, 77-1241.09, and 77-1250 shall be so lapsed. Any money in the Tax Commissioner Revolving Fund available for investment shall be invested by the state investment officer pursuant to ~~the provisions of~~ sections 72-1237 to ~~72-1259~~ 72-1269.".

8. On page 90, line 6, "(u)" has been struck, shown as stricken, and "(t)" inserted.

9. On page 169, line 24, "77-1342," has been inserted after "sections"; and in line 25 a comma has been reinserted after "77-2106.01".

10. The remaining sections have been renumbered accordingly.

## Enrollment and Review Change to LB 715

The following changes, required to be reported for publication in the Journal, have been made:
ER0070

1. In the Higgins amendment adopted May 3, 1985, on page 1, line 1, ", after the first comma insert 'or'," has been inserted before the second "and"; and in line 2 the underscored comma has been struck.

2. In the Conway amendment, AM1286, adopted May 3, 1985, the matter beginning with "the" in line 6 through "Act" in line 7 has been struck and "this section" inserted.

3. In the Standing Committee amendments, AM0523, on page 54, line 14, "and" has been inserted after the second comma.

(Signed) Mary Sommermeyer
E & R Attorney

## ATTORNEY GENERAL'S OPINION

Opinion No. 77
May 8, 1985

Dear Senators Rupp and Labedz:

This is in response to your letter of May 6, 1985, concerning Legislative Resolution 81. This resolution proposes that the Legislature approve a gift of land to the Nebraska Game and Parks Commission and further provides that the land shall be used as a state park to be named after the current Game and Parks Commission Director Eugene T. Mahoney.

As you point out, Neb.Rev.Stat. §81-1108.36 (Reissue 1981) provides that:

> Except when sites or structures are named by statute, the administrator, after considering any recommendations of the State Building Advisory Commission, shall review the proposals of the various agencies and commissions for the naming of state-owned or leased sites or structures. Unless otherwise provided by statute, sites or structures shall not be named for citizens who are active elected officials or active employees of the State of Nebraska.

Mr. Mahoney is of course a state employee. Your question then is simply whether LR 81 could be considered a statute as that term is used in Neb.Rev.Stat. §81-1108.36.

We think not. A resolution is generally considered to be only an expression of opinion by the Legislature and does not rise to the

status of a law. Black's Law Dictionary sets forth this distinction as follows:

> The term is usually employed to denote the adoption of a motion, the subject-matter of which would not properly constitute a statute; such as a mere expression of opinion; an alteration of the rules; a vote of thanks or of censure, etc. . . .
>
> The chief distinction between a "resolution" and a "law" is that the former is used whenever the legislative body passing it wishes merely to express an opinion as to some given matter or thing and is only to have a temporary effect on such particular thing, while by a "law" it is intended to permanently direct and control matters applying to persons or things in general.

There is a substantial body of case law from other jurisdictions which would support the distinction that a resolution is not a law but merely a form in which a legislative body expresses an opinion. See, Baker v. City of Milwaukee, 271 Or. 500, 533 P.2d 772 (1975), Village of Altamont v. Baltimore and O.S.W. Railway Company, 94 Ill. 47, 56 N.E. 340 (1900), and 73 Am.Jur.2d Statutes §3. In this regard, it must be understood that the term "statute" and "law" are synonymous in this respect. The ordinary meaning of the word "statute" is a "law" established by legislative authority. Foster v. Brown, 199 Ga. 444, 34 S.E.2d 530 (1945). Thus we must conclude that the only way in which the park could be named for the current Game and Parks Director would be through a proper statutory enactment and not by the passage of a legislative resolution.

Sincerely,
ROBERT M. SPIRE
Attorney General
(Signed) John Boehm
Assistant Attorney General

JB/bae
cc: Patrick J. O'Donnell
Clerk of the Legislature

## NOTICE OF COMMITTEE HEARING
**Business and Labor**

State Labor Contracts Wednesday, May 22, 1985 12:00 noon

(Signed) Bill Barrett, Chairperson

## UNANIMOUS CONSENT - Print in Journal

Mr. Hoagland asked unanimous consent to print the following

amendment to LB 727 in the Journal. No objections. So ordered.

AM1344

1. Strike the original section and insert new sections as follows:

"Section 1. That section 77-3509.01, Revised Statutes Supplement, 1984, be amended to read as follows:

77-3509.01. In counties having a population greater than three hundred thousand, the owner of a homestead which has been granted an exemption provided in sections ~~77-3506.01~~ 77-3507 to 77-3509, who transfers the ownership of such homestead and becomes the owner of another homestead within the county prior to September 15 during the year for which the exemption was granted, may file an application with the county assessor, on or before September 15 of such year, for a transfer of the exemption to the new homestead. The county assessor shall examine each application and determine whether or not the new homestead, except for the January 1 occupancy requirement, is a homestead as defined in section 77-3502. If the application is approved by the county assessor, he or she shall make a deduction upon the assessment rolls using the same criteria as previously applied to the original homestead. The county assessor may allow the application for transfer to also be considered an application for a homestead exemption for the subsequent year.

Sec. 2. That section 77-3509.02, Revised Statutes Supplement, 1984, be amended to read as follows:

77-3509.02. In counties having a population greater than three hundred thousand, if the owner of any homestead granted an exemption under sections ~~77-3506.01~~ 77-3507 to 77-3509 transfers the ownership of such homestead on or before September 15 of any year pursuant to section 77-3509.01 and makes the application for transfer of the homestead exemption and such application is approved, the exemption shall be disallowed for such year as applied to the original homestead if the exemption was granted based on the status of such owner.

Sec. 3. That section 77-3510, Revised Statutes Supplement, 1984, be amended to read as follows:

77-3510. On or before January 1 of each year,

the Tax Commissioner shall prescribe suitable blank forms to be used by all claimants for homestead exemption or for transfer of homestead exemption. Such forms shall contain provisions for the showing of all information which the Tax Commissioner may deem necessary to (1) enable the proper county officials to determine whether each claim for exemption under sections ~~77-3506.01,~~ 77-3508~~,~~ and 77-3509 should be allowed, (2) enable the Tax Commissioner to determine whether each claim for exemption under section 77-3507 should be allowed, and (3) enable the county assessor to determine whether each claim for transfer of homestead exemption pursuant to section 77-3509.01 should be allowed. It shall be the duty of the county assessor of each county in this state to furnish such forms, upon request, to each person desiring to make application for homestead exemption or for transfer of homestead exemption on property located within that county. The forms so prescribed shall be used uniformly throughout the state and no application for exemption or for transfer of homestead exemption shall be allowed unless the applicant uses the regularly prescribed form in making an application.

Sec. 4. That section 77-3512, Revised Statutes Supplement, 1984, be amended to read as follows:

77-3512. It shall be the duty of each owner who applies for the homestead exemption provided in sections ~~77-3506.01~~ 77-3507 to 77-3509 to file an application therefor with the county assessor of the county in which the homestead is located after January 1 and on or before April 1, and failure to do so shall constitute a waiver of the exemption for that year.

Sec. 5. That section 77-3513, Revised Statutes Supplement, 1984, be amended to read as follows:

77-3513. (1) If an owner is granted a homestead exemption as provided in section ~~77-3506.01 or~~ 77-3509 or subdivision (2), (3), (4), or (5) of section 77-3508, the homestead exemption as to such property shall remain in full force and effect for each succeeding year without reapplication if the same owner is in all respects entitled to the same exemption granted under the provisions of sections 77-3501 to 77-3529. Once a qualified claimant has filed an

application for homestead exemption and the exemption has been granted for that year, no reapplication need be filed for succeeding years, in which case the county assessor and Tax Commissioner shall determine whether the claimant shall qualify for the homestead exemption in such succeeding years as otherwise provided in sections 77-3501 to 77-3529 as though a claim were made.

(2) It shall be the duty of each claimant who wants the homestead exemption provided in subdivision (1) of section 77-3508 to file an application therefor with the county assessor on or before April 1 of each year, and failure to do so shall constitute a waiver of the exemption for such year.

Sec. 6. That section 77-3514, Revised Statutes Supplement, 1984, be amended to read as follows:

77-3514. The owner of a homestead which has been granted an exemption under sections ~~77-3506.01~~ 77-3507 to 77-3509 shall notify the county assessor by March 15 of each year of any change in the homestead exemption status occurring in the preceding year. For purposes of this section, change in the homestead exemption status shall include any change in the name of the owner, ownership, residence, marital status, veteran status, rating by the Veterans' Administration, or any other change that would affect the qualification for or type of exemption granted, except income checked by the Tax Commissioner under section 77-3517. In addition, in counties having a population greater than three hundred thousand, the owner of a homestead which has been granted an exemption under sections ~~77-3506.01~~ 77-3507 to 77-3509 may notify the county assessor by September 15 of each year of any change in the homestead exemption status occurring in the preceding portion of the calendar year as a result of a transfer of the homestead exemption pursuant to sections 77-3509.01 and 77-3509.02. If by his or her failure to give such notice any such property owner permits the allowance of the homestead exemption for any succeeding year, or in the year of application in the case of transfers pursuant to sections 77-3509.01 and 77-3509.02, after the homestead exemption status of such property has changed, an amount equal to the amount of the taxes lawfully due but not paid by reason of such unlawful and improper allowance of homestead exemption, together with

penalty and interest on such total sum as provided by statute on delinquent ad valorem taxes, shall be due and shall upon entry of the amount thereof on the books of the county treasurer be a lien on such property while unpaid. Such lien may be enforced in the manner provided for liens for other delinquent taxes. Any person who has permitted the improper and unlawful allowance of such homestead exemption on his or her property shall as an additional penalty also forfeit his or her right to a homestead exemption on any other property in this state for the two succeeding years.

Sec. 7. That section 77-3516, Revised Statutes Supplement, 1984, be amended to read as follows:

77-3516. The county assessor shall examine each application for homestead exemption filed with him or her for an exemption pursuant to section ~~77-3506.01,~~ 77-3508~~,~~ or 77-3509 and shall determine whether or not such application should be approved or rejected and, if approved, determine the amount of the exemption. If the application is approved, the county assessor shall mark the same approved and show thereon the amount of exemption allowed and make the proper deduction upon the assessment rolls. In case he or she finds that the exemption should not be allowed by reason of not being in conformity to law, the county assessor shall mark the application rejected and state thereon the reason for such rejection. In any case when the county assessor disallows or reduces an application for exemption, he or she shall notify the applicant of such action by mailing written notice to the applicant at the address shown in the application, which notice shall be mailed not later than the fourth Monday in April of each year and shall be on forms prescribed by the Tax Commissioner. All applications for exemption, showing thereon the action of the county assessor, shall be delivered to the county board of equalization on or before the fourth Monday of April of each year.

Sec. 8. That section 77-3523, Revised Statutes Supplement, 1984, be amended to read as follows:

77-3523. The county treasurer shall, on or before November 30 of each year, certify to the Tax Commissioner the total tax revenue that will be lost to all taxing agencies within his or her county from taxes

levied and assessed in that year because of exemptions allowed under the provisions of Chapter 77, article 35 other than section 77-3506.01. The county treasurer shall, on or before November 30, 1985, certify to the Tax Commissioner the total tax revenue that will be lost to all school districts within his or her county from taxes levied and assessed in 1985 because of exemptions allowed under section 77-3506.01. The county treasurer may amend the certification to show any change or correction in the ~~total~~ tax that will be lost until May 30 of the next succeeding year. The Tax Commissioner shall, on or before January 1 next following such certification or within thirty days of any amendment to the certification, notify the Director of Administrative Services of the amount so certified. Each county certification shall be distributed in six as nearly as possible equal monthly payments between the fifth and twentieth day of each month beginning January 1977, and each January thereafter. The State Treasurer shall, between the fifth and twentieth day of each month, notify the Director of Administrative Services of the amount of funds available in the General Fund for payment purposes. The Director of Administrative Services shall, upon receipt of such notification, draw warrants against funds appropriated. Out of the amount so received the county treasurer shall distribute to each of the taxing agencies within his or her county the certified amount so lost by such agency, except (1) that one per cent of such amount shall be deposited in the county general fund and (2) that the full amount due a Class V school district shall be paid to the district and the county shall be compensated pursuant to section 14-554. Each taxing agency shall, in preparing its annual budget, take into account the amount to be received under this section.

Sec. 9. That section 77-3525, Revised Statutes Supplement, 1984, be amended to read as follows:

77-3525. All revenue which shall be certified under section 77-3523 as lost to taxing agencies as a result of the provisions of Chapter 77, article 35, shall be considered an express obligation of the state for the purpose of setting the sales and income tax rates under section 77-2715.01.

Sec. 10. Sections 8, 9, and 12 of this act

shall become operative on their effective date and the remaining sections shall be operative for all taxable years commencing on or after January 1, 1986.

Sec. 11. That original sections 77-3509.01, 77-3509.02, 77-3510, 77-3512 to 77-3514, and 77-3516, Revised Statutes Supplement, 1984, and also sections 77-3506.01 and 77-3516.01, Revised Statutes Supplement, 1984, are repealed.

Sec. 12. That original sections 77-3523 and 77-3525, Revised Statutes Supplement, 1984, are repealed.".

## SELECT FILE

**LEGISLATIVE BILL 333.** Mr. Lynch renewed his pending amendment, AM1012, found in the Journal on page 2100.

Mr. Beutler asked unanimous consent to withdraw his pending amendment found in the Journal on page 2104. No objections. So ordered.

Mr. Beutler offered the following amendment to the Lynch amendment:
AM1366

(Amendments to AM1012)

1. On page 1, strike beginning with "8" in line 2 through line 22 and insert "7. In addition to the fees provided for in section 33-106, the clerk of the district court shall collect an additional twenty-five dollars in docket fees for dissolution of marriages. The twenty-five dollar fee shall be paid to the state treasury and credited to the General Fund.

Sec. 8. That section 33-106, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

33-106. In addition to the judges retirement fund fee and the fee provided in section 7 of this act and except as otherwise provided by law, the fees of the clerk of the district court shall be as follows: There shall be a docket fee of forty dollars for each civil and criminal case except (1) a case commenced by filing a transcript of judgment as hereinafter provided; (2) proceedings under the Workmen's Compensation Law and the Employment Security Law, where provision is made for the fees that may be charged; and (3) a criminal case

appealed to the district court from any court inferior thereto as hereinafter provided. There shall be a docket fee of twenty-five dollars for each case commenced by filing a transcript of judgment from another court in this state for the purpose of obtaining a lien. There shall be a docket fee of twenty-five dollars for each criminal case appealed to the district court from any court inferior thereto. In all cases, other than those appealed from an inferior court or original filings which are within jurisdictional limits of an inferior court and where a jury is demanded in district court, the docket fee shall cover all fees of ~~said~~ the clerk except that ~~said~~ the clerk shall be paid for each copy or transcript ordered of any pleading, record, or other paper, and that ~~said~~ the clerk shall be entitled to a fee of fifteen dollars for making a complete record of a case. The ~~, said~~ fee ~~to~~ shall be taxed as a part of the costs of the case, except when expressly waived by the parties to the action. In all civil cases, except habeas corpus cases wherein a poverty affidavit is filed and approved by the court, and for all other services, the docket fee or other fee shall be paid by the party filing the case or requesting the service at the time the case is filed or the service requested. For any other service which may be rendered or performed by ~~said~~ the clerk but which is not required in the discharge of his or her official duties, the fee shall be the same as that of a notary public but in no case less than one dollar.".

2. On page 2, strike lines 1 through 24.

3. On page 7, strike beginning with "after" in line 12 through "and" in line 14; and in line 14 after "insert" insert "33-106,".

The Beutler amendment was adopted with 28 ayes, 7 nays, 6 present and not voting, and 8 excused and not voting.

The Lynch amendment, as amended, was adopted with 25 ayes, 8 nays, 8 present and not voting, and 8 excused and not voting.

Mr. R. Johnson asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. V. Johnson offered the following amendment:

To strike Sections 1 through 6, as amended, on LB 333.

Mr. Abboud asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. V. Johnson moved for a call of the house. The motion prevailed with 11 ayes, 0 nays, and 38 not voting.

Mr. V. Johnson requested a roll call vote on his amendment.

Voting in the affirmative, 21:

| | | | | |
|---|---|---|---|---|
| Abboud | Haberman | Lamb | Nichol | Sieck |
| Beutler | Hall | Lundy | Pappas | Smith |
| Carsten | Hartnett | Morehead | Remmers | Vickers |
| Chizek | Johnson, V. | Nelson | Scofield | Withem |
| Goll | | | | |

Voting in the negative, 17:

| | | | | |
|---|---|---|---|---|
| Baack | Conway | Higgins | Landis | Rupp |
| Barrett | Eret | Hoagland | Lynch | Warner |
| Beyer | Goodrich | Labedz | Rogers | Wesely |
| Chronister | Harris | | | |

Present and not voting, 1:

Johnson, L.

Absent and not voting, 2:

Hefner Schmit

Excused and not voting, 8:

| | | | | |
|---|---|---|---|---|
| Chambers | Hannibal | Marsh | Peterson | Pirsch |
| DeCamp | Johnson, R. | Miller | | |

The V. Johnson amendment lost with 21 ayes, 17 nays, 1 present and not voting, 2 absent and not voting, and 8 excused and not voting.

The Chair declared the call raised.

Mr. Beutler requested a machine vote on the advancement of the bill.

Mr. Barrett moved for a call of the house. The motion prevailed with

11 ayes, 0 nays, and 38 not voting.

Mr. Barrett requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 21:

| | | | | |
|---|---|---|---|---|
| Baack | Eret | Harris | Landis | Schmit |
| Barrett | Goodrich | Higgins | Lynch | Smith |
| Beyer | Haberman | Hoagland | Rogers | Warner |
| Chronister | Hall | Labedz | Rupp | Wesely |
| Conway | | | | |

Voting in the negative, 13:

| | | | | |
|---|---|---|---|---|
| Abboud | Johnson, L. | Lamb | Nichol | Remmers |
| Carsten | Johnson, R. | Lundy | Pappas | Vickers |
| Goll | Johnson, V. | Nelson | | |

Present and not voting, 7:

| | | | | |
|---|---|---|---|---|
| Beutler | Hartnett | Scofield | Sieck | Withem |
| Chizek | Morehead | | | |

Absent and not voting, 1:

Hefner

Excused and not voting, 7:

| | | | | |
|---|---|---|---|---|
| Chambers | Hannibal | Miller | Peterson | Pirsch |
| DeCamp | Marsh | | | |

Failed to advance to E & R for Engrossment with 21 ayes, 13 nays, 7 present and not voting, 1 absent and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Mr. Haberman asked unanimous consent to be excused until he returns. No objections. So ordered.

## PRESENTED TO THE GOVERNOR

Presented to the Governor on May 8, 1985, at 1:36 p.m., was the following bill: 233.

(Signed) Pam Moravec, Enrolling Clerk

## RESOLUTION

**LEGISLATIVE RESOLUTION 263.**

Introduced by Hartnett, 45th District; Lundy, 36th District.

Purpose: Principal arguments, both for and against changes in the various public employee retirement systems in Nebraska, center around benefit and cost differentials. Whether one works for the state, county, or city, the applicable system may offer different benefits for employees performing the same essential functions.

There are also different degrees of latitude offered governing bodies of governmental subdivisions as to additional or supplemental benefits that can be offered or negotiated. Some bodies that are "locked into" state systems have decided to make use of Deferred Compensation legislation (Sec. 48-1401) as a means of informally improving pension plans.

A study should be undertaken to determine the following:

1) The extent of pension plan cost and benefits differentials between governmental subdivisions for jobs of the same type,

2) The extent to which governmental subdivisions are using deferred compensation to supplement pension programs, and the wisdom of continuing to do so,

3) The impact of cost and benefit differentials between governmental subdivisions upon employment trends (costs of training, lost manpower, etc.), and

4) Potential solutions to ameliorate differentials; for example,

a) permitting greater flexibility to the individual subdivision to provide supplemental benefits, or

b) equalizing pension costs and benefits for workers performing jobs of the same type, regardless of which subdivision the worker is employed.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Retirement Systems Committee of the Legislature be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall, upon conclusion of its study, make a report of its findings together with its recommendations to the Legislative Council or Legislature.

Referred to the Executive Board.

## SPEAKER'S ANNOUNCEMENT

Pursuant to Rule 4, Sec. 8, LR 261 was referred to the Reference Committee.

## UNANIMOUS CONSENT - Member Excused

Mrs. Nelson asked unanimous consent to be excused until she returns. No objections. So ordered.

## GENERAL FILE

**LEGISLATIVE BILL 516.** Title read. Considered.

Standing Committee amendments, AM0214, printed separate from the Journal and referred to on page 787 were considered.

Mr. Hoagland asked unanimous consent to withdraw his pending amendment, AM0689, found in the Journal on page 1084. No objections. So ordered.

Mr. Beutler renewed his pending amendment, AM1251, found in the Journal on page 1978 to the Standing Committee amendments.

Mr. Barrett asked unanimous consent to be excused until he returns. No objections. So ordered.

The Beutler amendment was adopted with 16 ayes, 8 nays, 15 present and not voting, and 10 excused and not voting.

Mr. Lamb offered the following amendment to the Standing Committee amendments:
AM1303

(Amendments to AM1251)

1. On page 3, line 12, strike "proposed action" and insert "recommendation"; in line 13 strike "by rule change" and insert "recommend to the Legislature"; in line 18 after "the" insert "recommended"; in line 19 after "shall" insert "also"; and in line 24 strike "determining" and insert "recommending".

2. Strike section 7.

3. On page 5, line 4, strike "8" and insert

"7"; in line 6 strike "7" and insert "6".

4. On page 7, line 4, after the semicolon insert "in line 12 strike the third comma and insert 'or';".

**SPEAKER NICHOL PRESIDING**

Ms. Scofield asked unanimous consent to be excused. No objections. So ordered.

Pending.

**UNANIMOUS CONSENT - Print in Journal**

Mr. DeCamp asked unanimous consent to print the following amendment to LB 548 in the Journal. No objections. So ordered.

AM1371

1. Insert the following new section:

"Sec. 10. That section 49-1474, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

49-1474. ~~(1)~~ No political newsletter or other campaign mass mailing shall be sent at public expense by or on behalf of any elected official after that person has announced his or her candidacy for any office. An elected official violating the provisions of this ~~subsection~~ section shall be guilty of a Class III misdemeanor.

~~(2) No person shall write, print, publish, post or circulate, or cause to be written, printed, published, posted or circulated, any letter, circular, bill, placard, poster or other publication, or cause any advertisement to be placed in a newspaper or any other publication, or singly or with others pay for any such advertisement, knowing such letter, circular, bill, placard, poster, publication or advertisement to contain any false statement of material fact relating to any candidate or committee or, if he is a candidate, to himself, or any false statement of material fact relating to any ballot question. Any person violating the provisions of this subsection shall be guilty of a Class III misdemeanor.~~".

2. On page 9, lines 14 and 19, strike "12" and insert "13".

3. On page 11, line 15, after the comma insert "49-1474,".
4. Renumber remaining sections accordingly.

Messrs. Hoagland and Vickers asked unanimous consent to print the following amendment to LB 105 in the Journal. No objections. So ordered.

AM1346

(Amendments to the Committee Amendments)
1. On page 1, line 10, after the semicolon insert "or"; and strike beginning with the semicolon in line 14 through line 16 and insert a period.
2. On page 2, line 16, strike "or have never been married".

## SPEAKER'S ANNOUNCEMENT

Pursuant to Rule 4, Sec. 8, LR 258 was referred to the Reference Committee.

## ANNOUNCEMENTS

Mr. Warner announced the Appropriations Committee will meet in executive session at noon, Thursday, May 9, 1985, in Room 1003.

Messrs. Warner and V. Johnson announced there will be a joint executive session between the Appropriations and Revenue Committee upon adjournment today in Room 2124 (across from Supreme Court Chamber) to discuss the revenue situation.

## MOTION - Revive LR 57

Mr. Pappas moved to revive LR 57 notwithstanding the action of the committee.

Laid over.

## STANDING COMMITTEE REPORT
### Constitutional Revision and Recreation

**LEGISLATIVE RESOLUTION 81.** Reported to the Legislature for further consideration with the following amendment:
AM1361
1. In "Resolved" 2. in line 2 strike

"designated" and insert "developed" and strike "the Eugene T."; and in line 3 strike "Mahoney State Park" and insert "a state park".

(Signed) Lee Rupp, Chairperson

## UNANIMOUS CONSENT - Print in Journal

Mr. Pappas asked unanimous consent to print the following amendment to LB 722 in the Journal. No objections. So ordered.

1. On page 17, line 24, after the numbers 72-1269, insert "Any retired state employee who has reached fifty-one years of age and will not be receiving 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 costs, including the state's share and the employee's share."

Messrs. Pappas, Haberman, and Mrs. Labedz asked unanimous consent to print the following amendment to LB 722 in the Journal. No objections. So ordered.

1. On page 117, line 24, after the numbers 72-1269 insert, "Any current state employee who retires after the age of sixty or a current state employee who is disabled and not receiving benefits from the federal social security program, shall be afforded the opportunity to remain enrolled in the state employee's group health insurance program until age sixty-five or until eligible for federal social security benefits. Employees electing this option shall be responsible for the entire premium costs, including the state's share and the employee's share."

## SELECT COMMITTEE REPORTS
### Enrollment and Review

### Correctly Engrossed

The following bills were correctly engrossed: 432, 432A, 532, and 553.

(Signed) Timothy Hall, Chairperson

### Enrollment and Review Change to LB 432

The following changes, required to be reported for publication in

the Journal, have been made:
ER0073

1. On page 1, line 7, "by additional counties" has been inserted before "as" and "to require a supplemental retirement plan in certain counties;" has been inserted after the semicolon.

**Enrollment and Review Change to LB 553**

The following changes, required to be reported for publication in the Journal, have been made:
ER0075

1. In lieu of the Nichol amendment on Journal page 2084 adopted on May 6, 1985, on page 6, line 10, "and with an outside tire width dimension not exceeding one hundred twenty inches" has been inserted after "width".

2. In the E & R amendment, AM5137, adopted on May 6, 1985, on page 1, the matter beginning with "line" in line 2 through "and" in line 3 has been struck; and in line 10 the second "and" has been struck.

3. On page 1, line 1, "rules of the road" has been struck and "vehicles" inserted; in line 2 "and 60-320," has been inserted before "Reissue"; and in line 6 "to change provisions relating to In Transit decals;" has been inserted before "and".

(Signed) Mary Sommermeyer
E & R Attorney

**VISITORS**

Visitors to the Chamber were 35 seventh and eighth grade students and teacher from West Catholic Elementary School, Fordyce; 15 fourth through sixth grade students and teacher from District 2 - Dawson County, Gothenburg; 9 students and teacher from Norfolk Catholic School; 36 fourth grade students and teacher from Tri-County Elementary School, DeWitt; 50 fourth grade students and teachers from Linden School, Fremont; Joe Robertson from Scottsbluff; and John Zimmer, III from Lincoln.

**ADJOURNMENT**

At 4:18 p.m., on a motion by Mr. Lamb, the Legislature adjourned until 9:00 a.m., Thursday, May 9, 1985.

Patrick J. O'Donnell
Clerk of the Legislature

# SEVENTY-SIXTH DAY - MAY 9, 1985

## LEGISLATIVE JOURNAL

## EIGHTY-NINTH LEGISLATURE
## FIRST SESSION

## SEVENTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, May 9, 1985

Pursuant to adjournment, the Legislature met at 9:00 a.m., President McGinley presiding.

## PRAYER

The prayer was offered by Retired Minister Graydon Wilson, United Methodist Church, Fremont, Nebraska.

## ROLL CALL

The roll was called and all members were present except Messrs. Chambers, Haberman, Peterson, Mesdames Higgins, Marsh, Nelson, and Pirsch who were excused; and Messrs. Conway, Goodrich, Hoagland, R. Johnson, and Lynch who were excused until they arrive.

## CORRECTIONS FOR THE JOURNAL

The Journal for the Seventy-Fifth Day was approved.

## RESOLUTION

**LEGISLATIVE RESOLUTION 81.** Read. Considered.

Standing Committee amendment, AM1361, found in the Journal on page 2190 for the Seventy-Fifth Day was adopted with 28 ayes, 0 nays, and 21 not voting.

LR 81 was adopted with 36 ayes, 0 nays, and 13 not voting.

## SELECT FILE

**LEGISLATIVE BILL 715A.** Considered.

Mr. Abboud requested a machine vote on the advancement of the bill.

Advanced to E & R for Engrossment with 28 ayes, 9 nays, 4 present and not voting, and 8 excused and not voting.

## UNANIMOUS CONSENT - Expedite LB 715A

Mr. V. Johnson asked unanimous consent to expedite LB 715A. No objections. So ordered.

## REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of May 8, 1985. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Knudsen, Berkheimer, Richardson & Endacott
Mueller, William J. - Lincoln, Western Sugar Company
Ruth, Larry L. - Lincoln, Western Sugar Company
Meyer, Daniel W. - Lincoln, (Withdrawn 85/05/07) Quality Dental Care, Inc.
Novacek, Alfred - Dwight, Taxpayers for Video Lottery
Taylor, Donna J. - Lincoln, (Withdrawn 85/05/01) Nebraska Health Care Association

## STANDING COMMITTEE REPORT
### Public Works

The Committee on Public Works desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

Dayle Williamson - Lincoln - Director, Natural Resources Commission
Daniel W. Meyer - Roca - Power Review Board

Vote: Aye: Senators Schmit, Lamb, Beyer, DeCamp, Harris, Lynch, and Smith
Absent and Not Voting: Senator Nelson

(Signed) Loran Schmit, Chairperson

## MESSAGES FROM THE GOVERNOR

May 9, 1985

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 395, 395A, 404, 112, 216, 372 and 382 were received in my office on May 7, 1985.

These bills were signed by me on May 9, 1985 and delivered to the Secretary of State.

Sincerely,
(Signed) ROBERT KERREY
Governor

RK/jm

May 9, 1985

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bill 233 was received in my office on May 8, 1985.

This bill was signed by me on May 9, 1985 and delivered to the Secretary of State.

Sincerely,
(Signed) ROBERT KERREY
Governor

RK/jm

## UNANIMOUS CONSENT - Members Excused

Messrs. Hannibal and Harris asked unanimous consent to be excused until they return. No objections. So ordered.

## GENERAL FILE

**LEGISLATIVE BILL 105.** Title read. Considered.

Messrs. Vickers and Wesely moved to bracket LB 105 until Jan. 1986.

Mrs. Morehead asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Hall moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Vickers moved for a call of the house. The motion prevailed with 12 ayes, 4 nays, and 33 not voting.

Mr. Vickers requested a roll call vote on the motion to bracket.

Voting in the affirmative, 13:

| | | | | |
|---|---|---|---|---|
| Baack | Eret | Johnson, V. | Sieck | Wesely |
| Beutler | Hoagland | Landis | Vickers | Withem |
| Beyer | Johnson, R. | Miller | | |

Voting in the negative, 26:

| | | | | |
|---|---|---|---|---|
| Abboud | DeCamp | Hefner | Lynch | Rupp |
| Barrett | Goll | Johnson, L. | Nichol | Schmit |
| Carsten | Goodrich | Labedz | Pappas | Scofield |
| Chizek | Hall | Lamb | Remmers | Smith |
| Chronister | Hartnett | Lundy | Rogers | Warner |
| Conway | | | | |

Excused and not voting, 10:

| | | | | |
|---|---|---|---|---|
| Chambers | Hannibal | Higgins | Morehead | Peterson |
| Haberman | Harris | Marsh | Nelson | Pirsch |

The Vickers-Wesely motion lost with 13 ayes, 26 nays, and 10 excused and not voting.

The Chair declared the call raised.

Standing Committee amendment, AM1204, found in the Journal on page 1926 for the Sixty-Seventh Day was considered.

Messrs. Hoagland and Vickers renewed their pending amendment, AM1346, found in the Journal on page 2190 to the Standing Committee amendment.

Mr. Hoagland moved for a call of the house. The motion prevailed with 9 ayes, 1 nay, and 39 not voting.

The Hoagland-Vickers amendment lost with 15 ayes, 20 nays, 6 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

Mr. Hoagland offered the following amendment to the Standing Committee amendment:

1. Insert the following new sections:

"Sec. 4. The Supreme Court shall appoint a study committee to examine the subject of this act. Upon conclusion of its study, the committee shall make a report of its findings, together with any recommendations for change in its provisions, to the Legislature.

Sec. 5. This act shall become operative on October 1, 1986.".

The Hoagland amendment lost with 5 ayes, 23 nays, 13 present and not voting, and 8 excused and not voting.

Messrs. Sieck and Rogers asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. L. Johnson moved to suspend the rules, Rule 6, Section 3 and Rule 7, Section 3, and vote without further debate or amendment on LB 105.

Pending.

Mr. V. Johnson moved to overrule the Speaker's order to permit additional time to consider LB 105.

Mr. V. Johnson asked unanimous consent to withdraw his pending motion to overrule the Speaker's order. No objections. So ordered.

Mr. Chronister asked unanimous consent to be excused until he returns. No objections. So ordered.

Speaker Nichol asked unanimous consent to be excused. No objections. So ordered.

## SELECT COMMITTEE REPORTS
### Enrollment and Review

### Correctly Engrossed

The following bills were correctly engrossed: 201, 201A, 439, and 715A.

(Signed) Timothy Hall, Chairperson

### Enrollment and Review Change to LB 201

The following changes, required to be reported for publication in the Journal, have been made:
ER0080
1. On page 2, line 16, "8" has been struck and "7" inserted.

### Enrollment and Review Change to LB 439

The following changes, required to be reported for publication in the Journal, have been made:
ER0074
1. In the Smith amendment, AM1133, adopted May 6, 1985, on page 1, line 14, "he or she" has been struck and "the applicant" inserted.
2. In the Smith amendment, AM1134, adopted May 6, 1985, on page 1, the matter beginning with "a" in line 3 through the paragraphing in line 5 has been struck.
3. In the E & R amendment, AM5140, on page 1, line 3, "question mark" has been struck and "last period" inserted; and in line 11 "qualified" has been struck and "qualifies" inserted.

(Signed) Mary Sommermeyer
E & R Attorney

## UNANIMOUS CONSENT - Print in Journal

Mr. Hoagland asked unanimous consent to print the following amendment to LB 722 in the Journal. No objections. So ordered.

AM1354

1. On page 5, line 10, strike "7,812,316" and insert "7,819,816"; and in line 12 strike "7,982,316" and insert "7,989,816".

2. On page 6, line 6, strike "13,213,797" and insert "13,221,297"; and in line 8 strike "13,383,797" and insert "13,391,297".

## GENERAL FILE

**LEGISLATIVE BILL 516.** Mr. Lamb renewed his pending amendment, AM1303, found in the Journal on page 2188 to the Standing Committee amendments.

Mr. Abboud asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Landis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Lamb moved for a call of the house. The motion prevailed with 9 ayes, 0 nays, and 40 not voting.

Mr. Lamb requested a roll call vote on his amendment.

Voting in the affirmative, 18:

| | | | | |
|---|---|---|---|---|
| Baack | Goll | Johnson, R. | Remmers | Scofield |
| Barrett | Hannibal | Lamb | Rogers | Sieck |
| Carsten | Hefner | Lynch | Rupp | Smith |
| Eret | Johnson, L. | Miller | | |

Voting in the negative, 21:

| | | | | |
|---|---|---|---|---|
| Abboud | DeCamp | Hoagland | Lundy | Vickers |
| Beutler | Goodrich | Johnson, V. | Morehead | Warner |
| Beyer | Hall | Labedz | Pappas | Wesely |
| Chizek | Hartnett | Landis | Schmit | Withem |
| Conway | | | | |

Present and not voting, 1:

Harris

Excused and not voting, 9:

| | | | | |
|---|---|---|---|---|
| Chambers | Haberman | Marsh | Nichol | Pirsch |
| Chronister | Higgins | Nelson | Peterson | |

The Lamb amendment lost with 18 ayes, 21 nays, 1 present and not voting, and 9 excused and not voting.

The Chair declared the call raised.

Mr. Beyer asked unanimous consent to be excused. No objections. So ordered.

Mr. Lamb offered the following amendment to the Standing Committee amendments:
LB 516, AM1251
after line 23 pg 3 insert,
There shall not be less than twenty Judicial districts in the State of Nebraska.

Messrs. DeCamp and Abboud asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Lamb moved for a call of the house. The motion prevailed with 7 ayes, 0 nays, and 42 not voting.

Mr. Lamb requested a roll call vote on his amendment.

Voting in the affirmative, 10:

| | | | | |
|---|---|---|---|---|
| Baack | Carsten | Hefner | Johnson, R. | Lynch |
| Barrett | Chronister | Johnson, L. | Lamb | Remmers |

Voting in the negative, 24:

| | | | | |
|---|---|---|---|---|
| Beutler | Hannibal | Landis | Rogers | Vickers |
| Chizek | Hartnett | Lundy | Rupp | Warner |
| Conway | Hoagland | Miller | Schmit | Wesely |
| Goodrich | Johnson, V. | Morehead | Scofield | Withem |
| Hall | Labedz | Pappas | Smith | |

Present and not voting, 4:

| | | | |
|---|---|---|---|
| Eret | Goll | Harris | Sieck |

Excused and not voting, 11:

| | | | | |
|---|---|---|---|---|
| Abboud | DeCamp | Higgins | Nelson | Peterson |
| Beyer | Haberman | Marsh | Nichol | Pirsch |
| Chambers | | | | |

The Lamb amendment lost with 10 ayes, 24 nays, 4 present and not voting, and 11 excused and not voting.

The Chair declared the call raised.

Mr. Beutler moved for a call of the house. The motion prevailed with 9 ayes, 0 nays, and 40 not voting.

Mr. Beutler requested a roll call vote on the adoption of the Standing Committee amendments.

Voting in the affirmative, 22:

| | | | | |
|---|---|---|---|---|
| Abboud | Goodrich | Johnson, V. | Morehead | Vickers |
| Beutler | Hall | Labedz | Pappas | Warner |
| Chizek | Harris | Landis | Rupp | Wesely |
| Conway | Hartnett | Lundy | Schmit | Withem |
| DeCamp | Hoagland | | | |

Voting in the negative, 16:

| | | | | |
|---|---|---|---|---|
| Baack | Eret | Johnson, L. | Lynch | Rogers |
| Barrett | Goll | Johnson, R. | Miller | Scofield |
| Carsten | Hefner | Lamb | Remmers | Sieck |
| Chronister | | | | |

Present and not voting, 2:

| | |
|---|---|
| Hannibal | Smith |

Excused and not voting, 9:

| | | | | |
|---|---|---|---|---|
| Beyer | Haberman | Marsh | Nichol | Pirsch |
| Chambers | Higgins | Nelson | Peterson | |

The Standing Committee amendments lost with 22 ayes, 16 nays, 2 present and not voting, and 9 excused and not voting.

The Chair declared the call raised.

Mr. Lamb moved to indefinitely postpone LB 516.

Laid over.

**UNANIMOUS CONSENT - Print in Journal**

Mr. DeCamp asked unanimous consent to print the following amendment to LB 713 in the Journal. No objections. So ordered.

(AS AMENDED BY THE COMMITTEE AMENDMENTS - AM 1232)

1. Strike the original sections and insert the following new sections:

Sec. 1. For the purposes of sections 1 to 5:

(1) Contract claim shall mean Miscellaneous Claim Number 312-Department of Banking and Finance of the State of Nebraska, receiver for Commonwealth Savings Company, insolvent, also described as the claim asserted against the Department of Banking by the receiver and certain others; and

(2) Tort claim shall mean Claim Number 4-302 Department of Banking and Finance of the State of Nebraska, receiver for Commonwealth Savings Company, insolvent, also described as the claim asserted against the state by the receiver in the Lancaster County District Court.

Sec. 2. After carefully considering the facts, information and advice provided to it in connection with the insolvency of Commonwealth Savings Company, the Legislature determines that the tort claim does not have a valid legal basis and is not meritorious, but that notwithstanding such determination, it may be in the best interests of the state to effect a complete, final and binding resolution of the matter. Toward that end, the Legislature finds that the tort claim should be allowed and paid in the amount of $8,500,000 as full settlement of any and all claims, demands or causes of action against the State of Nebraska or the Department of Banking and Finance or against its past, present and successor officers, officials, agents or employees, either in their official or individual capacities. The tort claim shall be paid in such manner, and subject to such conditions, as may be provided by the Legislature in LB 713A.

Sec. 3. After carefully considering the facts, information and

advice provided to it in connection with the insolvency of Commonwealth Savings Company, the Legislature determines that the contract claim does not have a valid legal basis and is not meritorious, but that notwithstanding such determination, it may be in the best interests of the state to effect a complete, final and binding resolution of the matter. Toward that end, the Legislature finds that the contract claim should be allowed and paid in the amount of $12,000,000 as full settlement of any and all claims, demands or causes of action against the State of Nebraska or the Department of Banking and Finance, or against its past, present and successor officers, officials, agents or employees, either in their official or individual capacities. However, since the merits of the contract claim have not been subject to the same rigorous judicial scrutiny as the tort claim, payment of the contract claim shall be conditioned upon a finding by the Nebraska Supreme Court that, based upon consideration of all relevant facts and circumstances, including the Legislature's adoption of LR 41, such payment or the manner and conditions of payment provided in LB 713A, (1) does not violate any provisions of Nebraska law or the Nebraska Constitution; (2) is justified by a conclusion that, under the theory of recovery espoused by the claimant to support the contract claim, the amount of the claim for settlement purposes bears a reasonable relationship to the probable judgment which would be obtained if the contract claim was to be litigated; and (3) is not precluded by any other settlement, compromise or release, including that relating to the tort claim, entered into by the State of Nebraska and the receiver of Commonwealth Savings Company, insolvent, or the parties which they represent. The contract claim shall be paid in such manner, and subject to such conditions, as may be provided by the Legislature in LB 713A.

Sec. 4. If any section in this act or any part of any section shall be declared invalid or unconstitutional, such declaration shall not affect the validity or constitutionality of the remaining portions thereof.

Sec. 5. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.

Mr. Pappas asked unanimous consent to print the following amendment to LB 715 in the Journal. No objections. So ordered.

1. On page 38, line 17, after the word butane, insert a period. Delete the remaining paragraph.

Mr. V. Johnson asked unanimous consent to print the following amendment to LB 722 in the Journal. No objections. So ordered.

(1)

PURPOSE: To fund the General Funded State Patrol's Protection of People and Property Program (No. 195) from the Highway Trust Fund.

AMENDMENT:

1. On page 55, in lines 21 and 22, strike "220,135,685" and insert "215,577,285".

2. On page 56, line 11, strike "133,915,293" and insert "129,356,893"; in line 21, strike "288,116,546" and insert "283,558,146"; and in line 23, strike "290,090,923" and insert "285,532,523".

3. On page 96, line 5, strike "GENERAL" and insert "CASH"; after line 8, insert the following new language "There is included in the Cash Fund amount shown $8,546,999 to be transferred by the State Treasurer from the Highway Trust Fund to the State Patrol Operation Cash Fund which fund is hereby appropriated."; in line 11, strike "18,365,347" and insert "9,818,348"; and in line 12, strike "110,000" and insert $8,656,999".

4. On page 124, line 22, after "Fund" insert ", State Patrol Operation Cash Fund".

(2)

PURPOSE: To fund the distribution of state aid to public transportation systems completely with cash funds, thereby eliminating the General Fund appropriation.

AMENDMENT

1. On page 55, line 7, strike "1,839,210" and insert "20,000"; in line 8, strike "1,006,500" and insert "2,825,710"; in line 12, strike "1,819,210" and insert "0", and strike "1,000,000" and insert "2,819,210"; and in lines 21 and 22, strike "220,135,685" and insert "218,316,475".

2. On page 56, line 16, strike "1,000,000" and insert "2,819,210"; in line 20, strike "1,839,210" and insert "20,000"; and in line 23, strike "290,090,923" and insert "288,271,713".

(3)

PURPOSE: To reduce highway construction expenditures by $6,238,000 to reflect the reduction of motor vehicle sales tax deposited into the Highway Allocation Fund. This represents a two-sevenths reduction in sales tax revenue.

AMENDMENT:

1. On page 55, in lines 21 and 22, strike "220,135,685" and insert "213,897,685".

2. On page 56, in line 11, strike "133,915,293" and insert

"127,677,293"; in line 21, strike "288,116,546" and insert "281,878,546"; and in line 23, strike "290,090,923" and insert "283,852,923".

(4)

PURPOSE: To decrease General Funds by $1,500,000 and increase cash funds by a like amount to reflect the increase in the driver record abstract fee from $1 to $4.

AMENDMENT:

1. On page 37, line 27, strike "2,926,450" and insert "1,426,450".
2. On page 38, line 1, strike "1,319,915" and insert "2,819,915".
3. On page 39, line 3, strike "3,278,186" and insert "1,778,186"; and in line 4, strike "4,037,365" and insert "5,537,365".

Mr. Vickers asked unanimous consent to print the following amendment to LB 722 in the Journal. No objections. So ordered.

AM1370

Purpose: To reduce Program 642 in the State Department of Education by $150,000 of General Funds and increase Program 508 by the same amount.

1. On page 19, line 10, strike "2,455,872" and insert "2,605,872"; in line 13 strike "20,014,535" and insert "20,164,535"; and in line 16 strike "$1,494,230" and insert "$1,546,308".

2. On page 20, line 14, strike "729,256" and insert "579,256"; and in line 16 strike "804,256" and insert "654,256".

Mr. Vickers asked unanimous consent to print the following amendment to LB 722 in the Journal. No objections. So ordered.

AM1356

Purpose: To delete the use of the unexpended balance of the Legislative Council budget for renovation of the State Capitol.

1. Strike the Beutler and DeCamp amendment on page 1934 of the Journal.

Mr. Vickers asked unanimous consent to print the following amendment to LB 723 in the Journal. No objections. So ordered.

AM1355

Purpose: To delay funding the following capital construction projects for one year -- Facilities

Study - Education; Elevator Replacement - DPI; Sanitary Sewer System Connection - DPI; Electric Steam Boiler - DPI; Facilities Study - Military; Water Main System - Corrections; Miscellaneous Renovation - Board of Trustees of the Nebraska State Colleges; Remodel Peru Education Building - Board of Trustees of the Nebraska State Colleges; Computer Equipment - University; Lab Science - University; Lied Center - University; Sanitary Sewer Rehabilitation - State Board of Agriculture; Capitol Renovation - Department of Administrative Services.

1. On page 4, in lines 2, 15, and 22, strike "1986" and insert "1987"; and in line 25, strike "1987" and insert "1988".

2. On page 5, line 3, strike "1986" and insert "1987".

3. On page 6, line 9, strike "1986" and insert "1987".

4. On page 8, in lines 9 and 15, strike "1986" and insert "1987".

5. On page 9, line 2, strike "1986" and insert "1987".

6. On page 12, in lines 1, 10, and 22, strike "1986" and insert "1987"; and in line 13 strike "1987" and insert "1988".

7. On page 17, line 23, strike "1986" and insert "1987"; and in line 26 strike "1987" and insert "1988".

8. On page 18, line 1, strike "1988" and insert "1989"; in line 5 strike "1989" and insert "1990"; in line 7 strike "1990" and insert "1991"; and in line 10 strike "1991" and insert "1992".

9. On page 20, line 8, strike "1986" and insert "1987"; in line 12 strike "1987" and insert "1988"; and in line 14 strike "1988" and insert "1989".

Mr. Wesely asked unanimous consent to print the following amendment to LB 213 in the Journal. No objections. So ordered.

AM1384

(Amendments to Final Reading Copy)

1. On page 4, line 23, strike "responsibility" and insert "responsibly".

Mr. Eret asked unanimous consent to print the following amendment

to LB 284 in the Journal. No objections. So ordered.

AM1369

(Amendments to Standing Committee amendments)

1. On page 1, after line 7, insert the following:

"Sec. 7. Community water supply system shall mean a public water supply system which serves at least fifteen service connections used by year-round residents or regularly serves twenty-five year-round residents.";

in line 8 strike "7" and insert "8"; in line 14 before the quotation marks insert:

"Sec. 16. Public water supply system shall mean a water supply system designed to provide the public piped water fit for human consumption, if such system has at least fifteen service connections or regularly serves at least twenty-five individuals. This definition shall include (1) any collection, treatment, storage, or distribution facilities under control of the operator of such system and used primarily in connection with such system and (2) any collection or pretreatment storage facilities not under such control which are used primarily in connection with such system."; and in line 22 before the period insert "and after 'act' insert ', except that no permit shall be issued if the chemigation supply well is located within eighteen hundred yards of a supply well for a community water supply system' ".

2. Renumber remaining sections accordingly and correct internal references.

Mr. Hoagland asked unanimous consent to print the following amendment to LB 105 in the Journal. No objections. So ordered.

AM1376

1. Strike the original sections and insert the following new sections:

"Section 1. As used in this act, unless the context otherwise requires, grandparent shall mean the biological or adoptive parent of a minor child's biological or adoptive parent.

Sec. 2. (1) A grandparent may seek visitation with his or her minor grandchild if:

(a) The grandparent's child who is the parent of such minor grandchild is deceased;

(b) The marriage of the child's parents has

been dissolved or a petition for the dissolution of such marriage has been filed but no decree has been entered.

(2) In determining whether a grandparent shall be granted visitation, the court shall require evidence concerning the beneficial nature of the relationship of the grandparent to the child. The evidence may be presented by affidavit and shall demonstrate that a significant beneficial relationship exists between the grandparent and the child and that it would be detrimental to the best interests of the child if such relationship were not allowed to continue. Reasonable rights of visitation may be granted when the court determines by clear and convincing evidence that there is a significant beneficial relationship between the grandparent and the child, that it is in the best interests of the child that such relationship continue, and that such visitation will not significantly interfere with the parent-child relationship.

(3) The court may modify an order granting or denying such visitation upon a showing that there has been a material change in circumstances which justify such modification and the modification would serve the best interests of the child.

Sec. 3. (1) If the grandparent's child who is the parent of such minor grandchild is deceased or the parents of such minor grandchild have never married, a grandparent seeking visitation shall file a petition in the district court in the county in which the minor child resides. If the marriage of the parents of a minor child has been dissolved, a grandparent seeking visitation shall file a petition for such visitation in the district court in the county in which the dissolution was had. If a petition for the dissolution of the marriage of the parents of such minor grandchild has been filed but no decree has been entered, a grandparent seeking visitation shall intervene in the action. The form of the petition and all other pleadings required by this section shall be prescribed by the Supreme Court. The petition shall include:

(a) The name and address of the petitioner and his or her attorney;

(b) The name and address of the parent, guardian, or other party having custody of the child or children;

(c) The name and address of any parent not

having custody of the child or children if applicable;

(d) The name and date of birth of each child with whom visitation is sought;

(e) The relationship of the petitioner to such child or children;

(f) An allegation that the parties have attempted to reconcile their differences, but the differences are irreconcilable and such parties have no recourse but to seek redress from the court; and

(g) A statement of the relief sought.

(2) When a petition seeking visitation is filed, a summons shall be served upon each parent or any other party having custody of the child by personal service or in the manner provided in section 25-517.02.

Sec. 4. This act shall become operative on October 1, 1986.".

## SELECT COMMITTEE REPORTS
### Enrollment and Review

### Correctly Re-Engrossed

The following bills were correctly re-engrossed: 87, 356, and 408.

### Correctly Engrossed

The following bills were correctly engrossed: 102, 154, 447, 608, and 608A.

(Signed) Timothy Hall, Chairperson

### Enrollment and Review Change to LB 408
### (Final Reading Copy)

The following changes, required to be reported for publication in the Journal, have been made:
ER0077

1. In the V. Johnson amendment adopted May 7, 1985, found on page 2122 of the Journal, underscoring has been added to all matter in quotation marks.

2. For purposes of correlation with sections 2 and 3 of Legislative Bill 486:

a. On page 1, line 3, "and" has been struck; in line 5, "9-173," has been struck; in line 6 "9-185" has been struck and "9-186" inserted; and in line 7 ", section 9-173, Revised Statutes Supplement, 1984, as

amended by section 2, Legislative Bill 486, Eighty-ninth Legislature, First Session, 1985, and section 9-185, Revised Statutes Supplement, 1984, as amended by section 3, Legislative Bill 486, Eighty-ninth Legislature, First Session, 1985" has been inserted after "1984".

b. On page 14, line 10, "as amended by section 2, Legislative Bill 486, Eighty-ninth Legislature, First Session, 1985," has been inserted after the second comma; and in line 11 ", ~~and~~ section 1 of this act," has been inserted after "9-199";

c. On page 26, line 12, "as amended by section 3, Legislative Bill 486, Eighty-ninth Legislature, First Session, 1985," has been inserted after the second comma; and in line 14 "the" has been inserted after "by";

d. On page 27, lines 1 and 15, "This subsection shall not apply to raffles or lotteries conducted pursuant to section 1 of this act." has been inserted after the period; and

e. On page 34, line 14, "and" has been struck; in line 15 "9-173," and "9-185," have been struck; and in line 16 "section 9-173, Revised Statutes Supplement, 1984, as amended by section 2, Legislative Bill 486, Eighty-ninth Legislature, First Session, 1985, and section 9-185, Revised Statutes Supplement, 1984, as amended by section 3, Legislative Bill 486, Eighty-ninth Legislature, First Session, 1985," has been inserted after the second comma.

(Signed) Mary Sommermeyer
E & R Attorney

## VISITORS

Visitors to the Chamber were 7 seventh and eighth grade students and sponsors from Fairbury Christian School; 63 fourth grade students and teachers from Holling Heights Elementary School, Omaha; Shen Fan from Peking, China and John Johnson from Lincoln; 35 members of the First Central Congregational Church, Omaha; 36 fourth grade students and teacher from Cedar Elementary School, Beatrice; Margaret Jobman from Emmett, Idaho and Senator Vickers' sister, Donna Burson from Cozad; 23 seventh grade students and teacher from Emerson Hubbard School, Emerson; 100 fourth grade students and teachers from G. Stanley Hall School, LaVista; 34 fifth grade students and teacher from York, Edison, and Lincoln elementary schools; 35 members of the Leaders of Grandparents Group; Marty Connealy from Chadron; and Dr. Loren Froelich from Chadron.

## ADJOURNMENT

Mr. Goodrich moved to adjourn. The motion prevailed with 17 ayes, 16 nays, and 16 not voting, and at 12:05 p.m., on a motion by Mr. Goodrich, the Legislature adjourned until 9:00 a.m., Monday, May 13, 1985.

Patrick J. O'Donnell
Clerk of the Legislature

# SEVENTY-SEVENTH DAY - MAY 13, 1985

# LEGISLATIVE JOURNAL

# SEVENTY-SEVENTH DAY - MAY 13, 1985

## LEGISLATIVE JOURNAL

## EIGHTY-NINTH LEGISLATURE
## FIRST SESSION

## SEVENTY-SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, May 13, 1985

Pursuant to adjournment, the Legislature met at 9:03 a.m., President McGinley presiding.

## PRAYER

The prayer was offered by Dr. Robert Palmer, Westminster Presbyterian Church, Lincoln, Nebraska.

## ROLL CALL

The roll was called and all members were present except Messrs. Rupp and Schmit who were excused; and Messrs. Abboud, Chambers, Hoagland, Lynch, Mrs. Morehead, and Ms. Scofield who were excused until they arrive.

## CORRECTIONS FOR THE JOURNAL

The Journal for the Seventy-Sixth Day was approved.

## SELECT COMMITTEE REPORTS
### Enrollment and Review

**LEGISLATIVE BILL 713.** Placed on Select File as amended.
E & R amendments to LB 713:
AM5166

1. Because of the V. Johnson amendment adopted May 7, 1985, found on page 2142 of the Journal, strike the Haberman amendment adopted May 7, 1985, found on page 2133 of the Journal.

2. In the Beutler amendment adopted May 7,

1985, found on page 2131 of the Journal, underscore the matter in quotation marks.

3. In the Standing Committee amendments, AM1232, adopted May 7, 1985:

a. On page 2, line 3, after "Lincoln" insert an underscored comma;

b. On page 3, line 23, strike "(3)" and insert "(1)";

c. On page 4, line 6, strike "(4)" and insert "(2)"; and in line 26 after "6" insert a period;

d. On page 5, line 11, after "72-1269" insert an underscored comma; and in line 24 strike the first comma; and

e. On page 6, line 5, strike the second comma; and in line 12 strike "or" and insert an underscored comma and after "trust" insert an underscored comma.

4. On page 1, strike beginning with "appropriations" in line 1 through the semicolon in line 3 and insert "claims; to amend section 77-2602, Revised Statutes Supplement, 1984; to adopt the Financial Integrity Act; to change provisions relating to distribution of the cigarette tax; to provide an operative date; to provide severability; to repeal the original section;".

**LEGISLATIVE BILL 612.** Placed on Select File as amended.
E & R amendments to LB 612:
AM5167

1. In the Standing Committee amendments, AM0949, on page 1, line 9, strike "under" and insert "in".

2. On page 1, line 1, strike "child support" and insert "children"; and in line 3 after the semicolon insert "to provide for custody placements as prescribed;".

3. On page 3, line 23, strike "Chapter 43, article 2,", show as stricken, and insert "the Nebraska Juvenile Code".

4. On page 5, line 12, strike "attorney", show as stricken, and insert "attorney's".

(Signed) Timothy Hall, Chairperson

## BILL ON FIRST READING

The following bill was read for the first time by title:

**LEGISLATIVE BILL 144A.** By Pappas, 42nd District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 144, Eighty-ninth Legislature, First Session, 1985.

## REPORTS

Received Fourteenth Annual Report of the Nebraska Public Counsel (The Ombudsman) pursuant to Section 81-8,251, R.R.S. 1943.

Received Biennial Report of the State Board of Vocational Education in accordance with Section 79-1435.

Received from the Department of Roads a statement of deposits to the Highway Cash Fund and Roads Operation Cash Fund for the calendar month of March 1985 in accordance with Section 66-476, R.S. Supp. 1980.

Received minutes of the Board of Public Roads Classification and Standards for March 15, 1985.

Received Quarterly Report from the Department of Roads for the Nebraska State Highway Commission as of March 31, 1985.

## PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolution: LR 81.

## MOTION - Override Governor's Veto on LB 280A

Mrs. Nelson renewed her pending motion found in the Journal on page 2146 that LB 280A become law notwithstanding the objection of the Governor.

Mrs. Nelson asked unanimous consent to withdraw her pending motion. No objections. So ordered.

Mr. DeCamp moved that LB 280A become law notwithstanding the objection of the Governor.

Mrs. Marsh moved for a call of the house. The motion prevailed

with 10 ayes, 0 nays, and 39 not voting.

Whereupon the President stated: The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 22:

| | | | | |
|---|---|---|---|---|
| Barrett | Goll | Lamb | Nichol | Rogers |
| Beyer | Goodrich | Lundy | Pappas | Sieck |
| Chronister | Haberman | Marsh | Pirsch | Smith |
| DeCamp | Hefner | Nelson | Remmers | Wesely |
| Eret | Johnson, R. | | | |

Voting in the negative, 14:

| | | | | |
|---|---|---|---|---|
| Abboud | Chizek | Hoagland | Labedz | Warner |
| Baack | Conway | Johnson, L. | Landis | Withem |
| Carsten | Hannibal | Johnson, V. | Miller | |

Present and not voting, 7:

| | | | | |
|---|---|---|---|---|
| Beutler | Harris | Higgins | Peterson | Vickers |
| Hall | Hartnett | | | |

Excused and not voting, 6:

| | | | | |
|---|---|---|---|---|
| Chambers | Morehead | Rupp | Schmit | Scofield |
| Lynch | | | | |

Having failed to receive a constitutional three-fifths majority voting in the affirmative, the bill failed to pass notwithstanding the objections of the Governor.

The Chair declared the call raised.

Mr. Haberman asked unanimous consent to be excused until he returns. No objections. So ordered.

## UNANIMOUS CONSENT - Print in Journal

Mr. Wesely asked unanimous consent to print the following amendment to LB 447 in the Journal. No objections. So ordered.

AM1385

(Amendments to Final Reading Copy)

1. Insert the following new sections:

"Sec. 10. That section 28-710, Revised Statutes Supplement, 1984, be amended to read as follows:

28-710. As used in sections 28-710 to 28-727, unless the context otherwise requires:

(1) Department shall mean the Department of Social Services;

(2) Law enforcement agency shall mean the police department or town marshal in incorporated municipalities and the office of the sheriff in unincorporated areas; and

(3) Abuse or neglect shall mean knowingly, intentionally, or negligently causing or permitting a minor child or an incompetent or disabled person to be: (a) Placed in a situation that endangers his or her life or physical or mental health; (b) cruelly confined or cruelly punished; (c) deprived of necessary food, clothing, shelter, or care; (d) left unattended in a motor vehicle, if such minor child is six years of age or younger; ~~or~~ (e) sexually abused; or (f) sexually exploited by allowing, encouraging, or forcing such person to solicit for or engage in prostitution, debauchery, public indecency, or obscene or pornographic photography, films, or depictions.

Sec. 37. That section 71-1903, Revised Statutes Supplement, 1984, be amended to read as follows:

71-1903. The department, before issuance of a license, shall cause such investigation to be made, as it shall deem necessary, to determine if the character of the applicant or person in charge of the business and the place where the child care is to be furnished are such as to insure the proper care and treatment of children. The department may investigate the character of prospective or existing licensees and the staff and employees of child care facilities by making a national criminal records check. The department may request the State Fire Marshal to inspect such places for fire safety pursuant to section 81-502. The State Fire Marshal shall assess a fee for such inspection pursuant to section 81-505.01 and payable by the licensee or applicant for a license. The department may request the Department of Health to inspect such places to determine if they meet sanitation and health standards set by the

Department of Health for the care and protection of such children. The authority to make such investigations may be delegated to qualified local fire prevention personnel pursuant to section 81-502 or environmental health personnel, as appropriate. The department may also, at any time it sees fit, cause an inspection to be made of the place where any licensee is furnishing child care, to see that such business is being properly conducted.

Sec. 38. That section 71-1912, Revised Statutes Supplement, 1984, be amended to read as follows:

71-1912. The department shall adopt and promulgate rules and regulations establishing standards for the physical well-being, safety, and protection of children pursuant to the licensing of providers. Such standards shall insure that the provider of a program is providing proper care for, and treatment of, the children served and that such care and treatment is consistent with the children's physical well-being, safety, and protection. Such standards shall not require the use of any specific instructional materials or affect the contents of any course of instruction which may be offered by a program. Before issuance or renewal of a license, the department shall investigate or cause an investigation to be made, when it deems necessary, to determine if the applicant or person in charge of the program meets or is capable of meeting the physical well-being, safety, and protection standards and the other rules and regulations of the department. The department may investigate the character of prospective or existing licensees and the staff and employees of early childhood programs by making a national criminal records check. The department may at any time inspect or cause an inspection to be made, of any place where a program is operating, to determine if such program is being properly conducted.".

2. On page 35, line 26, strike "22" and insert "23".

3. On page 37, line 17, after "1943," insert ", and sections 28-710, 71-1903, and 71-1912, Revised Statutes Supplement, 1984,".

4. On page 1, line 7, after "1943" insert ", and sections 28-710, 71-1903, and 71-1912, Revised Statutes Supplement, 1984"; and in line 10 strike "and"

and insert a comma and after "assistance" insert ", and child care".

5. Renumber the remaining sections accordingly.

Mr. Schmit asked unanimous consent to print the following amendment to LB 496 in the Journal. No objections. So ordered.

AM1403

(Amendments to Final Reading Second)

1. Insert the following new section:

"Sec. 2. That section 39-669.26, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-669.26. In order to prevent and eliminate successive traffic violations, there is hereby provided a point system dealing with traffic violations as disclosed by the files of the Director of Motor Vehicles. The following point system shall be adopted:

(1) Conviction of motor vehicle homicide -- 12 points;

(2) Third offense drunken driving in violation of any city or village ordinance or of section 39-669.07, as disclosed by the records of the director, regardless of whether the trial court found the same to be a third offense -- 12 points;

(3) Failure to stop and render aid as required under the laws of this state in the event of involvement in a motor vehicle accident resulting in the death or personal injury of another -- 6 points;

(4) Failure to stop and render aid as required under the laws of this state or any city or village ordinance in the event of a motor vehicle accident resulting in property damage if such accident is reported by the owner or operator within twelve hours from the time of the accident -- 4 points, otherwise -- 8 points, and for purposes of this subdivision a telephone call or other notification to the appropriate peace officers shall be deemed to be a report;

(5) Driving a motor vehicle while under the influence of alcoholic liquor or any drug or with ten-hundredths of one per cent or more by weight of alcohol in body fluids in violation of any city or village ordinance or of section 39-669.07 -- 6 points;

(6) Willful reckless driving in violation of

any city or village ordinance or of section 39-669.03 or 39-669.05 -- 6 points;

(7) Careless driving in violation of any city or village ordinance or of section 39-669 -- 4 points;

(8) Negligent driving in violation of any city or village ordinance -- 3 points;

(9) Reckless driving in violation of any city or village ordinance or of section 39-669.01 -- 5 points;

(10) Speeding in violation of any city or village ordinance or of section 39-662, 39-663, or 39-666: (a) Not more than five miles per hour over the speed limit -- 1 point; (b) more than five miles per hour but not more than ten miles per hour over the speed limit -- 2 points; (c) more than ten miles per hour over the speed limit -- 3 points; PROVIDED, that no points shall be assessed upon conviction of exceeding by not more than ten miles per hour the speed limit on any part of the National System of Interstate and Defense Highways; AND PROVIDED FURTHER, that one point shall be assessed upon conviction of exceeding by not more than ten miles per hour, two points shall be assessed upon conviction of exceeding by more than ten miles per hour but not more than fifteen miles per hour, and three points shall be assessed upon conviction of exceeding by more than fifteen miles per hour, the speed limits provided for in subdivision (2)(c) or (d) of section 39-662 or subdivision (1)(c), (d), or (e), (2)(c), (d), or (e), or (4)(c) or (d) of section 39-666 except as provided in the first proviso in this subdivision;

(11) Failure to yield to a pedestrian not resulting in bodily injury to a pedestrian -- 2 points;

(12) Failure to yield to a pedestrian resulting in bodily injury to a pedestrian -- 4 points; and

(13) All other traffic violations involving the operation of motor vehicles by the operator, for which reports to the Department of Motor Vehicles are required under sections 39-669.22 and 39-669.23, not including violations for not wearing a safety belt as prescribed in section 1 of this act, parking violations, violations for operating a motor vehicle without a valid operator's license in the operator's possession, muffler violations, overwidth, overheight, or overlength violations, motorcycle protective headgear violations,

or overloading of trucks -- 1 point.

All such points shall be assessed against the driving record of the operator as of the date of the violation for which conviction was had. Points may be reduced by the department under section 39-669.37.

In all cases, the forfeiture of bail, not vacated, shall be regarded as equivalent to the conviction of the offense with which the operator was charged.".

2. On page 1, line 1, strike "section" and insert "sections 39-669.26 and"; in line 4 after the second semicolon insert "to change a provision relating to the point system;"; and in line 8 strike "section" and insert "sections".

3. On page 2, strike beginning with "be" in line 12 through "Vehicles" in line 13 and insert "(1) be of a type which meets the requirements of Federal Motor Vehicle Safety Standard 209 as such standard currently exists or as the standard existed when the safety belts were originally installed by the manufacturer or (2) if the safety belts have been replaced, be of a type which meets the requirements of Federal Motor Vehicle Safety Standard 209 that applied to the originally installed safety belts or a more recently issued version of such standard"; in line 16 strike "3 to 6" and insert "4 to 7"; in line 21 strike "new" and show as stricken; in line 22, strike "1964", show as stricken, and insert "1969"; in line 23 strike "sold" and show as stricken; in line 24 strike "in this state and" and show as stricken; and strike beginning with "has" in line 26 through "Vehicles" in line 27, show as stricken, and insert "shall (1) be of a type which meets the requirements of Federal Motor Vehicle Safety Standard 209 as such standard currently exists or as the standard existed when the safety belts were originally installed by the manufacturer or (2) if the safety belts have been replaced, be of a type which meets the requirements of Federal Motor Vehicle Safety Standard 209 that applied to the originally installed safety belts or a more recently issued version of such standard".

4. On page 3, line 2, after "vehicle" insert "in this state".

5. On page 4, line 2, strike "section" and insert "sections 39-669.26 and"; and in line 3 strike

"is" and insert "are".

6. Renumber the remaining sections accordingly.

## GENERAL FILE

**LEGISLATIVE BILL 516.** Mr. Lamb renewed his pending motion found in the Journal on page 2202 to indefinitely postpone.

Mr. Hoagland moved the previous question. The question is, "Shall the debate now close?"

Mr. Hoagland moved for a call of the house. The motion prevailed with 12 ayes, 0 nays, and 37 not voting.

The motion to cease debate prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Lamb requested a roll call vote on his motion to indefinitely postpone LB 516.

Voting in the affirmative, 17:

| | | | | |
|---|---|---|---|---|
| Baack | Chronister | Johnson, L. | Nichol | Remmers |
| Barrett | Eret | Johnson, R. | Peterson | Rogers |
| Beyer | Goll | Lamb | Pirsch | Sieck |
| Carsten | Hefner | | | |

Voting in the negative, 21:

| | | | | |
|---|---|---|---|---|
| Abboud | Hall | Hoagland | Marsh | Vickers |
| Beutler | Harris | Johnson, V. | Nelson | Warner |
| Chizek | Hartnett | Labedz | Pappas | Wesely |
| Conway | Higgins | Landis | Smith | Withem |
| DeCamp | | | | |

Present and not voting, 3:

| | | |
|---|---|---|
| Hannibal | Lundy | Miller |

Absent and not voting, 1:

Goodrich

Excused and not voting, 7:

| | | | | |
|---|---|---|---|---|
| Chambers | Lynch | Rupp | Schmit | Scofield |
| Haberman | Morehead | | | |

The Lamb motion to indefinitely postpone lost with 17 ayes, 21 nays, 3 present and not voting, 1 absent and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Mr. Beutler offered the following amendment:
(Amendment printed separate from the Journal and on file in the Clerk's Office - Room 1102 - AM1408.)

Mr. Lamb offered the following amendment to the Beutler amendment:

1. On page 3, line 8, strike "proposed action" and insert "recommendation"; in line 9 strike "by rule change" and insert "recommend to the Legislature"; in line 14 after "the" insert "recommended"; in line 14 after "shall" insert "also"; and in line 19 strike "determining" and insert "recommending".

2. Strike section 7.

3. On page 4, line 24, strike "8" and insert "7"; in line 26 strike "7" and insert "6".

Messrs. Nichol and Abboud asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Beutler moved for a call of the house. The motion prevailed with 9 ayes, 0 nays, and 40 not voting.

Mr. Beutler requested a roll call vote on the Lamb amendment.

Voting in the affirmative, 21:

| | | | | |
|---|---|---|---|---|
| Abboud | Chronister | Johnson, L. | Miller | Remmers |
| Baack | Eret | Johnson, R. | Nelson | Rogers |
| Barrett | Goll | Labedz | Peterson | Sieck |
| Beyer | Hefner | Lamb | Pirsch | Warner |
| Carsten | | | | |

Voting in the negative, 15:

| | | | | |
|---|---|---|---|---|
| Beutler | Goodrich | Higgins | Landis | Vickers |
| Chizek | Hall | Hoagland | Marsh | Wesely |
| DeCamp | Harris | Johnson, V. | Pappas | Withem |

Present and not voting, 5:

| | | | | |
|---|---|---|---|---|
| Conway | Hannibal | Hartnett | Lundy | Smith |

Excused and not voting, 8:

| | | | | |
|---|---|---|---|---|
| Chambers | Lynch | Nichol | Schmit | Scofield |
| Haberman | Morehead | Rupp | | |

The Lamb amendment was adopted with 21 ayes, 15 nays, 5 present and not voting, and 8 excused and not voting.

Mrs. Smith offered the following amendment to the Beutler amendment:

On page 4, line 16 after "service," by inserting "equal opportunity and timeliness of service for all citizens across the state,"

The Smith amendment was adopted with 32 ayes, 0 nays, 9 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

The Beutler amendment, as amended, was adopted with 29 ayes, 0 nays, 13 present and not voting, and 7 excused and not voting.

Mrs. Marsh asked unanimous consent to withdraw her pending amendment, AM1315, found in the Journal on page 2092. No objections. So ordered.

Mrs. Marsh offered the following amendment:

1. On page 1, strike beginning with "Adams" in line 9 through "York" in line 23 and insert "Sioux, Dawes, Box Butte, Morrill, Sheridan, Scottsbluff, Banner, Kimball, Cheyenne, Garden, Deuel, Cherry, Grant, Hooker, Thomas, Arthur, McPherson, Logan, Keith, Lincoln, Perkins, Chase, Keya Paha, Brown, Rock, Boyd, Holt, Dundy, Hayes, Hitchcock, Frontier, Gosper, Red Willow, Dawson, and Furnas".

2. On page 2, strike line 2 and insert "counties of Cedar, Dixon, Dakota, Thurston, Burt, Dodge, Washington, Douglas, Sarpy, Cass, Otoe, Johnson,

Nemaha, Pawnee, and Richardson; and"; and strike beginning with "county" in line 3 through "Lancaster" in line 4, show as stricken, and insert "Blaine, Loup, Garfield, Wheeler, Custer, Valley, Greeley, Sherman, Howard, Buffalo, Hall, Phelps, Kearney, Adams, Clay, Harlan, Franklin, Webster, Knox, Antelope, Pierce, Wayne, Madison, Stanton, Cuming, Boone, Platte, Colfax, Nance, Merrick, Polk, Butler, Saunders, Hamilton, York, Seward, Lancaster, Gage, Jefferson, Filmore, Saline, Nuckolls, and Thayer".

3. On page 4, line 4, strike "nineteen" and insert "six"; in line 6 strike "(3)" and insert "(5)"; and strike lines 8 through 26 and insert:

"Election District No. 1 shall consist of the counties of McPherson, Logan, Lincoln, Keith, Arthur, Hooker, Dawson, and Thomas;

Election District No. 2 shall consist of the counties of Chase, Hayes, Frontier, Furnas, Red Willow, Hitchcock, Perkins, Gosper, and Dundy;

Election District No. 3 shall consist of the counties of Sheridan, Grant, Dawes, Box Butte, Morrill, and Sioux;

Election District No. 4 shall consist of the county of Scottsbluff;

Election District No. 5 shall consist of the counties of Banner, Kimball, Cheyenne, Garden, and Deuel; and

Election District No. 6 shall consist of the counties of Brown, Keya Paha, Rock, Boyd, Holt, and Cherry.".

4. Strike page 5 and insert the following new subsections:

" (3) District No. 2 shall be divided into five election districts. From January 9, 1986, until January 9, 1988, or until changed as provided in subsection (5) of this section, such election districts shall be as follows:

Election District No. 1 shall consist of the counties of Johnson, Pawnee, Nemaha, and Richardson;

Election District No. 2 shall consist of the counties of Sarpy, Cass, and Otoe;

Election District No. 3 shall consist of the county of Douglas;

Election District No. 4 shall consist of the counties of Burt, Thurston, Dodge, and Washington; and

Election District 5 shall consist of the counties of Dakota, Dixon, and Cedar.

(4) District No. 3 shall be divided into ten election districts. From January 9, 1986, until January 9, 1988, or until changes as provided in subsection (5) of this section, such election districts shall be as follows:

District No. 1 shall consist of the counties of Hamilton, Polk, York, Butler, Seward, and Saunders;

Election District No. 2 shall consist of the counties of Filmore, Saline, Thayer, and Nuckolls;

Election District No. 3 shall consist of the counties of Knox, Antelope, Cuming, Pierce, Madison, Stanton, and Wayne;

Election district No. 4 shall consist of the counties of Adams, Clay, Phelps, Kearney, Harlan, Franklin, and Webster;

Election District No. 5 shall consist of the counties of Hall and Howard;

Election District No. 6 shall consist of the counties of Sherman and Buffalo;

Election District No. 7 shall consist of the counties of Jefferson and Gage;

Election District No. 8 shall consist of the counties of Blaine, Loup, Garfield, Greeley, Wheeler, Valley, and Custer;

Election District No. 9 shall consist of the counties of Boone, Platte, Colfax, Nance, and Merrick; and

Election District No. 10 shall consist of the county of Lancaster.".

5. On page 6, line 1, strike "(3)" and insert "(5)"; strike lines 16 through 23 and insert:

(1) In the first judicial district, there shall be: (a) Two judges in election districts one, three, and four; and (b) one judge in election districts two, five, and six;

(2) In the second judicial district, there shall be: (a) Twelve judges in election district three; (b) three judges in election district one; (c) Two judges in election district four; and (d) one judge in election districts two and five; and

(3) In the third judicial district, there shall be: (a) Six judges in election district ten; (b) two judges in election district one, three, four, five,

and nine; and (c) one judge in election districts two, six, seven, and eight."; and strike beginning with "(1)" in line 24 through line 26.

6. On page 7, line 1, strike "district or (2)"; in line 2 strike "the first judicial district"; and in line 17 strike "judicial district or" and show the old matter as stricken.

7. On page 9, line 10, strike "nineteen" and insert "corresponding"; in line 14 strike "14" and insert "3 of the first county judge district"; in line 16 strike "15" and insert "4 of the first county judge district"; and in line 17 strike "17" and insert "5 of the first county judge district".

8. On page 10, strike lines 10 through 15 and insert the following new subsection:

"(3) There shall be the following number of judges of the county court:

(1) In the first county judge district, there shall be: (a) Two judges in election districts two, three, four, five, and six; and (b) one judge in election district one;

(2) In the second county judge district, there shall be: (a) Three judges in election district two; (b) two judges in election districts three, four, and five; and (c) one judge in election district one; and

(3) In the third county judge district there shall be: (a) Three judges in election districts one, three, and nine; (b) two judges in election districts two, four, five, eight, and ten; and (c) one judge in election districts six and seven."; and in line 21 after "in" insert "election district two of the second county judge district or election district one of the third county judge" and strike "2 or 3".

9. On page 11, strike beginning with "(1)" in line 8 through "(2)" in line 10; and in lines 11 and 12 strike "for the first county judge district".

10. On page 12, line 1, strike "county judge district or" and show the old matter as stricken.

11. On page 13, line 16, strike "judicial district or"

Mrs. Marsh requested a record vote on her amendment.

Voting in the affirmative, 13:

| | | | | |
|---|---|---|---|---|
| Baack | Eret | Hefner | Lundy | Rogers |
| Beyer | Goll | Johnson, R. | Marsh | Smith |
| Chronister | Hartnett | Lamb | | |

Voting in the negative, 13:

| | | | | |
|---|---|---|---|---|
| Abboud | Conway | Hoagland | Miller | Sieck |
| Beutler | Hall | Johnson, L. | Remmers | Wesely |
| Carsten | Higgins | Labedz | | |

Present and not voting, 17:

| | | | | |
|---|---|---|---|---|
| Barrett | Hannibal | Lynch | Pappas | Vickers |
| Chizek | Harris | Nelson | Peterson | Warner |
| DeCamp | Johnson, V. | Nichol | Pirsch | Withem |
| Goodrich | Landis | | | |

Excused and not voting, 6:

| | | | | |
|---|---|---|---|---|
| Chambers | Morehead | Rupp | Schmit | Scofield |
| Haberman | | | | |

The Marsh amendment lost with 13 ayes, 13 nays, 17 present and not voting, and 6 excused and not voting.

Mr. Beutler moved for a call of the house. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

Advanced to E & R for Review with 25 ayes, 12 nays, 6 present and not voting, and 6 excused and not voting.

## RESOLUTIONS

**LEGISLATIVE RESOLUTION 264.**

Introduced by R. Johnson, 34th District.

WHEREAS, The U.S. Cargo Preference Act requires that the export of one half of federal government-generated agricultural exports and food aid be carried on U.S.-flag vessels; and

WHEREAS, U.S. vessels routinely charge between one hundred fifty and two hundred fifty per cent more to carry agricultural cargoes than do foreign-flag vessels; and

WHEREAS, the additional cost for shipping agricultural commodities on U.S.-flag vessels must currently be paid by the

federal government out of funds allocated for food aid and the financing of U.S. agricultural exports; and

WHEREAS, the U.S. Department of Agriculture has suspended its highly successful blended export credit program because of a recent federal court decision which applied cargo preference to the blended export credit program; and

WHEREAS, the suspension of the blended export credit program will cost American farmers over five hundred million dollars in export sales this year; and

WHEREAS, the same federal judge also indicated the five billion dollar GSM-102 export loan guarantee program should also be subject to cargo preference; and

WHEREAS, the application of cargo preference to the GSM-102 export loan guarantee program would force the Department of Agriculture to also suspend the five billion dollars in agricultural exports sales financed under the GSM-102 program; and

WHEREAS, American agricultural exports have been reduced substantially from last year because of the overvalued U.S. dollar and foreign competition; and

WHEREAS, the continued operation of the U.S. Department of Agriculture's GSM-102 and blended credit programs is essential to restoring profitability to American farmers.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the NEBRASKA Legislature hereby calls upon the President of the United States, the United States Senate, and the House of Representatives of the United States to immediately exempt agricultural commodities from the Cargo Preference Act.

Laid over.

**LEGISLATIVE RESOLUTION 265.**

Introduced by Barrett, 39th District.

WHEREAS, James E. "Butch" Doyle served the volunteer fire service of Nebraska for nearly forty years; and

WHEREAS, James E. Doyle was a fire service instructor in the State of Nebraska for twenty-nine years; and

WHEREAS, James E. Doyle was instrumental in authoring several firefighting training manuals in use throughout the United States today; and

WHEREAS, James E. Doyle served as Fire Chief of the Lexington Volunteer Fire Department and Secretary of the Nebraska Society

of Fire Service Instructors; and

WHEREAS, James E. Doyle was one of ten firemen selected to receive the 1985 Ak-Sar-Ben Firemanship Award, an award presented to firemen for their outstanding contributions to the fire service and the community; and

WHEREAS, James E. Doyle exemplified the true spirit and dedication of the volunteer fire service in Nebraska; and

WHEREAS, James E. Doyle passed from this life on April 17, 1985;

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature acknowledges the many years of dedicated service by James E. Doyle to the volunteer fire service, the State of Nebraska, and the community of Lexington.

2. That the Legislature extends its sympathy to Mr. Doyle's wife, Betty, the members of his family, and his many friends.

3. That a copy of this resolution be presented to Mr. Doyle's wife, Betty, the Lexington Volunteer Fire Department, and the Nebraska State Volunteer Firefighters Association.

Laid over.

## BILL ON FIRST READING

The following bill was read for the first time by title:

**LEGISLATIVE BILL 556A.** By Labedz, 5th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 556, Eighty-ninth Legislature, First Session, 1985; and to declare an emergency.

## UNANIMOUS CONSENT - Print in Journal

Mr. Withem asked unanimous consent to print the following amendment to LB 727 in the Journal. No objections. So ordered.

AM1404

1. Insert a new section as follows:

"Section 1. For purposes of providing the increased state revenue required by Laws 1984, LB 809, there shall be imposed, effective for all tax years commencing on or after January 1, 1986, or deemed to begin on or after January 1, 1986, under the Internal

Revenue Code of 1954, as amended, an income tax of one half of one per cent in addition to the tax imposed under Chapter 77, article 27. Such tax shall be interpreted, collected, remitted, and enforced by the Tax Commissioner under the provisions of Chapter 77, article 27. All proceeds from the additional tax established by this section shall be used to provide the additional funds required for homestead exemptions due to the enactment of Laws 1984, LB 809.".

2. Renumber original section 1 as section 2.

Mr. Wesely asked unanimous consent to print the following amendment to LB 213 in the Journal. No objections. So ordered.

AM1115

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. That section 48-801, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

48-801. As used in sections 48-801 to 48-823, unless the context otherwise requires:

(1) Person shall include an individual, partnership, association, corporation, business trust, or any other organized group of persons;

(2) Governmental service shall mean all services performed under employment by the State of Nebraska, any political or governmental subdivision thereof, any municipal corporation, or any public power district or public power and irrigation district;

(3) Public utility shall include any individual, partnership, association, corporation, business trust, or any other organized group of persons, any political or governmental subdivision of the State of Nebraska, any public corporation, or any public power district or public power and irrigation district, which carries on an intrastate business in this state and over which the government of the United States has not assumed exclusive regulation and control, that furnishes transportation for hire, telephone service, telegraph service, electric light, heat and power service, gas for heating or illuminating, whether natural or artificial, or water service, or any one or more thereof;

(4) Employer shall mean the State of Nebraska

or any political or governmental subdivision of the State of Nebraska, except the Nebraska National Guard or state militia, any municipal corporation, or any public power district or public power and irrigation district. It shall also include any public utility as defined in sections 48-801 to 48-823;

(5) Employee shall include any person employed by any employer as defined in sections 48-801 to 48-823;

(6) Labor organization shall mean any organization of any kind, or any agency or employee representation committee or plan, in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work;

(7) Industrial dispute shall include any controversy concerning terms, tenure, or conditions of employment, or concerning the association or representation of persons in negotiating, fixing, maintaining, changing, or seeking to arrange terms or conditions of employment, or refusal to discuss terms or conditions of employment; ~~and~~

(8) Commission shall mean the Commission of Industrial Relations; and

(9) Supervisor shall mean any employee having authority, in the interest of the employer, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or responsibly to direct them or to adjust their grievances, or effectively to recommend such action, if in connection with the foregoing the exercise of such authority is not a merely routine or clerical nature, but requires the use of independent judgment.

Sec. 2. That section 48-816, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

48-816. (1) After a petition has been filed under ~~the provisions of~~ section 48-811, the clerk shall immediately notify ~~the members of~~ the Commission of Industrial Relations, which shall promptly take such preliminary proceedings as may be necessary to insure a prompt hearing and speedy adjudication of the industrial dispute. The commission shall have power and authority upon its own initiative or upon request of a party to the dispute to make such temporary findings and orders

as may be necessary to preserve and protect the status of the parties, property, and public interest involved, pending final determination of the issues. In the event of an industrial dispute between an employer and an employee or a labor organization when such employer and employee or labor organization have failed or refused to bargain in good faith concerning the matters in dispute, the commission may order such bargaining to be begun or resumed, as the case may be, and may make any such order or orders as may be appropriate to govern the situation pending such bargaining. The commission shall require good faith bargaining concerning the terms and conditions of employment of its employees by any employer, including school districts covered by the Nebraska Teachers' Professional Negotiations Act after all provisions of such act have been exhausted without resolution of the dispute involved. The commission may require the parties to an industrial dispute to submit to mediation or factfinding ; and may appoint mediators or factfinders for this purpose. Such orders for bargaining, mediation, or factfinding may be issued at any time during the pendency of an action to resolve an industrial dispute. To bargain in good faith shall mean the performance of the mutual obligation of the employer and the labor organization to meet at reasonable times and confer in good faith with respect to wages, hours, and other terms and conditions of employment, or any question arising thereunder, and the execution of a written contract incorporating any agreement reached if requested by either party, but such obligation does not compel either party to agree to a proposal or require the making of a concession.

(2) Public employers are hereby authorized to recognize employee organizations for the purpose of negotiating collectively in the determination of, and administration of grievances arising under, the terms and conditions of employment of their public employees as provided in this act, and to negotiate and enter into written agreements with such employee organizations in determining such terms and conditions of employment.

(3)(a) Except as provided in subdivision (b) of this subsection, a supervisor shall not be included in a single bargaining unit with any other employee who is not a supervisor.

(b) All firefighters and police officers

employed in the fire department or police department of any municipal corporation in a position or classification subordinate to the chief of the department and his or her immediate assistant or assistants holding authority subordinate only to the chief, shall be presumed to have a community of interest and may be included in a single negotiating unit represented by an employee organization for the purposes of this act. Public employers shall be required to recognize an employee's negotiating unit composed of firefighters and police officers holding positions or classifications subordinate to the chief of the fire department or police department and his or her immediate assistant or assistants holding authority subordinate only to the chief when such negotiating unit is designated or elected by employees in the unit.

(4) When an employee organization has been certified as an exclusive collective-bargaining agent or recognized pursuant to any other provisions of this act, the appropriate public employer shall be and is hereby authorized to negotiate collectively with such employee organization in the settlement of grievances arising under the terms and conditions of employment of the public employees as provided in this act, and to negotiate and enter into written agreements with such employee organizations in determining such terms and conditions of employment, including wages and hours.

(5) Upon receipt by an employer of a request from a labor organization to bargain on behalf of employees, the duty to engage in good faith bargaining shall arise if the labor organization has been certified by the commission or recognized by the employer as the exclusive bargaining representative for the employees in that bargaining unit.

(6) The commission shall have the authority (a) to make studies and analyses of and act as a clearinghouse of information relating to conditions of employment of public employees throughout the state; (b) to request from any government, and such governments are authorized to provide, such assistance, services, and data as will enable it properly to carry out its functions and powers; (c) to conduct studies of problems involved in representation and negotiation, including, but not limited to, those subjects which are for determination solely by the appropriate legislative

body, and make recommendations from time to time for legislation based upon the results of such studies; (d) to make available to employee organizations, governments, mediators, factfinding boards and joint study committees established by governments, and employee organizations statistical data relating to wages, benefits, and employment practices in public and private employment applicable to various localities and occupations to assist them to resolve complex issues in negotiations; and (e) to establish, after consulting representatives of employee organizations and administrators of public services, panels of qualified persons broadly representative of the public to be available to serve as mediators or members of factfinding boards.

(7)(a) Except for those cases arising under section 48-818, the commission shall be required to make findings of facts in all cases in which one of the parties to the dispute requests findings. Such request shall be specific as to the issues on which the party wishes the commission to make findings of fact.

(b) In cases arising under section 48-818, findings of fact shall not be required of the commission unless both parties to the dispute stipulate to the request and to the specific issues on which findings of fact are to be made.

(c) If findings of fact are requested under subdivision (a) or (b) of this subsection, the commission may require the parties making the request to submit proposed findings of fact to the commission on the issues on which findings of facts are requested.

(d) In cases arising under section 48-818, the commission shall issue a recommended decision and order, which decision and order shall become final within ten days of entry unless either party to the dispute files with the commission a request for a posttrial conference. If such a request is filed, the commission shall hold a posttrial conference within ten days of receipt of such request and shall issue an order within ten days after holding of such posttrial conference which order shall become the final order in the case. The purpose of such posttrial conference shall be to allow the commission to hear from the parties on those portions of the recommended decision and order which is not based upon or which mischaracterizes evidence in the

record and to allow the commission to correct any such errors after having heard the matter in a conference setting in which all parties are represented.

Sec. 3. That original sections 48-801 and 48-816, Reissue Revised Statutes of Nebraska, 1943, are repealed.".

## VISITORS

Visitors to the Chamber were Robert Johnston from Mitchell; 20 sixth through eighth grade students and teacher from Zion Lutheran School, Plainview; 50 fourth grade students and teachers from Skyline Elementary School, Elkhorn; 20 fourth grade students and sponsor from St. Edward Elementary School; 35 fifth grade students and teacher from Stolley Park School, Grand Island; and 14 fifth and sixth grade students and teacher from St. Michael's School, Fairbury.

## RECESS

At 11:48 a.m., on a motion by Speaker Nichol, the Legislature recessed until 1:30 p.m.

## AFTER RECESS

The Legislature reconvened at 1:37 p.m., Mr. DeCamp presiding.

## ROLL CALL

The roll was called and all members were present except Mr. Withem who was excused; and Messrs. Abboud, Beutler, R. Johnson, V. Johnson, Rupp, Schmit, Mesdames Labedz, Marsh, and Morehead who were excused until they arrive.

## ATTORNEY GENERAL'S OPINION

Opinion No. 78
May 10, 1985

Dear Senator Withem:

This is in response to your letter of May 7, 1985, concerning LB 727. You have asked several questions which concern the funding for implementation of the homestead exemption law passed in 1984, LB 809, and the possible effects of the failure of the Legislature to appropriate the $18 million required to fund this

program.

Your first question is whether Neb.Rev.Stat. §77-3525 (Supp. 1984) obligates the State of Nebraska to fund the general homestead exemption and reimburse the counties for revenues lost pursuant to Neb.Rev.Stat. §77-3506.01 (Supp. 1984). Section 77-3506.01 merely establishes the existence of the homestead exemption, which exempts from taxation the first $3,000 of actual value of each homestead. Section 77-3525 provides that "All revenue which shall be lost to taxing agencies as a result of the provisions of Chapter 77, article 35, shall be considered an express obligation of the state for the purpose of setting the sales and income tax rates under section 77-2715.01." Section 77-2715.01, in effect, is nothing more than a series of requirements which the Legislature must follow when setting the sales and income tax rates. The term "express obligation" as used in that section has a special meaning for purposes of this "formula approach" used to establish the sales and income tax rates. As we read §77-3525, it merely provides that the homestead exemption shall be considered as such an "express obligation" for purposes of setting these tax rates. Of course, if there is no appropriation for this amount it will have no impact on setting the sales and income tax rates. In other words, we do not read this section as obligating the state to pay this money to the counties, but merely as a requirement for the Legislature to follow in setting the sales and income tax rates.

Your second question is in essence whether or not county assessors must allow the homestead exemption pursuant to Neb.Rev.Stat. §77-3516 (Supp. 1984) in the event that the appropriation contained in LB 727 to fund this program does not pass. The law setting forth the homestead exemption, §77-3506.01 is not repealed by LB 727 and thus the assessors would be required to grant the exemption.

Your third question is whether pursuant to Neb.Rev.Stat. §77-3523 (Supp. 1984) each taxing district must take into account in its annual budget the amount to be reimbursed under the general homestead exemption, if LB 727 does not pass. This section of law provides simply that "Each taxing agency shall, in preparing its annual budget, take into account the amount to be received under this section." Of course, if LB 727 does not pass the taxing districts will not be receiving anything under this section and would of course note this fact in preparation of their budget.

Your next question concerns the distribution by the county treasurer to taxing agencies under Neb.Rev.Stat. §77-3523 (Supp. 1984). Specifically your question is whether or not the county treasurer must distribute any funds to these agencies if there are no state funds appropriated under LB 727. This section provides in part that:

The State Treasurer shall, between the fifth and twentieth day of

each month, notify the Director of Administrative Services of the amount of funds available in the General Fund for payment purposes. The Director of Administrative Services shall, upon receipt of such notification, draw warrants against funds appropriated. Out of the amount so received the county treasurer shall distribute to each the taxing agencies within his or her county the amount so lost by such agency, . . . .

It seems clear, that the county treasurer will only distribute funds received from the state under this section, and if no appropriations are authorized by the Legislature for this purpose the county treasurer will make no distribution.

Your next question is whether the passage of LB 809 establishing the homestead exemption has created a legal right for citizens in Nebraska having filed applications to be granted a homestead exemption. As we have indicated this law has not been repealed, and citizens who have filed applications for homestead exemptions under its provisions have a right to be granted that homestead exemption.

Your final question is as follows, "If LB 727 does not pass and the applicants for the general homestead exemption do receive property tax relief at the expense of other property taxpayers, do the injured property taxpayers have an enforceable legal claim against the State of Nebraska?" The granting of any tax exemption implies that other taxpayers will be making up this additional tax burden. Nevertheless, there is no basis for such taxpayers having any legal claim against the State of Nebraska for any additional tax burden so imposed.

Sincerely,
ROBERT M. SPIRE
Attorney General
(Signed) John Boehm
Assistant Attorney General

JB:bae
cc: Patrick J. O'Donnell
Clerk of the Legislature

## RESOLUTION

**LEGISLATIVE RESOLUTION 266.**

Introduced by Baack, 47th District.

WHEREAS, 1985 marks the one hundredth anniversary of the City of Kimball, Nebraska; and

WHEREAS, the city of Kimball is the county seat and an important cornerstone to all residents of Kimball County, Nebraska;

and

WHEREAS, Kimball has continually shown signs of progress, starting as a frontier town named Antelopeville and progressing to the city it is today; and

WHEREAS, methods of making a living have advanced from raising sheep and muskrats to raising wheat and oil; and

WHEREAS, Kimball is very proud of the dedicated service of the Western Nebraska Observer, which is also observing its one hundredth birthday; and

WHEREAS, many citizens of Kimball have contributed to its growth and stability in the past one hundred years; and

WHEREAS, a centennial celebration offers a community a unique opportunity to reflect upon those citizens whose efforts were responsible for the community's many accomplishments; and

WHEREAS, Kimball has been, is, and will continue to be an outstanding community and the citizens of Kimball deserve special recognition during the centennial celebration which takes place on September 13-15, 1985.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature recognizes and commends the City of Kimball for its one hundredth anniversary.

2. That the Legislature congratulates and extends best wishes to the citizens of the Kimball community.

3. That a copy of this resolution be sent to Mayor Edith Haines, Bob Pinkerton, the publisher of the Western Nebraska Observer, and the citizens of Kimball.

Laid over.

**SPEAKER NICHOL PRESIDING**

## GENERAL FILE

**LEGISLATIVE BILL 598.** Standing Committee amendment, AM0512, found in the Journal on page 919 for the Thirty-Eighth Day and considered on page 1333 was renewed.

Mr. Sieck renewed his pending amendment found in the Journal on page 1258 and considered on page 1334 to the Standing Committee amendment.

The Sieck amendment was adopted with 14 ayes, 0 nays, 22 present and not voting, and 13 excused and not voting.

Mr. Hefner moved for a call of the house. The motion prevailed with 12 ayes, 0 nays, and 37 not voting.

The Standing Committee amendments, as amended, were adopted with 25 ayes, 8 nays, 11 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Mr. Vickers moved to indefinitely postpone LB 598.

Mrs. Pirsch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 4 nays, and 20 not voting.

Mr. Vickers moved for a call of the house. The motion prevailed with 15 ayes, 1 nay, and 33 not voting.

Mr. Vickers requested a roll call vote on his motion to indefinitely postpone.

Voting in the affirmative, 19:

| | | | | |
|---|---|---|---|---|
| Baack | DeCamp | Higgins | Nichol | Smith |
| Barrett | Haberman | Johnson, R. | Pappas | Vickers |
| Carsten | Hall | Lynch | Rogers | Warner |
| Chambers | Hannibal | Morehead | Scofield | |

Voting in the negative, 26:

| | | | | |
|---|---|---|---|---|
| Beyer | Goodrich | Johnson, L. | Lundy | Pirsch |
| Chizek | Harris | Johnson, V. | Marsh | Remmers |
| Chronister | Hartnett | Labedz | Miller | Rupp |
| Conway | Hefner | Lamb | Nelson | Sieck |
| Eret | Hoagland | Landis | Peterson | Wesely |
| Goll | | | | |

Excused and not voting, 4:

| | | | |
|---|---|---|---|
| Abboud | Beutler | Schmit | Withem |

The Vickers motion to indefinitely postpone lost with 19 ayes, 26 nays, and 4 excused and not voting.

The Chair declared the call raised.

Mr. Vickers offered the following amendment:
To amend LB 598 in the committee amendments by striking all of (B) lines 11 thru 13.

Mr. Vickers moved for a call of the house. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

Mr. Vickers requested a roll call vote on his amendment.

Voting in the affirmative, 22:

| | | | | |
|---|---|---|---|---|
| Abboud | Eret | Higgins | Nichol | Scofield |
| Baack | Haberman | Johnson, R. | Pappas | Smith |
| Barrett | Hall | Lynch | Rogers | Vickers |
| Carsten | Hannibal | Morehead | Rupp | Warner |
| Chambers | Hartnett | | | |

Voting in the negative, 22:

| | | | | |
|---|---|---|---|---|
| Beyer | Goll | Johnson, V. | Lundy | Peterson |
| Chizek | Goodrich | Labedz | Marsh | Pirsch |
| Chronister | Hefner | Lamb | Miller | Remmers |
| Conway | Hoagland | Landis | Nelson | Wesely |
| DeCamp | Johnson, L. | | | |

Present and not voting, 3:

| | | |
|---|---|---|
| Beutler | Harris | Sieck |

Excused and not voting, 2:

| | |
|---|---|
| Schmit | Withem |

The Vickers amendment lost with 22 ayes, 22 nays, 3 present and not voting, and 2 excused and not voting.

Pending.

The Chair declared the call raised.

Mr. Barrett asked unanimous consent to be excused until he returns. No objections. So ordered.

## UNANIMOUS CONSENT - Print in Journal

Mr. Schmit asked unanimous consent to print the following amendment to LB 284 in the Journal. No objections. So ordered.

AM1389

1. On page 4, line 10, strike "section 13" and insert "section 13 and 14".

2. Insert a new section as follows:

"Sec. 14. (1) A person may file an application with the district for an emergency chemigation permit on forms provided by the district. The district shall review each emergency application and approve or deny the application within forty-eight hours after the application is filed. An emergency application shall be approved and a permit issued by the district if the irrigation distribution system complies with the equipment requirements of section 46-612.01 and the applicator has been certified under sections 23 and 24 of this act. If the district has not denied an emergency chemigation permit within forty-eight hours, it shall be deemed approved. Such permit shall be valid for a period of forty-five days from the date of issuance.

(2) The application for an emergency permit shall be accompanied by a fee of one hundred dollars payable to the district. Ninety dollars of the fee shall be retained by the district, and ten dollars shall be paid by the district to the department. The application shall contain the same information as required in section 15 of this act.

(3) Any permit holder of an emergency chemigation permit or an applicator applying chemicals pursuant thereto who violates any of the provisions of this section shall be guilty of a Class II misdemeanor.".

3. Renumber remaining sections and correct internal references accordingly.

Messrs. Hannibal, Hall, and DeCamp asked unanimous consent to print the following amendment to LB 157 in the Journal. No objections. So ordered.

AM1415

1. Strike the original sections and all

amendments thereto and insert the following new sections:

"Section 1. That section 45-103, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

45-103. (1) Interest on all decrees and judgments for the payment of money, except as provided in subsections (2) to (6) of this section, shall begin accruing ~~be from~~ one hundred twenty days following the date the summons is served until the same shall be paid. ~~the date of the rendition thereof at the rate specified in section 45-104.01, as such rate may from time to time be adjusted by the Legislature until the same shall be paid~~

(2) Prejudgment interest shall not accrue on any payment made prior to judgment by or on behalf of the defendant.

(3) If a plaintiff has refused to accept an offer by the defendant to confess judgment pursuant to section 25-906 or 25-907 or sections 25-1309 to 25-1312 and if the judgment is for an amount equal to or less than the amount confessed, no interest shall accrue between the time of the offer to confess judgment and the time of rendition of the judgment.

(4) Interest shall begin accruing from the date of rendition of judgment until the same shall be paid for any action arising under Chapter 42.

(5) Interest shall begin accruing from the date of rendition of judgment until the same shall be paid for any cause of action under any theory of recovery arising out of a contractual relationship, agreement, or policy of insurance which provides for the payment of benefits for hospital, surgical, medical, dental, psychological, or other health care services written, issued, or administered by any third party including, but not limited to, a health and accident insurance company, a hospital service corporation, or a health maintenance organization.

(6) For any money judgment or decree rendered in favor of or against the state or any of its political subdivisions, interest shall begin accruing from the date of rendition of judgment until the same shall be paid.

(7) Interest on all decrees and judgments for the payment of money shall be paid at a rate equal to

one percentage point above the bond equivalent yield, as published by the Secretary of the Treasury, of the average accepted auction price for the last auction of fifty-two-week United States Treasury bills settled immediately prior to the date of judgment. The State Court Administrator shall distribute notice of such rate and any changes to it to all Nebraska judges to be in effect two weeks after the date published by the Secretary of the Treasury. This subsection shall not apply to any action arising under Nebraska law in which judgment interest rates are otherwise specifically provided.

(8) If ~~; PROVIDED, if such~~ a judgment or decree shall be founded upon any contract, either verbal or written, by the terms of which a greater rate of interest, not exceeding the amount allowed by law, than the rate specified in subsection (7) of this section, ~~45-104.01, as such rate may from time to time be adjusted by the Legislature,~~ shall have been agreed upon, the rate of interest upon such judgment or decree shall be the same as provided for by the terms of the contract upon which the same was founded. Interest on a judgment appealed to the district court shall be determined in accordance with subsection (3) of section 24-541.06.

Sec. 2. Prejudgment interest authorized under section 45-103 shall be paid directly to the plaintiff. Payment shall be made by issuing a check directly for such interest in the plaintiff's name only. Such interest shall not be included in computing fees for attorneys.

Sec. 3. This act shall be operative for all causes of action accruing on or after January 1, 1986.

Sec. 4. If any section in this act or any part of any section shall be declared invalid or unconstitutional, such declaration shall not affect the validity or constitutionality of the remaining portions thereof.

Sec. 5. That original section 45-103, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

Mr. Lamb asked unanimous consent to print the following amendment to LB 389 in the Journal. No objections. So ordered.

AM1402

(Amendments to Final Reading Copy)

1. Strike section 1.

2. On page 6, line 3, strike "4 to 12" and insert "3 to 11".

3. On page 8, line 20, strike "8" and insert "7".

4. On page 10, line 23, strike "88-501, 88-513," and insert "88-513".

5. Renumber remaining sections accordingly.

6. On page 1, lines 1 and 2 strike "88-501, 88-513," and insert "88-513"; and strike beginning with the first "to" in line 3 through the semicolon in line 4.

Mr. Beutler asked unanimous consent to print the following amendment to LB 284 in the Journal. No objections. So ordered.

AM1431

1. On page 8, line 5, before "Before" insert "(1)"; and after line 20 insert a new subsection as follows:

"(2) In cases in which the district or department concludes that an imminent danger to persons or the environment exists or is threatened by a chemigation operation, the district shall immediately suspend the operation. Any aggrieved permitholder or applicator may, within ten days of receipt of an order of suspension by the district, request a hearing on such order. The hearing shall be held within ten days of receipt of the request. The district shall give notice of the hearing to the offending party.

If the district or department concludes that the suspension should be continued, it may, if necessary, apply for a restraining order or a temporary or permanent injunction against the violator pursuant to the procedure prescribed by section 30 of this act.".

2. On page 14, after line 6, insert new subsections as follows:

"(2) The district or department may apply for a restraining order, a temporary or permanent injunction, or a mandatory injunction against the person or persons violating or threatening to violate the Nebraska Chemigation Act or the rules and regulations adopted and promulgated under such act to the district court of the county where the violation is occurring or

is about to occur. The court shall have jurisdiction to grant such relief upon good cause shown. Relief may be granted notwithstanding the existence of any other remedy at law and shall be granted without bond.

(3) If the violation of the Nebraska Chemigation Act occurs with a permitted system, a schedule for compliance shall be established by the district in lieu of the ten-day compliance requirement.

(4) It shall be the duty of the Attorney General or the county attorney of the county in which such violation occurs or is about to occur, when notified of such violation or threatened violation, to cause appropriate proceedings under subsection (1) of this section to be instituted and pursued without delay.".

## SELECT COMMITTEE REPORTS
### Enrollment and Review

### Correctly Re-Engrossed

The following bills were correctly re-engrossed: 126 and 406.

### Correctly Engrossed

The following bills were correctly engrossed: 389 and 721.

(Signed) Timothy Hall, Chairperson

### Enrollment and Review Change to LB 126
### (Final Reading Copy)

The following changes, required to be reported for publication in the Journal, have been made:
ER0083

1. In the Wesely-Remmers-DeCamp amendment, AM1339:

a. On page 1, line 8, "81-1632," has been struck and "insert '81-1632' " has been struck and "the second comma and show all as stricken" inserted;

b. On page 2, line 15, an underscored comma has been inserted after "application";

c. On page 3, line 15, the stricken matter has been reinstated;

d. For purposes of correlation with section 5, LB 6, on page 5, line 17, "as amended by section 5, Legislative Bill 6, Eighty-ninth Legislature, First Session, 1985." has been inserted after the second

comma; and in line 24 "77-3434," and the second comma have been struck; and

e. On page 6, line 15, "sections" has been struck and "section" inserted and "and 81-1633" has been struck; in line 16 "and section 81-1633, Revised Statutes Supplement, 1984, as amended by section 5, Legislative Bill 6, Eighty-ninth Legislature, First Session, 1985," has been inserted after the second comma; in line 18 "3," has been struck and "2, strike 'and'; in line 3" inserted; in line 19 "to" has been struck and "and" inserted and "in line 4 after '1984' insert ', and section 81-1633, Revised Statutes Supplement, 1984, as amended by section 5, Legislative Bill 6, Eighty-ninth Legislature, First Session, 1985' " has been inserted after the semicolon; and in line 21 "such" has been struck and "energy" inserted.

2. On page 1, line 6, "and to the transfer of a fund" has been struck; and in line 7 "to harmonize provisions;" has been inserted after the semicolon.

**Enrollment and Review Change to LB 389**

The following changes, required to be reported for publication in the Journal, have been made:
ER0078

1. In lieu of the Haberman-R. Johnson amendment adopted May 6, 1985, found on page 2001 of the Journal:

a. The following new section has been inserted:

"Section 1. That section 88-501, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

88-501. Any grain dealer, person, firm, corporation, or association in this state who receives grain for storage, shipment, or both must avail himself or herself of the provisions of sections 88-501 to 88-517 by filing notice of his or her acceptance thereof with the Public Service Commission and thereby become a public ~~warehouseman~~ warehouse keeper. Any grain dealer, person, firm, corporation, or association who receives grain for storage in his or her warehouse where delivered or who receives grain for shipment to other points for storage, consignment, or resale either in or out of this state must avail himself or herself of the provisions of sections 88-501 to 88-517 by securing a license from the commission and thereby become a public ~~warehouseman~~ warehouse keeper. Any grain elevator, building, or receptacle in which grain is held in storage for a period longer than ten days shall be construed to be a public warehouse within the meaning of sections 88-501 to 88-517 and must be licensed with the commission as a public grain warehouse. Any grain, which has been received at any grain elevator, building, or ~~grain warehouse~~ receptacle and for which the actual sale price is not

fixed or ~~and~~ payment made therefor within ten ~~thirty~~ days after the receipt of the same, is construed to be grain held in storage within the meaning of sections 88-501 to 88-517. The term public warehouse shall include but is not necessarily limited to (1) all buildings, elevators, and warehouses, ~~;~~ (2) all grist and flour mills, ~~;~~ and (3) cereal mills doing a shipping business erected or leased and operated by any person, association, copartnership, or corporation for buying, selling, storing, shipping, handling, or consigning grain for profit. Nothing ~~; PROVIDED, nothing~~ in this section shall require a ~~warehouseman~~ warehouse keeper doing a manufacturing business only to receive, purchase, store, or ship grain. The term grain, as used in sections 88-501 to 88-517, shall be construed to include all grain which has not been processed or packaged for the purpose of distribution as seed. For purposes of sections 88-501 to 88-519, the term grain shall also include all beans, whole corn plant pellets, alfalfa pellets, millet, safflower seed, and any other bulk pelleted agricultural storable commodity.";

b. The remaining sections have been renumbered accordingly;

c. On page 1, line 2; and page 7, line 10, "88-501," has been inserted after "sections" and a comma has been inserted after "88-513"; and

d. On page 4, line 13, "3" has been struck and "4" inserted.

2. In the E & R amendment, AM5139:

a. On page 1, line 8, "7" has been struck and "8" inserted; in line 21 "existing" has been struck; in line 22 "public" has been struck; and in line 23 "warehouses" has been struck and "purchasers" inserted; and

b. On page 2, the matter beginning with "line" in line 4 through "in" in line 6 has been struck; and in line 9 "11" has been struck and "12" inserted.

3. In the Standing Committee amendments, AM0632:

a. On page 1, lines 5 and 17, "dealer" has been struck and "dealer's" inserted; and

b. On page 2, line 1 "has" has been struck and "have" inserted.

4. On page 1, line 4, "to change provisions relating to public grain warehouse licenses;" has been inserted after the first semicolon.

5. For purposes of correlation with section 15 of Legislative Bill 395, on page 1, line 7; and page 7, line 12, ", as amended by section 15, Legislative Bill 395, Eighty-ninth Legislature, First Session, 1985" has been inserted after "1984".

6. On page 2, line 11, "shall violate" has been struck, shown as stricken, and "violates" inserted.

7. On page 3, line 15, the second "it" has been struck, shown as stricken, and "the commission" inserted.

8. On page 5, line 16, "; such" has been struck and ". Such"

inserted.

9. For purposes of consistency with section 5 of Legislative Bill 395, the matter beginning with "weigh" on page 6, line 27 through the first comma on page 7, line 1, has been struck and "carrier enforcement division of the Nebraska State Patrol," inserted.

**Enrollment and Review Change to LB 406**
**(Final Reading Copy)**

The following changes, required to be reported for publication in the Journal, have been made:
ER0084

1. In the Hoagland amendment, AM0748, adopted May 8, 1985:

a. Amendments 1 and 3 have been struck;

b. On page 1, line 8, "Section 1" has been struck and "Sec. 3" inserted; and

c. On page 11, line 3, after the colon "(1)" has been inserted; and in line 25 "4" has been struck and "8" inserted".

2. In the Hoagland, Chizek, Withem amendment, AM1311, adopted May 8, 1985:

a. On page 1, line 2, "28-405," has been inserted after the second comma; in line 3 "to change schedules of controlled substances; to eliminate a penalty;" has been inserted after the second semicolon; in line 6 "and" has been struck and "to harmonize provisions;" inserted and after "sections" "; and to declare an emergency" has been inserted; and in lines 12 and 15 "4" has been struck and "5" inserted;

b. On page 9, line 25, "4" has been struck and "5" inserted and an underscored comma has been inserted after "act"; and

c. On page 14, line 1, the first "4" has been struck and "5" inserted; and in line 2 "28-405," has been inserted after the second comma.

**Enrollment and Review Change to LB 721**

The following changes, required to be reported for publication in the Journal, have been made:
ER0079

1. In the Warner amendment, AM1338, adopted May 8, 1985, on page 3, line 1, "source" has been struck and "Source" inserted.

2. On page 1, line 4, "7," has been inserted after "3,".

(Signed) Mary Sommermeyer
E & R Attorney

**STANDING COMMITTEE REPORTS**

**Judiciary**

**LEGISLATIVE BILL 177.** Placed on General File.

**LEGISLATIVE BILL 362.** Placed on General File as amended.
Standing Committee amendment to LB 362:
AM1358

1. Strike the original sections and insert new sections as follows:

"Section 1. That section 39-6,104.07, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-6,104.07. In the case of a driver or passenger who dies within four hours after being in a motor vehicle accident, and of a pedestrian sixteen years of age or older who dies within four hours after being struck by a motor vehicle, the coroner or other official performing the duties of coroner shall examine the body and cause such tests to be made as are necessary to determine the presence and percentage concentration of alcohol or drugs therein. Such information shall be included in each report submitted pursuant to ~~the provisions of~~ sections 39-6,104.06 to 39-6,104.12 and shall be tabulated on a monthly basis by the Department of Motor Vehicles. Such information shall be used only for statistical purposes which do not reveal the identity of the deceased.

Sec. 2. That section 39-6,104.10, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-6,104.10. ~~No~~ A report or any statement contained therein submitted pursuant to sections 39-6,104.06 to 39-6,104.12 or any part thereof may ~~shall~~ be made available for any purpose in any trial arising out of the accident involved ~~unless necessary solely to prove compliance with sections 39-6,104.06 to 39-6,104.12~~ upon subpoena by the court and payment by the requesting party of the costs of such tests as determined by the Department of Motor Vehicles.

Sec.3. That original sections 39-6,104.07 and 39-6,104.10, Reissue Revised Statutes of Nebraska, 1943, are repealed.".

**LEGISLATIVE BILL 377.** Placed on General File as amended.
Standing Committee amendment to LB 377:

AM1357

1. On page 2, line 1, strike "(1)"; in line 7 strike "(a)" and insert "(1)"; strike beginning with "and" in line 8 through "instrument" in line 9 and insert "and place that the state alleges the offense was committed"; in line 10 strike "(b)" and insert "(2)"; and strike lines 13 through 19.

**LEGISLATIVE BILL 490.** Placed on General File as amended.
Standing Committee amendments to LB 490:
AM1352

1. On page 2, line 8, strike "any"; after line 8 insert a new subdivision as follows:

"(2) Child shall mean an individual under nineteen years of age;"; in line 9 strike "(2)" and insert "(3)"; and strike lines 15 through 18.

2. On page 3, line 13, strike "protracted"; in line 18 after the second comma insert "or"; and strike beginning with the third comma in line 18 through "Code" in line 20 and insert ", as such terms are used insections 28-801 to 28-806".

3. On page 4, line 2, strike the new matter and strike "minor" and show as stricken; in line 8 strike "or" and show as stricken; in line 10 strike the new matter and insert "resulting in bodily"; and strike beginning with the period in line 11 through " the period in line 14 show the old matter as stricken; and insert ";or (d) Sexually exploited.".

4. On page 5, line 2, strike the new matter; and strike beginning with "to" in line 11 through the period in line 16, show the old matter as stricken, and insert "resulting in bodily injury; or (d) Sexually exploited.".

5. On page 6, lines 10 and 11, strike the new matter; in line 15, strike "or which result in emotional harm"; strike beginning with "or" in line 17 through "harm" in line 18; in line 19 strike "to the extent the person sustains" and insert "resulting in"; in line 24 after "assault" insert "as defined in sections 28-317 to 28-323"; and strike beginning with "the" in line 24 through "Code" in line 25 and insert "section 28-703".

**LEGISLATIVE BILL 580.** Indefinitely postponed.
**LEGISLATIVE BILL 652.** Indefinitely postponed.
**LEGISLATIVE BILL 690.** Indefinitely postponed.

(Signed) Peter Hoagland, Chairperson

## GENERAL FILE

**LEGISLATIVE BILL 598.** Mr. Chambers requested a record vote on the advancement of the bill.

Mr. Sieck moved for a call of the house. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

Mr. Chambers requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 28:

| | | | | |
|---|---|---|---|---|
| Abboud | Eret | Johnson, V. | Miller | Remmers |
| Beyer | Goll | Labedz | Nelson | Rupp |
| Carsten | Goodrich | Lamb | Nichol | Schmit |
| Chizek | Hefner | Landis | Peterson | Sieck |
| Chronister | Hoagland | Lundy | Pirsch | Wesely |
| DeCamp | Johnson, L. | Marsh | | |

Voting in the negative, 16:

| | | | | |
|---|---|---|---|---|
| Baack | Hall | Higgins | Pappas | Smith |
| Chambers | Hannibal | Johnson, R. | Rogers | Vickers |
| Conway | Harris | Lynch | Scofield | Warner |
| Haberman | | | | |

Present and not voting, 3:

| | | |
|---|---|---|
| Beutler | Hartnett | Morehead |

Excused and not voting, 2:

| | |
|---|---|
| Barrett | Withem |

Advanced to E & R for Review with 28 ayes, 16 nays, 3 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Mr. Abboud asked unanimous consent to be excused until he returns. No objections. So ordered.

**LEGISLATIVE BILL 247.** Title read. Considered.

Standing Committee amendments, AM0972, found in the Journal on page 1474 for the Fifty-Seventh Day were considered.

Mr. Chambers requested a division of the question on the Standing Committee amendments.

The Chair sustained the division of the question.

The first Standing Committee amendment is as follows:

1. On page 3, line 7, after "money" insert ", negotiable instruments, or securities"; strike beginning with "all" in line 8 through line 13 and show the old matter as stricken; and in line 23 strike "and items of value" and insert ", negotiable instruments, or securities".

Mr. Chronister asked unanimous consent to be excused. No objections. So ordered.

Mr. Chambers offered the following amendment to the Standing Committee amendment:

Amend (1.) of Committee Amendment. Strike the words "negotiable instruments or securities" wherever they appear.

Pending.

## VISITORS

Visitors to the Chamber were 33 sixth grade students and teachers from Elkhorn Valley, Meadow Grove; Bruno Desgurse and Valerie Dewanckel from France and Christophe Briquet from Geneva, Switzerland; and 80 fourth grade students and teacher from Willa Cather Elementary School, Omaha.

## ADJOURNMENT

At 4:25 p.m., on a motion by Mr. Chambers, the Legislature adjourned until 8:00 a.m., Tuesday, May 14, 1985.

Patrick J. O'Donnell
Clerk of the Legislature

# SEVENTY-EIGHTH DAY - MAY 14, 1985

## LEGISLATIVE JOURNAL

## EIGHTY-NINTH LEGISLATURE
## FIRST SESSION

## SEVENTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, May 14, 1985

Pursuant to adjournment, the Legislature met at 8:06 a.m., Speaker Nichol presiding.

## PRAYER

The prayer was offered by Senator Miller.

## ROLL CALL

The roll was called and all members were present except Mesdames Marsh and Smith who were excused; and Messrs. Carsten, Chambers, DeCamp, Hall, Hoagland, L. Johnson, R. Johnson, Peterson, Remmers, Rogers, Schmit, Mesdames Labedz, and Pirsch who were excused until they arrive.

## CORRECTIONS FOR THE JOURNAL

The Journal for the Seventy-Seventh Day was approved.

## UNANIMOUS CONSENT - Member Excused

Mrs. Marsh asked unanimous consent to be excused May 14 - 17, 1985. No objections. So ordered.

## SELECT COMMITTEE REPORTS
### Enrollment and Review

### Correctly Engrossed

The following bills were correctly engrossed: 401 and 633.

(Signed) Timothy Hall, Chairperson

**Enrollment and Review Change to LB 401**

The following changes, required to be reported for publication in the Journal, have been made:
ER0081

1. In the Landis amendment, AM1319, adopted May 8, 1985:

a. On page 1, line 1, "the second" has been inserted after "strike"; and

b. On page 2, the matter beginning with "prepared" in line 2 through "section" in line 3 has been struck.

2. On page 3, line 13, "taken against an employee of an agency" has been inserted after "action", "any" has been inserted after the first "or", and "taken or" has been struck.

3. On page 5, line 24, "affect" has been struck and "effect" inserted.

4. On page 6, line 19; and page 7, lines 4 and 20, "occurred" has been inserted after "has".

5. On page 7, line 14, "commits" has been struck and "has committed" inserted.

**Enrollment and Review Change to LB 633**

The following changes, required to be reported for publication in the Journal, have been made:
ER0082

1. In the Vickers amendment, AM1207, adopted May 8, 1985:

a. On page 1, line 2, "7" has been struck and "10" inserted; and

b. Amendment 2 has been struck.

2. In the E & R amendments, AM5163:

a. On page 1, line 6, "5" has been struck and "6" inserted;

b. On page 2, line 17, "79-1254.06," has been inserted after "79-549,"; and

c. On page 3, line 2, "to change provisions relating to a hearing requirement;" has been inserted after the semicolon; and in line 11 "79-1254.06," has been inserted after "79-549,".

3. On page 8, line 5, "(6)" has been struck, show as stricken, and "(5)" inserted.

(Signed) Mary Sommermeyer
E & R Attorney

**UNANIMOUS CONSENT - Print in Journal**

Mr. Haberman asked unanimous consent to print the following amendment to LB 122 in the Journal. No objections. So ordered.

AM1425

(Amendments to Standing Committee Amendments)

1. Insert the following new amendment:

"2. On page 3, line 5, after 'welfare,' insert 'except that no permit shall authorize a weight greater than twenty thousand pounds on any single axle,' ".

Mr. R. Johnson asked unanimous consent to print the following amendment to LB 389 in the Journal. No objections. So ordered.

AM1430

1. On page 4, line 27, after "a" insert "custom feeder of livestock or poultry or a".

## STANDING COMMITTEE REPORTS
### Judiciary

**LEGISLATIVE RESOLUTION 57.** Indefinitely postponed.

**LEGISLATIVE BILL 79.** Placed on General File as amended.
Standing Committee amendment to LB 79:
AM1388

1. On page 4, line 1, after "fees" insert "which the court in its discretion deems appropriate"; and in line 3 after the period insert "If it is not determined in the proceeding that the alleged father is actually the father of the child, the court shall, if it finds that the action was frivolous, award court costs and attorney's fees incurred by the alleged father, with such costs and fees to be paid by the plaintiff.".

**LEGISLATIVE BILL 90.** Placed on General File as amended.
Standing Committee amendment to LB 90:
AM1327

1. Strike original section 1 and insert a new section as follows:

Section 1. That section 29-1905, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

29-1905. (1) Except as provided in

subsections (2) to (10) of this section, the ~~The~~ proceedings in taking the examination of such witness and returning it to court shall be governed in all respects as the taking of depositions in all civil cases.

(2) Upon request of the prosecuting attorney and upon sufficient cause shown, the court shall order the taking of a videotape deposition of a child-victim of or child-witness to any felony offense. The deposition ordinarily shall be in lieu of courtroom testimony by the child. If the court orders a videotape deposition the court shall:

(a) Designate the time and place for taking the deposition. The deposition may be conducted in the courtroom, the judge's chambers, or an other location suitable for videotaping;

(b) Assure adequate time for the defense attorney to complete discovery before taking the deposition; and

(c) Preside over the taking of the videotape deposition in the same manner as if the child were called as a witness for the prosecution during the course of the trial.

(3) Except as provided in subsection (7) of this section, the deposition shall be conducted in the presence of the prosecuting attorney, the defense attorney, the defendant, and any other person deemed necessary by the court, including the parent or guardian of the child-victim or child-witness or a counselor or other person with whom the child is familiar. Such parent, counselor, or other person shall be allowed to sit with or near the child unless the court determines that such person would be disruptive to the child's testimony.

(4) At any time subsequent to the taking of the videotape deposition and upon sufficient cause shown the court shall order the taking of a supplemental videotape deposition to be admitted with the original deposition at the time of the trial.

(5) Upon the request of the prosecutor and upon compelling need shown the court may permit the previously videotaped and deposed child to testify at trial. In the event the child testifies at trial the videotape deposition may be used at trial by either party as permitted by the Nebraska Evidence Rules.

(6) In the event of the need for the child to testify at the trial, whether or not the child's testimony has been taken by previous videotape deposition, the taking of the child's testimony may, upon cause shown, be conducted in camera with the assistance of those persons specified in subsection (3) of this section. The jury may hear and view in the courtroom the in camera proceedings through the use of monitors or otherwise.

(7) Upon compelling need shown, including the mental, emotional, and physical well-being of the child, the testimony of the child, whether through videotape deposition or at trial, in camera or in open court, may be obtained outside the physical presence of the defendant in a fashion so as not to infringe the defendant's rights of confrontation under the Sixth Amendment to the Constitution of the United States and Article 1, section 11 of the Nebraska Constitution. The court may also, upon good cause shown, provide that such testimony be taken outside the presence of the prosecuting attorney or defense attorney.

(8) For purposes of this section, child shall mean a person fourteen years of age or younger at the time the motion to take the deposition was made, or of the taking of in camera testimony at trial.

(9) Nothing in this section precludes discovery by the defendant as set forth in section 29-1912.

(10) The Supreme Court shall adopt and promulgate rules of procedure to effectuate this section which rules shall not be in conflict with laws governing such matters.".

**LEGISLATIVE BILL 543.** Placed on General File as amended.
Standing Committee amendment to LB 543:
AM0088

1. Strike original section 1 and insert the following new section:

"Section 1. That section 29-820, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

(1) Unless other disposition is specifically provided by law, when property seized or held is no longer required as evidence, it shall be disposed of by the law enforcement agency ~~on order of the court~~ on such

showing as the ~~court~~ law enforcement agency may deem adequate, as follows:

~~(1)~~ (a) Property stolen, embezzled, obtained by false pretenses, or otherwise obtained unlawfully from the rightful owner thereof shall be restored to the owner;

~~(2)~~ (b) Money shall be restored to the owner unless it was used in unlawful gambling or lotteries or it was used or intended to be used to facilitate a violation of Chapter 28, article 4, in which case ~~it~~ the money shall be forfeited and disposed of as required by Article VII, section 3, Constitution of Nebraska;

~~(3)~~ (c) Property which is unclaimed or the ownership of which is unknown shall be sold at a public auction held by the officer having custody thereof and the net proceeds disposed of as provided in subdivision ~~(2)~~ (b) of this ~~section~~ subsection, as shall any money which is unclaimed or the ownership of which is unknown;

~~(4)Articles~~ (d) Except as provided in subdivision (2)(b) of this section, articles of contraband shall be destroyed; and ~~, except that any such articles which may be capable of lawful use may in the discretion of the court be sold and the proceeds disposed of as provided in subdivision (2) of this section;~~

~~(5) Firearms~~ (e) Except as provided in subdivision (2)(a) of this section, firearms, ammunition, explosives, bombs, and like devices which have been used in the commission of crime shall be destroyed. ~~disposed of in the same manner as contraband; and~~

(2) When the following property is seized or held and is no longer required as evidence, such property shall be disposed of on order of the court as the court may deem adequate:

(a) Firearms which may have a lawful use; and

(b) Goods which are declared to be contraband but may reasonably be returned to a condition or state in which such goods may be lawfully used, possessed, or distributed by the public.

~~(6)~~ (3) Unless otherwise provided by law, all other property shall be disposed of in such manner as the court in its sound discretion shall direct.

(Signed) Peter Hoagland, Chairperson

## PROPOSED RULE CHANGE

Mrs. Morehead asked unanimous consent to print the following proposed rule change in the Journal. No objections. So ordered.

Section 1. Purpose. The purpose of this rule is to establish special procedures for the Legislature to utilize during a special session. Such rule shall recognize the necessity of the Legislature to address the business for which they were called together in an expeditious and fair fashion, and shall provide that certain legislative procedures established for regular sessions shall not unduly burden the activities of the Legislature during a special session.

Section 2. Convening of the Legislature. Pursuant to the directive contained in the proclamation issued by the Governor, either upon the concurrence of 33 legislators 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/or 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 33 legislators, shall be introduced ahead of all other proposals. After introduction, all bills and resolutions shall be shown as placed on General File, notwithstanding the provisions of Rule 3, Section 4(e). The bills and resolutions shall remain on General File but shall not be considered by the Legislature until the appropriate committee reports its recommendation according to the procedures established by Section 3 of this rule.

Section 3. Committee Hearings. As soon as practicable following the introduction of bills, the Reference Committee shall meet for purposes of designating an appropriate standing committee to conduct an informational public hearing. The committee shall provide as much public notice of the time and place of such informational hearing as is reasonable under the circumstances, by publication in the Legislative Journal. Upon conclusion of the hearing and not more than five calendar days thereafter, the committee shall report its recommendation to the Legislature on whether the bill should be passed, be passed with amendments proposed by the committee, or be indefinitely postponed. Such committee recommendation shall be considered prior to other motions or amendments and shall require the concurrence of a

majority of the elected members.

Section 4. 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.

Section 5. Rules not applicable. The provisions of Rule 3, Sections 13 and 19, shall not be applicable during a special session. All other rules used during the regular session shall be in full force and effect.

## NOTICE OF COMMITTEE HEARING
### Rules

Wednesday, May 15, 1985 12:00 noon
Beutler proposed rule change, page 1332 of the Journal;
Hoagland proposed rule changes, page 1542 and 1543 of the Journal;
Lamb proposed rule change, page 2042 of the Journal.

(Signed) Pat Morehead, Chairperson

## MOTION - Suspend Rules

Speaker Nichol moved to suspend the rules, Rule 6, Section 7(b) to permit consideration of the bills bracketed on Final Reading for May 15.

The motion prevailed with 30 ayes, 0 nays, 5 present and not voting, and 14 excused and not voting.

## UNANIMOUS CONSENT - Withdraw Amendment to LB 213

Mr. Wesely asked unanimous consent to withdraw his pending amendment, AM1384, found in the Journal on page 2206 to LB 213. No objections. So ordered.

## MOTION - Return LB 213 to Select File

Mr. Wesely moved to return LB 213 to Select File for his pending specific amendment, AM1115, found in the Journal on page 2230.

Mr. Warner asked unanimous consent to be excused until he returns. No objections. So ordered.

The Wesely motion to return prevailed with 30 ayes, 0 nays, 9 present and not voting, and 10 excused and not voting.

## SELECT FILE

**LEGISLATIVE BILL 213.** The Wesely specific amendment, AM1115, found in the Journal on page 2230 was adopted with 30 ayes, 0 nays, 10 present and not voting, and 9 excused and not voting.

Advanced to E & R for Re-Engrossment.

## UNANIMOUS CONSENT - Member Excused

Mrs. Morehead asked unanimous consent to be excused until she returns. No objections. So ordered.

## BILLS ON FINAL READING

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 393.**

A BILL FOR AN ACT relating to county government; to amend sections 23-104.03, 23-324.01 to 23-324.04, 23-324.06 to 23-324.08, 23-1112, and 32-4,114, Reissue Revised Statutes of Nebraska, 1943; to adopt the County Purchasing Act; to change the mileage rate for county officers; to harmonize provisions; to eliminate provisions relating to certain purchases; and to repeal the original sections, and also sections 23-116.01, 23-177 to 23-179, 23-324, 23-324.05, and 39-1406, Reissue Revised Statutes of Nebraska, 1943, and sections 23-321 and 23-323, Revised Statutes Supplement, 1984.

Whereupon the 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 | DeCamp | Higgins | Lynch | Rogers |
| Baack | Goll | Hoagland | Miller | Rupp |
| Barrett | Goodrich | Johnson, L. | Nelson | Schmit |
| Beyer | Haberman | Johnson, R. | Nichol | Scofield |
| Carsten | Hannibal | Johnson, V. | Pappas | Sieck |
| Chizek | Harris | Lamb | Peterson | Vickers |
| Chronister | Hartnett | Landis | Pirsch | Wesely |
| Conway | Hefner | Lundy | Remmers | Withem |

Voting in the negative, 0.

Present and not voting, 2:

Beutler Eret

Excused and not voting, 7:

| | | | | |
|---|---|---|---|---|
| Chambers | Labedz | Morehead | Smith | Warner |
| Hall | Marsh | | | |

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 236.**

A BILL FOR AN ACT relating to real property; to amend sections 76-901 and 76-903, Revised Statutes Supplement, 1984; to change provisions relating to the taxation of certain deeds; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 35:

| | | | | |
|---|---|---|---|---|
| Baack | Eret | Higgins | Lundy | Remmers |
| Barrett | Goll | Hoagland | Lynch | Rogers |
| Beyer | Goodrich | Johnson, L. | Miller | Rupp |
| Carsten | Haberman | Johnson, R. | Nichol | Schmit |
| Chizek | Harris | Johnson, V. | Pappas | Scofield |
| Chronister | Hartnett | Lamb | Peterson | Sieck |
| Conway | Hefner | Landis | Pirsch | Withem |

Voting in the negative, 5:

| | | | | |
|---|---|---|---|---|
| Abboud | Beutler | Hannibal | Vickers | Wesely |

Present and not voting, 2:

DeCamp Nelson

Excused and not voting, 7:

| | | | | |
|---|---|---|---|---|
| Chambers | Hall | Labedz | Marsh | Morehead |

Smith Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**MOTION - Return LB 271 to Select File**

Mr. DeCamp moved to return LB 271 to Select File for his reoffered specific amendment, AM1205, found in the Journal on page 1929.

Mr. Lundy 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. Haberman requested a record vote on the motion to return.

Voting in the affirmative, 20:

| | | | | |
|---|---|---|---|---|
| Abboud | Chronister | Haberman | Labedz | Peterson |
| Baack | Conway | Hefner | Lamb | Rupp |
| Beyer | DeCamp | Johnson, L. | Nichol | Schmit |
| Carsten | Eret | Johnson, R. | Pappas | Scofield |

Voting in the negative, 23:

| | | | | |
|---|---|---|---|---|
| Barrett | Hannibal | Johnson, V. | Nelson | Vickers |
| Chizek | Harris | Landis | Pirsch | Warner |
| Goll | Hartnett | Lundy | Rogers | Wesely |
| Goodrich | Higgins | Miller | Sieck | Withem |
| Hall | Hoagland | Morehead | | |

Present and not voting, 3:

Beutler Lynch Remmers

Excused and not voting, 3:

Chambers Marsh Smith

The DeCamp motion to return lost with 20 ayes, 23 nays, 3 present and not voting, and 3 excused and not voting.

Mr. Schmit moved to return LB 271 to Select File for the following specific amendment:

On page 12, Line 26 after "district" insert - , except that beginning

on January 1, 1989, the amount determined to be the percentage of debt shall be multiplied by a number equal to the most recent ten-year average of the Federal Land Bank interest rates in the Omaha district.

On page 13, Line 5, after "rates" insert : , except that beginning on January 1, 1989, the amount determined to be the percentage of owner equity shall be multiplied by a number equal to the most recent ten-year average of six-month United State Treasury bill interest rates.

Mr. Schmit asked unanimous consent to withdraw his motion to return. No objections. So ordered.

## BILLS ON FINAL READING

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 271.** With Emergency.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-1346, Reissue Revised Statutes of Nebraska, 1943, sections 77-1330, 77-1343 to 77-1345, 77-1347, and 77-1348, Revised Statutes Supplement, 1984, section 77-112, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 30, Eighty-ninth Legislature, First Session, 1985, and section 77-201, Reissue Revised Statutes of Nebraska, 1943, as amended by section 2, Legislative Bill 30, Eighty-ninth Legislature, First Session, 1985; to state intent; to define and redefine terms; to change provisions relating to the valuation of agricultural land and horticultural land as prescribed; to create a board; to provide powers and duties; to authorize the implementation of property appraisal and reappraisal corrective measures for the current tax year; to harmonize provisions; to provide operative dates; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 27:

| | | | | |
|---|---|---|---|---|
| Barrett | Goll | Harris | Johnson, R. | Lynch |
| Beutler | Goodrich | Hartnett | Johnson, V. | Miller |
| Chizek | Hall | Higgins | Landis | Morehead |
| Eret | Hannibal | Hoagland | Lundy | Nelson |

| | | | | |
|---|---|---|---|---|
| Pirsch | Rogers | Vickers | Wesely | Withem |
| Remmers | Sieck | | | |

Voting in the negative, 19:

| | | | | |
|---|---|---|---|---|
| Abboud | Chronister | Hefner | Nichol | Schmit |
| Baack | Conway | Johnson, L. | Pappas | Scofield |
| Beyer | DeCamp | Labedz | Peterson | Warner |
| Carsten | Haberman | Lamb | Rupp | |

Present and not voting, 1:

Chambers

Excused and not voting, 2:

Marsh Smith

Having failed to receive a constitutional two-thirds majority voting in the affirmative, the bill failed to pass with the emergency clause attached. The question is, "Shall the bill pass with the emergency clause stricken?"

Voting in the affirmative, 25:

| | | | | |
|---|---|---|---|---|
| Barrett | Hall | Johnson, R. | Miller | Rogers |
| Beutler | Hannibal | Johnson, V. | Morehead | Sieck |
| Chizek | Harris | Landis | Nelson | Vickers |
| Goll | Hartnett | Lundy | Pirsch | Wesely |
| Goodrich | Hoagland | Lynch | Remmers | Withem |

Voting in the negative, 20:

| | | | | |
|---|---|---|---|---|
| Abboud | Chronister | Hefner | Lamb | Rupp |
| Baack | Conway | Higgins | Nichol | Schmit |
| Beyer | DeCamp | Johnson, L. | Pappas | Scofield |
| Carsten | Haberman | Labedz | Peterson | Warner |

Present and not voting, 2:

Chambers Eret

Excused and not voting, 2:

Marsh Smith

A constitutional majority having voted in the affirmative, the bill was declared passed with the emergency clause stricken.

**LEGISLATIVE BILL 271A.**

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 271, Eighty-ninth Legislature, First Session, 1985.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 26:

| | | | | |
|---|---|---|---|---|
| Barrett | Hartnett | Landis | Nelson | Sieck |
| Carsten | Hoagland | Lundy | Pirsch | Vickers |
| Goodrich | Johnson, R. | Lynch | Remmers | Warner |
| Hall | Johnson, V. | Miller | Rogers | Wesely |
| Hannibal | Labedz | Morehead | Scofield | Withem |
| Harris | | | | |

Voting in the negative, 14:

| | | | | |
|---|---|---|---|---|
| Abboud | Beyer | Haberman | Lamb | Peterson |
| Baack | Chronister | Hefner | Nichol | Rupp |
| Beutler | DeCamp | Johnson, L. | Pappas | |

Present and not voting, 7:

| | | | | |
|---|---|---|---|---|
| Chambers | Conway | Goll | Higgins | Schmit |
| Chizek | Eret | | | |

Excused and not voting, 2:

Marsh Smith

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**UNANIMOUS CONSENT - Member Excused**

Mr. Chizek asked unanimous consent to be excused until he returns. No objections. So ordered.

## MOTION - Return LB 273 to Select File

Mr. Goodrich moved to return LB 273 to Select File for the following specific amendment:
AM1436

(Amendments to the Final Reading Copy)

1. On page 80, line 22, strike "completed" and insert "filed"; and in line 23 strike "(2)" and insert "(1)".

2. On page 86, line 23, after each "from" insert "a date sixty days after".

3. On page 87, line 2, after "refund" insert "made within sixty days of filing a claim".

Mr. Goodrich requested a roll call vote on his motion to return.

Voting in the affirmative, 22:

| | | | | |
|---|---|---|---|---|
| Abboud | DeCamp | Johnson, L. | Nelson | Pirsch |
| Barrett | Eret | Johnson, R. | Nichol | Remmers |
| Beyer | Goodrich | Labedz | Pappas | Rogers |
| Carsten | Haberman | Lamb | Peterson | Schmit |
| Chronister | Hefner | | | |

Voting in the negative, 16:

| | | | | |
|---|---|---|---|---|
| Hall | Johnson, V. | Lynch | Rupp | Vickers |
| Hannibal | Landis | Miller | Scofield | Warner |
| Hartnett | Lundy | Morehead | Sieck | Wesely |
| Hoagland | | | | |

Present and not voting, 8:

| | | | | |
|---|---|---|---|---|
| Baack | Chambers | Goll | Higgins | Withem |
| Beutler | Conway | Harris | | |

Excused and not voting, 3:

| | | |
|---|---|---|
| Chizek | Marsh | Smith |

The Goodrich motion to return lost with 22 ayes, 16 nays, 8 present and not voting, and 3 excused and not voting.

## UNANIMOUS CONSENT - Member Excused

Mr. DeCamp asked unanimous consent to be excused until he returns. No objections. So ordered.

## BILLS ON FINAL READING

The following bills were read and put upon final passage:

### LEGISLATIVE BILL 273.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 66-410.06, 66-514, 66-605, 66-616, 66-618, 66-631, 77-1342, 77-2106.01, 77-2709, 77-2717, 77-2727, 77-2730, 77-2772, 77-2781, 77-2786, 77-2793, 77-27,105, and 81-1561, Reissue Revised Statutes of Nebraska, 1943, and sections 66-410.03, 66-602, 66-606, 66-607, 66-619, 66-624, 66-1047, 66-1048, 66-1050, 66-1055, 76-214, 77-2701, 77-2702, 77-2703, 77-2704, 77-2708, 77-2712, 77-2715, 77-2716, 77-2734.01, 77-2734.03, 77-2734.10, 77-2734.12, 77-2734.14, 77-2734.15, 77-2769, 77-2788, 77-2790, and 77-27,119, Revised Statutes Supplement, 1984; to adopt the Tax Refund Setoff Act; to provide for the electronic transfer of funds; to change the amount of security required for the importation of fuels; to provide for personal liability of corporate officers and employees as prescribed; to provide an exemption for certain quantities of fuel; to change provisions relating to the taxation of special fuels; to provide for exemption certificates; to authorize credits and refunds; to require cash bonds; to create funds; to require license revocation in certain circumstances; to provide for a committee; to change provisions relating to energy tax credits; to require certain information on real estate deeds; to change a time limit for filing certain estate tax claims; to change provisions relating to sales and use taxes and income taxes; to define and redefine terms; to change and eliminate exemptions; to provide for a refund for sales and use taxes paid for certain equipment; to change provisions relating to the filing of returns and mailing of notices; to change provisions relating to corporate income tax, taxation of estates and trusts, and partnership taxation; to change powers and duties of the Tax Commissioner; to provide penalties; to provide duties for the Revisor of Statutes; to eliminate the Ad Valorem Advisory Committee; to harmonize provisions; to provide operative dates; and to repeal the original sections, and also sections 77-3,101 to 77-3,108, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 39:

| | | | | |
|---|---|---|---|---|
| Baack | Goll | Johnson, L. | Miller | Rupp |
| Barrett | Hall | Johnson, R. | Morehead | Schmit |
| Beutler | Hannibal | Johnson, V. | Nelson | Scofield |
| Carsten | Harris | Labedz | Nichol | Sieck |
| Chambers | Hartnett | Lamb | Pappas | Vickers |
| Conway | Hefner | Landis | Pirsch | Warner |
| DeCamp | Higgins | Lundy | Remmers | Withem |
| Eret | Hoagland | Lynch | Rogers | |

Voting in the negative, 7:

| | | | | |
|---|---|---|---|---|
| Abboud | Chronister | Haberman | Peterson | Wesely |
| Beyer | Goodrich | | | |

Excused and not voting, 3:

| | | |
|---|---|---|
| Chizek | Marsh | Smith |

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 273A.**

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 273, Eighty-ninth Legislature, First Session, 1985.

Whereupon the 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 | Eret | Higgins | Lynch | Rupp |
| Baack | Goll | Hoagland | Miller | Schmit |
| Barrett | Goodrich | Johnson, L. | Morehead | Scofield |
| Beutler | Haberman | Johnson, R. | Nelson | Sieck |
| Carsten | Hall | Johnson, V. | Nichol | Vickers |
| Chambers | Hannibal | Labedz | Pappas | Warner |
| Chronister | Harris | Lamb | Pirsch | Wesely |
| Conway | Hartnett | Landis | Remmers | Withem |
| DeCamp | Hefner | Lundy | Rogers | |

Voting in the negative, 0.

Present and not voting, 2:

Beyer Peterson

Excused and not voting, 3:

Chizek Marsh Smith

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 432.**

A BILL FOR AN ACT relating to county employees' retirement; to amend sections 23-2302, 23-2329, and 23-2330, Reissue Revised Statutes of Nebraska, 1943, and section 23-2301, Revised Statutes Supplement, 1984; to redefine terms; to require the establishment of a retirement system by additional counties as prescribed; to require a supplemental retirement plan in certain counties; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 30:

| | | | | |
|---|---|---|---|---|
| Baack | Goodrich | Hoagland | Miller | Scofield |
| Beyer | Hall | Johnson, V. | Morehead | Sieck |
| Carsten | Hannibal | Labedz | Nelson | Vickers |
| Chambers | Harris | Landis | Pappas | Warner |
| Chizek | Hartnett | Lundy | Remmers | Wesely |
| Eret | Higgins | Lynch | Rupp | Withem |

Voting in the negative, 15:

| | | | | |
|---|---|---|---|---|
| Abboud | Conway | Haberman | Johnson, R. | Peterson |
| Barrett | DeCamp | Hefner | Lamb | Pirsch |
| Chronister | Goll | Johnson, L. | Nichol | Schmit |

Present and not voting, 2:

Beutler Rogers

Excused and not voting, 2:

Marsh Smith

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 432A.**

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 432, Eighty-ninth Legislature, First Session, 1985.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 30:

| | | | | |
|---|---|---|---|---|
| Baack | Goll | Higgins | Miller | Scofield |
| Beyer | Goodrich | Hoagland | Morehead | Sieck |
| Carsten | Hall | Johnson, V. | Nelson | Vickers |
| Chambers | Hannibal | Labedz | Remmers | Warner |
| Chizek | Harris | Landis | Rupp | Wesely |
| Eret | Hartnett | Lynch | Schmit | Withem |

Voting in the negative, 14:

| | | | | |
|---|---|---|---|---|
| Abboud | Conway | Hefner | Lamb | Peterson |
| Barrett | DeCamp | Johnson, L. | Lundy | Pirsch |
| Chronister | Haberman | Johnson, R. | Nichol | |

Present and not voting, 3:

Beutler Pappas Rogers

Excused and not voting, 2:

Marsh Smith

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 532.**

A BILL FOR AN ACT relating to cities; to provide for intervention by owners of adjoining property in certain cases.

Whereupon the 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 | Eret | Higgins | Lynch | Rogers |
| Baack | Goll | Hoagland | Miller | Rupp |
| Barrett | Goodrich | Johnson, L. | Morehead | Schmit |
| Beyer | Haberman | Johnson, R. | Nelson | Scofield |
| Carsten | Hall | Johnson, V. | Nichol | Sieck |
| Chizek | Hannibal | Labedz | Pappas | Vickers |
| Chronister | Harris | Lamb | Peterson | Warner |
| Conway | Hartnett | Landis | Pirsch | Wesely |
| DeCamp | Hefner | Lundy | Remmers | Withem |

Voting in the negative, 0.

Present and not voting, 2:

Beutler Chambers

Excused and not voting, 2:

Marsh Smith

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**MOTION - Return LB 553 to Select File**

Mr. Beutler moved to return LB 553 to Select File for the following specific amendment:
AM1439

(Amendments to Final Reading Copy)

1. Strike section 2 and insert a new section as follows:

"Sec. 2. Any person violating the terms of a permit issued pursuant to section 1 of this act or otherwise violating section 1 of this act shall be

6 guilty of a Class III misdemeanor.".

The Beutler motion to return prevailed with 32 ayes, 1 nay, 14 present and not voting, and 2 excused and not voting.

## SELECT FILE

**LEGISLATIVE BILL 553.** The Beutler specific amendment, AM1439, found in this day's Journal was adopted with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

Advanced to E & R for Re-Engrossment.

## BILL ON FINAL READING

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 102.** With Emergency.

A BILL FOR AN ACT relating to natural resources; to amend sections 46-2,108 to 46-2,110 and 46-2,114 to 46-2,117, Reissue Revised Statutes of Nebraska, 1943, and sections 2-1504.03, 2-1588, 2-1594, 2-15,113, 2-15,114, 2-15,116, 2-4501, 2-4502, 2-4515, 2-4517, and 2-4518, Revised Statutes Supplement, 1984; to change provisions relating to the appointment of the Director of Natural Resources; to change provisions relating to the funding and advocacy of certain projects; to provide for adoption, review, and modification of state goals for water resource use; to restate intent; to provide additional powers and duties relating to water project revenue bonds; to change provisions relating to instream appropriations; to harmonize provisions; to eliminate the Public Advisory Board; to eliminate certain duties relating to instream appropriations; to repeal the original sections, and also sections 2-15,102 and 46-2,111 to 46-2,113, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 45:

| | | | | |
|---|---|---|---|---|
| Abboud | Beutler | Chambers | Conway | Goodrich |
| Baack | Beyer | Chizek | DeCamp | Haberman |
| Barrett | Carsten | Chronister | Goll | Hall |

| | | | | |
|---|---|---|---|---|
| Hannibal | Johnson, L. | Lundy | Pappas | Scofield |
| Harris | Johnson, R. | Lynch | Peterson | Sieck |
| Hartnett | Johnson, V. | Miller | Pirsch | Vickers |
| Hefner | Labedz | Morehead | Remmers | Warner |
| Higgins | Lamb | Nelson | Rogers | Wesely |
| Hoagland | Landis | Nichol | Rupp | Withem |

Voting in the negative, 0.

Present and not voting, 2:

Eret Schmit

Excused and not voting, 2:

Marsh Smith

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 - Pass Over LB 154**

Mr. Conway asked unanimous consent to pass over LB 154.

Mr. V. Johnson objected.

Mr. Conway moved to pass over LB 154.

Mr. Haberman moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Chambers requested a roll call vote on the Conway motion to pass over.

Voting in the affirmative, 28:

| | | | | |
|---|---|---|---|---|
| Abboud | Conway | Hannibal | Labedz | Pirsch |
| Baack | DeCamp | Harris | Lamb | Remmers |
| Beutler | Eret | Hefner | Lynch | Sieck |
| Beyer | Goodrich | Higgins | Nelson | Warner |
| Carsten | Haberman | Johnson, L. | Pappas | Withem |
| Chronister | Hall | Johnson, R. | | |

Voting in the negative, 13:

| | | | | |
|---|---|---|---|---|
| Barrett | Hartnett | Landis | Nichol | Scofield |
| Chambers | Hoagland | Lundy | Rupp | Wesely |
| Goll | Johnson, V. | Miller | | |

Present and not voting, 6:

| | | | | |
|---|---|---|---|---|
| Chizek | Peterson | Rogers | Schmit | Vickers |
| Morehead | | | | |

Excused and not voting, 2:

| | |
|---|---|
| Marsh | Smith |

The Conway motion to pass over prevailed with 28 ayes, 13 nays, 6 present and not voting, and 2 excused and not voting.

Messrs. Landis and R. Johnson asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Haberman asked unanimous consent to be excused. No objections. So ordered.

## UNANIMOUS CONSENT - Print in Journal

Mr. Beutler asked unanimous consent to print the following amendment to LB 518 in the Journal. No objections. So ordered.

AM1379

1. On page 2, line 6, after "must" insert "temporarily"; and reinstate the stricken matter beginning with "by" in line 14 through "district" in line 15.

2. On page 3, line 14, after the period insert "After the effective date of this act, children whose residential placement was funded by state and regional agencies other than the State Department of Education shall continue to be funded by such agencies.".

3. Insert the following new section:

"Sec. 3. Following residential placement, the local school district and the State Department of Education shall continue efforts to develop appropriate programs closer to the handicapped student's home and

shall cooperate with the Department of Social Services in preparing families to accommodate returning students. The Department of Social Services shall provide consultative services, as defined by mutual agreement between the State Department of Education and the Department of Social Services, to the children and families initially provided residential care following the effective date of this act.".

4. On page 4, line 12, strike beginning with "within" in line 12 through "guardian" in line 15 and insert ". A parent, guardian, or competent student of the age of majority shall not be entitled to reimbursement for any expenses incurred more than sixty days prior to the filing of the petition".

5. On page 5, strike the new matter in lines 15 through 27.

6. On page 6, strike the new matter in lines 14 through 25.

7. In the Standing Committee amendments, AM0425, beginning on page 1236 of the Journal:

a. On page 1, strike beginning with the semicolon in line 12 through the period in line 16 and insert a period;

b. On page 2, line 3, strike "3" and insert "4";

c. Strike amendments 3 and 6; and

d. Renumber the remaining amendments accordingly.

8. Strike E and R amendment 1 and renumber the remaining amendments accordingly.

9. Renumber the remaining sections accordingly.

Mr. Remmers asked unanimous consent to print the following amendment to LB 722 in the Journal. No objections. So ordered.

Page 75 - insert the following after line 4:
"(3) Program 50 - Salary Improvement Fund
GENERAL FUND 330,068
PROGRAM TOTAL 330,068

There is included in the appropriation to this program $330,068 for faculty salary improvement and related benefits to implement the second phase of the three year schedule to improve faculty salaries according to the peer group study undertaken by the Board of Trustees in 1983. Distribution of the faculty salary improvement

funds shall be as follows: Chadron State College, $52,308; Kearney State College, $222,617; Peru State College, $21,028; Wayne State College, $34,115.
Sentence 7, strike "264,498" and insert "594,566"
Sentence 8, strike "264,498" and insert "594,566"
Renumber sentences accordingly

## RESOLUTION

**LEGISLATIVE RESOLUTION 267.**

Introduced by Vickers, 38th District; Beutler, 28th District.

WHEREAS, Federal law mandates State support of special education;

WHEREAS, State support of special education is one of the largest and most rapidly growing areas of State financial assistance to schools;

WHEREAS, there is a need to describe and define the costs of special education, and to develop a process for bringing order to the array of state and local, public and private agencies that provide special education services;

WHEREAS, Nebraska is a national leader in special education services;

WHEREAS, in 1979, the Nebraska Legislature mandated that local school districts provide comprehensive special education and related services to all verified handicapped children from birth or date of diagnosis;

WHEREAS, Nebraska is one of only seven states in the Nation to provide early childhood special education services;

WHEREAS, many other states are beginning to grapple with mandates to provide early childhood special education services as the value of early intervention is becoming more widely recognized;

WHEREAS, after five years of operation, Nebraska's early childhood special education system has revealed strengths, weaknesses, and unanticipated results;

WHEREAS, a thorough review of the early childhood special education system is merited to understand the system that has evolved, to benefit from its lessons, and to better prepare for future developments;

WHEREAS, the results of a program review of Nebraska's early childhood special education system could be valuable to other states contemplating similar programs;

WHEREAS, the Nebraska Legislature recently received an NCSL-NIE cost-sharing award to undertake a study of the State's

early childhood special education system.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a Select Committee of legislators be formed to conduct a study of Nebraska's special education system with a focus on the State's early childhood special education system;

2. That the Select Committee, to be chosen by the Executive Board of the Legislature, include the chairpersons of the Education, Public Health, Appropriations, and Revenue Committees, and the chairperson of the Executive Board, and three other members;

3. That a report, together with findings and recommendations, be presented to the National Conference of State Legislatures, to the State Board of Education, to the Governor, and to Eighty-Ninth Legislature of Nebraska, Second Session.

Referred to the Executive Board.

## NOTICE OF COMMITTEE HEARING
### Government, Military and Veterans Affairs

LR 250 Wednesday, May 22, 1985 7:00 p.m.

(Signed) David Landis, Chairperson

## ANNOUNCEMENT

Mr. V. Johnson announced there will be a joint meeting of the Appropriations and Revenue Committees at 8:00 a.m. on May 15, 1985, in Room 1520 of the State Capitol to discuss the revenue situation.

## VISITORS

Visitors to the Chamber were 19 fourth grade students and teacher from Polk Elementary School; 21 fourth grade students and teacher from St. Teresa's School, Lincoln; 43 fourth grade students and teachers, and Senator Peterson's grandson, Shawn, from Christ Lutheran School, Norfolk; and 30 fourth grade students and teacher from West Park School, Columbus.

## RECESS

At 11:57 a.m., on a motion by Mrs. Nelson, the Legislature recessed until 1:30 p.m.

## AFTER RECESS

The Legislature reconvened at 1:32 p.m., Speaker Nichol presiding.

## ROLL CALL

The roll was called and all members were present except Mrs. Marsh and Mrs. Smith who were excused; and Messrs. Beutler, Carsten, Goll, Goodrich, Haberman, Hannibal, L. Johnson, Lamb, Lundy, Schmit, Warner, and Ms. Scofield who were excused until they arrive.

## UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendment to LB 154 in the Journal. No objections. So ordered.

AM1424

(Amendments to Final Reading Copy)

1. Strike original section 1 and insert a new section as follows:

"Section 1. That section 2-1208.01, Revised Statutes Supplement, 1984, be amended to read as follows:

2-1208.01. There is hereby imposed a tax on the gross sum wagered by the parimutuel method at each race meeting at the following rates: (1) Except as provided in subdivision (3) of this section, for ~~For~~ meets held prior to ~~January 1~~ February 15, 1986, (a) seven million dollars shall not be taxed and (b) any amount in excess of seven million dollars shall be taxed at a rate of five per cent; ~~which conduct races not more than three days per week excluding holidays (a) the first five million dollars shall not be taxed and (b) any amount in excess of five million dollars shall be taxed at a rate of five per cent;~~ (2) except as provided in subdivision (3) of this section, for meets held on or after February 15, 1986, (a) seven million dollars shall not be taxed and (b) any amount in excess of seven million dollars shall be taxed at the rate of four and one half per cent; and (3) for meets conducted prior to January 1, 1988, on property owned by the state on which the Nebraska State Fair is also conducted (a) the first ~~one~~ seven million dollars shall not be taxed and (b) any

amount in excess of ~~one~~ seven million dollars shall be taxed at a rate of three per cent. ~~; and (3) for all other meets (a) the first one million dollars shall not be taxed and (b) any amount in excess of one million dollars shall be taxed at a rate of five per cent.~~ The tax imposed by this section shall~~, within ten days after the close of each race meeting,~~ be paid into the state treasury for deposit in the ~~state~~ General Fund on the last day of each month during each race meeting.

~~After March 24, 1982, and prior to January 1, 1986, the State Racing Commission shall promptly report to the Revenue Committee of the Legislature any changes in the schedule of race meetings which would qualify or disqualify any race meetings under subdivision (1) of this section.~~".

## ATTORNEY GENERAL'S OPINION

Opinion No. 79
May 13, 1985

Dear Senator DeCamp:

You have requested our opinion regarding the constitutionality of a proposed amendment to LB 208. Generally, LB 208 in its present form would amend Neb.Rev.Stat. §66-414 (Reissue 1981) by altering the shrinkage allowance granted to dealers of motor vehicle fuels to provide a three percent allowance on the first 75,000 gallons of fuel received monthly, and a two percent allowance on all gallons in excess of 75,000 gallons. The question you have posed to us is whether an amendment to raise the shrinkage allowance to 90 percent would be constitutional.

It is our understanding the rationale behind the allowance contained in §66-414 is based on the fact that, on average, a certain portion of motor vehicle fuels received or imported are lost through shrinkage resulting from evaporation. The three percent allowance presently provided for in §66-414 has existed since 1929. Laws 1929, c. 166, §1, p. 573, C.S. 1929, §66-405.

It appears to us the primary constitutional problem associated with your amendment would be one of unreasonable classification. In your letter, you state various studies have concluded the maximum shrinkage allowance presently necessary would be approximately one percent. We do not have sufficient factual information to determine what would be an appropriate or reasonable percentage to allow based on actual shrinkage under present conditions. In any event, this

determination of reasonableness is one which must, in the first instance, rest with the Legislature.

Based on the information you have given us, we believe an allowance of 90 percent would not bear any rational relationship to the amount of motor vehicle fuels lost due to shrinkage. It is therefore our opinion that your amendment to provide for a 90 percent shrinkage allowance would be held unconstitutional on the ground it established an unreasonable classification bearing no rational relationship to the object or purpose sought to be achieved.

Very truly yours,
ROBERT M. SPIRE
Attorney General
(Signed) L. Jay Bartel
Assistant Attorney General

LJB:ejg
cc: Patrick J. O'Donnell
Clerk of the Legislature

## SELECT COMMITTEE REPORTS
### Enrollment and Review

### Correctly Enrolled

The following bill was correctly enrolled: 271.

(Signed) Timothy Hall, Chairperson

### MOTION - Revive LR 57

Mr. Pappas renewed his pending motion found in the Journal on page 2190 to revive LR 57 notwithstanding the action of the committee.

Mr. R. Johnson asked unanimous consent to be excused until he returns. No objections. So ordered.

Mrs. Labedz moved the previous question. The question is, "Shall the debate now close?"

Mrs. Higgins moved for a call of the house. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

The motion to cease debate prevailed with 25 ayes, 0 nays, and 24 not voting.

The Pappas motion to revive LR 57 prevailed with 27 ayes, 10 nays, 7 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

## GENERAL FILE

**LEGISLATIVE BILL 726.** Title read. Considered.

Mr. DeCamp offered the following amendment:
To amend LB 726 by adding the following provision:
Section 2. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.

The DeCamp amendment was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 87A.** Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

### MOTION - Return LB 356 to Select File

Mr. Chambers moved to return LB 356 to Select File for the following specific amendment:
Page 2, Line 21: Strike "I" and show as stricken; Reinstate "III".

The Chambers motion to return prevailed with 29 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

## SELECT FILE

**LEGISLATIVE BILL 356.** The Chambers specific amendment found in this day's Journal was adopted with 29 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

Advanced to E & R for Re-Engrossment.

### MOTION - Return LB 408 to Select File

Mr. Conway moved to return LB 408 to Select File for the following specific amendment:

Amend Final Reading Copy
Page 12, line 3, strike "four", insert "five"
Page 12, line 6, strike "eight", insert "ten"

The Conway motion to return lost with 7 ayes, 20 nays, 18 present and not voting, and 4 excused and not voting.

## BILLS ON FINAL READING

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 408.** With Emergency.

A BILL FOR AN ACT relating to gambling; to amend sections 9-140.07, 9-140.08, and 9-146, Reissue Revised Statutes of Nebraska, 1943, sections 9-124, 9-125, 9-126, 9-140.01, 9-140.09, 9-145, 9-148, 9-153, 9-170, 9-178.01, 9-179, 9-183, 9-184, 9-186 to 9-189, and 28-1105, Revised Statutes Supplement, 1984, section 9-173, Revised Statutes Supplement, 1984, as amended by section 2, Legislative Bill 486, Eighty-ninth Legislature, First Session, 1985, and section 9-185, Revised Statutes Supplement, 1984, as amended by section 3, Legislative Bill 486, Eighty-ninth Legislature, First Session, 1985; to state intent; to define and redefine terms; to change provisions relating to bingo, pickle cards, lotteries, and raffles; to provide for certain licenses; to provide powers, duties, and requirements; to eliminate obsolete language; to harmonize provisions; to provide operative dates; to repeal the original sections, and also section 9-1,100, Revised Statutes Supplement, 1984; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 41:

| | | | | |
|---|---|---|---|---|
| Abboud | Conway | Harris | Labedz | Pappas |
| Baack | DeCamp | Hartnett | Lamb | Peterson |
| Barrett | Eret | Hefner | Landis | Pirsch |
| Beyer | Goll | Higgins | Lundy | Remmers |
| Carsten | Goodrich | Hoagland | Morehead | Rogers |
| Chizek | Hall | Johnson, L. | Nelson | Rupp |
| Chronister | Hannibal | Johnson, V. | Nichol | Schmit |

| | | | | |
|---|---|---|---|---|
| Scofield | Vickers | Warner | Wesely | Withem |
| Sieck | | | | |

Voting in the negative, 1:

Chambers

Present and not voting, 3:

| | | |
|---|---|---|
| Beutler | Lynch | Miller |

Excused and not voting, 4:

| | | | |
|---|---|---|---|
| Haberman | Johnson, R. | Marsh | Smith |

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 408A.**

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 408, Eighty-ninth Legislature, First Session, 1985.

Whereupon the 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 | Eret | Hoagland | Miller | Rupp |
| Baack | Goll | Johnson, L. | Morehead | Schmit |
| Barrett | Goodrich | Johnson, R. | Nelson | Scofield |
| Beyer | Hall | Johnson, V. | Nichol | Sieck |
| Carsten | Hannibal | Labedz | Pappas | Vickers |
| Chizek | Harris | Lamb | Peterson | Warner |
| Chronister | Hartnett | Landis | Pirsch | Wesely |
| Conway | Hefner | Lundy | Remmers | Withem |
| DeCamp | Higgins | Lynch | Rogers | |

Voting in the negative, 1:

Chambers

Present and not voting, 1:

Beutler

Excused and not voting, 3:

Haberman Marsh Smith

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

## ATTORNEY GENERAL'S OPINION

Opinion No. 80
May 13, 1985

Dear Senator Wesely:

This is to acknowledge receipt of your letter of April 10, 1985, in which you request an opinion as to the constitutionality of LB 320 and LB 490. You ask specifically whether either LB 320 or LB 490 contain language that would withstand a court test on the question of overbreadth or vagueness, and whether they adequately address the question of duty on the part of the accused if it is necessary to establish criminal liability.

Initially we note that the present statutes which describe the crimes of child abuse and abuse of an incompetent or disabled person (Neb.Rev.Stat. §§28-707 and 28-708 (Cum.Supp. 1984)) do not have any applicable definitional provisions. The definitions provided by Neb.Rev.Stat. §28-710 (Cum.Supp. 1984) are specifically applicable only to §§28-710 to 28-727. Furthermore, in a series of recent cases/*/ various aspects of §§28-707 and 28-708 have been struck down by district courts specifically due to inadequate definition of the terms and phrases employed to describe the crimes in question.

/*/ State v. Frey, District Court of Lancaster County, Docket 65, Page 218 (aff'd in part and rev'd in part), 218 Neb. 558, ___ N.W.2d ___ (1984); State v. Sinica, District Court of Lancaster County, Docket 66, Page 169; State v. Collins and State v. Becke, , District Court of Douglas County, Docket 115, Page 742.

In reviewing the recent cases concerning §§28-707 and 28-708 the specific areas of concern have been (1) the definition of "an incompetent or disabled person," (2) the legal duty of a responsible person to protect the minor child, incompetent or disabled person, (3) the definition of "a situation that endangers his or her life or health,"

(4) the definition of "cruelly confined or cruelly punished," and (5) the definition of "necessary" in the context of food, clothing, shelter or care. We review the present language of LB 320 from the standpoint of the concerns noted by the various district courts.

LB 320

LB 320 would create the Adult Protective Services Act which among other items makes it a crime to abuse a "vulnerable adult" (Section 18) and repeals the present criminal statute, §28-708, concerning "incompetent or disabled" persons (Section 29). The district court in State v. Frey, supra, found several shortcomings in the present language of §28-708. On appeal the Nebraska Supreme Court upheld §28-708 against a challenge based upon overbreadth but reversed for further proceedings on the question of vagueness. The definitional sections of LB 320 which would be applicable to the crime of abusing a "vulnerable adult" are comprehensive while no definitional provisions are presently applicable to §28-708. In our opinion, the new crime of abusing a "vulnerable adult" which would be created by LB 320, in light of the extensive definitional provisions of the bill, is not constitutionally suspect for vagueness or overbreadth. We further believe the legal duty created and defined by LB 320 resolves a further potential defect in the present language of §28-708.

LB 490

LB 490 would create definitional language applicable to the present provisions of §28-707 (abusing a minor child) and §28-708 (abusing an incompetent or disabled person) (Section 2). In addition it specifically requires the existence of a legal duty for a person "entrusted with the custody or care" of either a minor child (§28-707(1)) or an incompetent or dependent person (§28-708(1)). In so doing, it is our opinion that LB 490 remedies the problems found by the district courts to exist in the present language of §28-707 and §28-708 and as such is not constitutionally suspect for vagueness or overbreadth. A statute will not be deemed vague if it uses ordinary terms which find adequate interpretation in common usage and understanding. State v. Sprague, 213 Neb. 581, 330 N.W.2d 739 (1983). Again, although couched in somewhat different language than that contained in LB 320, the creation and definition of a legal duty by LB 490 appears to resolve a potential defect in the present language of §§28-707 and 28-708.

We note in closing that LB 320 repeals §28-708 and substitutes an entirely new crime while LB 490 merely amends and defines the present §28-708. Care should be taken to clarify the final intent of the Legislature regarding §28-708 should both LB 320 and LB 490 appear likely to become law, lest the definitional provisions of LB 490 be applicable in part to a statute repealed by LB 320.

Sincerely,
ROBERT M. SPIRE
Attorney General
(Signed) Royce N. Harper
Assistant Attorney General

RNH:cw
cc: Patrick J. O'Donnell
Clerk of the Legislature

**UNANIMOUS CONSENT - Print in Journal**

Messrs. Wesely and V. Johnson asked unanimous consent to print the following amendment to LB 201 in the Journal. No objections. So ordered.

AM1444

(Amendments to Final Reading Copy)

1. On page 1, line 2, after the semicolon insert "to amend section 43-504, Reissue Revised Statutes of Nebraska, 1943; to eliminate certain aid for unborn children; to change provisions relating to eligibility;"; in line 7 strike the second "and"; and in line 8 after "committee" insert "; and to repeal the original section".

2. On page 3, line 5, after "of" insert "sections 1 to 10 of".

3. On page 4, line 6, after "under" insert "sections 1 to 10 of".

4. Insert new sections as follows:

"Sec. 11. That section 43-504, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

43-504. (1) The term dependent child shall mean a child under the age of eighteen years, or under the age of nineteen if he or she is a full-time student in a secondary school, or in the equivalent level of vocational or technical training, and if, before he or she attains age nineteen, he or she may reasonably be expected to complete the program of such secondary school or such training, who has been deprived of parental support or care by reason of the death, continued absence from the home, physical or mental incapacity of a parent, or partial or total unemployment of the supporting parent, and who is living with his or

her father, mother, grandfather, grandmother, brother, sister, stepfather, stepmother, stepbrother, stepsister, uncle, aunt, first cousin, nephew, or niece, in a place of residence maintained by one or more of such relatives as his, her, or their own home, or who has been removed from the home of such relative as a result of judicial determination to the effect that continuation therein would be contrary to the welfare of such child with placement of such child in a foster family home or child care institution as a result of such determination when the state, any court having jurisdiction of such child, or the county welfare agency is responsible for the care and placement of such child and one of the following conditions exists: (a) Such child received aid from the state in or for the month in which court proceedings leading to such determination were initiated; (b) such child would have received assistance in or for such month if application had been made therefor; or (c) such child had been living with such a relative specified above at any time within six months prior to the month in which such proceedings were initiated and would have received such aid in or for the month that such proceedings were initiated if in such month the child had been living with, and removed from the home of, such a relative and application had been made therefor.

(2) In awarding aid to dependent children payments, the term dependent child shall not include unborn children. ~~As soon as it is medically determined that pregnancy exists, application may be made for initial eligibility or for an increase in an existing unit budget.~~ Payments which do not meet applicable criteria established by federal law for pregnant women ~~and unborn children~~ shall be made from state funds. ~~Only for the purpose of meeting federal requirements, a pregnant woman may be eligible but only (a) if it has been medically verified that the child is expected to be born in the month such payments are made or expected to be born within the three-month period following such month of payment, and (b) if such child had been born and was living with her in the month of payment, she would be eligible for aid to families with dependent children.~~ As soon as it is medically determined that pregnancy exists, a pregnant woman with no other children, who meets the other requirements for aid to dependent children, shall be eligible for a payment for

her needs and medical assistance. Payment may also be made for the needs of a second parent when eligibility of either parent is based on incapacity or unemployment.

(3) A physically handicapped or crippled child shall mean a child who, by reason of a physical defect or infirmity, whether congenital or acquired by accident, injury or disease, is or may be expected to be totally or partially incapacitated for education or for remunerative occupation.

Sec. 12. That original section 43-504, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

5. Underscore sections 1 to 10.

Mr. Beutler asked unanimous consent to print the following amendment to LB 722 in the Journal. No objections. So ordered.

PURPOSE: Provide $23,940 General Funds for relocating the Ombudsman's Office.

AMENDMENT:

On page 4, lines 8 and 9, strike "216,922" and insert "240,862" and in lines 22 and 23, strike "7,296,135" and insert "7,320,075".

## SELECT COMMITTEE REPORTS
### Enrollment and Review

**LEGISLATIVE BILL 516.** Placed on Select File as amended.
E & R amendments to LB 516:
AM5168

1. In the Smith amendment adopted May 13, 1985, found on page 2223 of the Journal, underscore all matter in quotation marks.

2. In the Lamb amendment adopted May 13, 1985, found on page 2222 of the Journal, on page 1, line 5, strike "14" and insert "15"; and after line 10 insert:

"4. Renumber the remaining sections accordingly.".

3. In the Beutler amendment, AM1408, adopted May 13, 1985:

a. On page 2, line 23, strike "such" and insert "any";

b. On page 2, lines 2, 3, 7, 9, 10, 14, 15, 25, and 26; and page 3, lines 2 through 6 and 15, strike "such" and insert "the";

c. On page 3, line 12, strike "Such" and insert "The"; and in line 22 strike "Commission on Judicial Workloads" and insert "commission";

d. On page 5, line 19, strike "Bluffs" and insert "Bluff";

e. For purposes of correlation with section 1, LB 287:

i. On page 5, line 2, after the second comma insert "as amended by section 1, Legislative Bill 287, Eighty-ninth Legislature, First Session, 1985,"; and

ii. On page 7, line 3, after "~~Butte,~~" insert "~~Morrill,~~"; in line 4 strike "~~counties~~" and insert "~~county~~"; in line 5 strike "~~, Morrill, and Garden~~"; in line 9 after "~~Cheyenne,~~" insert "~~Garden,~~"; and in line 21 strike "~~said~~" and insert "~~such~~";

f. On page 8, line 1, after "act" insert an underscored comma;

g. On page 9, line 23, strike "the second" and after "district" insert "2"; in line 24 strike "the third" and after "district" insert "3"; in line 24 strike "two" and insert "2"; and in line 26 strike "three, four, seven,";

h. On page 10, strike line 1 and insert "3, 4, 7, 8, 9, 11, 14, 15, and 19 there"; in line 7 strike "the second or third"; in line 8 after the first "district" insert "2 or 3"; in line 9 strike "the first" and insert "in" and after "district" insert "1"; in line 11 after "Statutes" insert "of Nebraska, 1943, be amended to read as follows:"; and in line 23 strike the comma and show as stricken;

i. On page 11, line 14, strike the comma and show as stricken; in line 15 strike the comma; in line 18 strike the first comma and show as stricken; and in line 21 after "act" insert an underscored comma;

j. On page 12, line 11, strike the comma and insert an underscored semicolon; and in line 26 strike the comma and show as stricken;

k. For purposes of correlation with section 2, LB 287:

i. On page 12, line 19, after the second comma insert "as amended by section 2, Legislative Bill 287, Eighty-ninth Legislature, First Session, 1985,"; and

ii. On page 13, strike beginning with the comma in line 2 through line 8 and insert ", except

that: ~~District 16~~ Election district 14 shall consist of the counties of Sheridan, Grant, Dawes, Box Butte, and Sioux; election district ~~17~~ 15 shall consist of the counties of Scotts Bluff, Morrill, and Garden; and election district ~~19~~ 17 shall consist of the counties of Banner, Kimball, Cheyenne, and Deuel."; and in line 22 after "21" insert a comma;

l. On page 13, line 13, strike "two and three" and insert "2 and 3"; in line 14 strike "one" and insert "1"; and in line 23 after "in" insert "county judge";

m. On page 14, line 12, strike "the second or third"; in line 13 after "district" insert "2 or 3"; in line 14 strike "the"; and in line 15 strike "first" and after "district" insert "1";

n. On page 15, line 6, strike the comma and show as stricken; in line 11 strike "effective" and show as stricken; and in line 23 strike the first comma and show as stricken, after "absence" insert an underscored comma, and strike the second "the" and show as stricken;

o. On page 16, line 15, strike the comma and insert an underscored semicolon; and in line 25, strike the third comma and insert "or";

p. On page 17, line 16, strike the comma and show as stricken; and in line 17 strike "said", show as stricken, and insert "the";

q. On page 18, line 15, strike "said" and show as stricken; and in line 19 after "obtained" insert an underscored comma; and

r. On page 19, line 10, strike "5-105,"; in line 12 strike "and sections 24-503 and" and insert "section"; and in line 13 after the second comma insert "section 5-105, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 287, Eighty-ninth Legislature, First Session, 1985, and section 24-503, Revised Statutes Supplement, 1984, as amended by section 2, Legislative Bill 287, Eighty-ninth Legislature, First Session, 1985,".

4. On page 1, line 1, strike "5-105,"; in line 3 strike "and sections" and insert "section"; in line 4 strike "24-503 and"; in line 5 strike the semicolon and insert ", section 5-105, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 287, Eighty-ninth Legislature, First Session, 1985, and section 24-503, Revised Statutes

Supplement, 1984, as amended by section 2, Legislative Bill 287, Eighty-ninth Legislature, First Session, 1985; to create a commission; to provide powers and duties;"; in line 6 strike "subdistricts" and insert "election districts"; and in line 10 after the first semicolon insert "to harmonize provisions;".

**LEGISLATIVE BILL 598.** Placed on Select File as amended.
E & R amendments to LB 598:
AM5169

1. In the Sieck amendment adopted May 13, 1985, remove the underscoring.
2. On page 1, line 3, after "prescribed" insert "; to provide penalties".

(Signed) Timothy Hall, Chairperson

## BILL ON FINAL READING

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 439.**

A BILL FOR AN ACT relating to elections; to amend sections 32-221 and 32-223, Reissue Revised Statutes of Nebraska, 1943; to change methods for registering to vote; to provide a form; to provide procedures for certain voter registrations; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 26:

| | | | | |
|---|---|---|---|---|
| Baack | Eret | Hoagland | Lynch | Scofield |
| Beutler | Hall | Johnson, V. | Miller | Sieck |
| Beyer | Harris | Labedz | Nelson | Vickers |
| Chambers | Hartnett | Landis | Pappas | Wesely |
| Chizek | Higgins | Lundy | Rupp | Withem |
| Conway | | | | |

Voting in the negative, 19:

| | | | | |
|---|---|---|---|---|
| Abboud | Barrett | Carsten | Chronister | DeCamp |

| | | | | |
|---|---|---|---|---|
| Goll | Hefner | Lamb | Peterson | Schmit |
| Goodrich | Johnson, L. | Morehead | Pirsch | Warner |
| Hannibal | Johnson, R. | Nichol | Remmers | |

Present and not voting, 1:

Rogers

Excused and not voting, 3:

Haberman Marsh Smith

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**MOTION - Return LB 447 to Select File**

Mr. Wesely moved to return LB 447 to Select File for his specific amendment, AM1385, found in the Journal on page 2215.

The Wesely motion to return prevailed with 32 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.

**SELECT FILE**

**LEGISLATIVE BILL 447.** The Wesely specific amendment, AM1385, found in the Journal on page 2215 was adopted with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

Advanced to E & R for Re-Engrossment.

**UNANIMOUS CONSENT - Withdraw Amendment to LB 715**

Mr. Pappas asked unanimous consent to withdraw his pending amendment found in the Journal on page 2203 to LB 715. No objections. So ordered.

**MOTION - Return LB 715 to Select File**

Mr. Remmers moved to return LB 715 to Select File for the following specific amendment:
AM1438

(Amendments to the Final Reading Copy)

1. On page 38, line 17, strike "and", show as stricken, and insert "or"; in line 18 after "the" insert

"total annual", strike "purchased" and insert "of any such sale or purchase", and strike "directly"; in line 19 reinstate the stricken "mining,"; in line 20 strike the new matter and reinstate the stricken matter and after "farming" insert ", ranching, hospital services,"; in line 21 through 24 reinstate the stricken matter; and in line 24 after the reinstated "uses" insert "other than temperature control by means of heating or air conditioning for human convenience and lighting".

Mr. Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. V. Johnson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Remmers requested a roll call vote on his motion to return.

Voting in the affirmative, 21:

| | | | | |
|---|---|---|---|---|
| Abboud | Chronister | Haberman | Lamb | Pirsch |
| Baack | DeCamp | Hefner | Nichol | Remmers |
| Barrett | Goll | Johnson, L. | Pappas | Rogers |
| Beyer | Goodrich | Johnson, R. | Peterson | Rupp |
| Carsten | | | | |

Voting in the negative, 25:

| | | | | |
|---|---|---|---|---|
| Beutler | Hall | Hoagland | Lynch | Sieck |
| Chambers | Hannibal | Johnson, V. | Miller | Vickers |
| Chizek | Harris | Labedz | Nelson | Warner |
| Conway | Hartnett | Landis | Schmit | Wesely |
| Eret | Higgins | Lundy | Scofield | Withem |

Present and not voting, 1:

Morehead

Excused and not voting, 2:

Marsh Smith

The Remmers motion to return lost with 21 ayes, 25 nays, 1 present and not voting, and 2 excused and not voting.

## UNANIMOUS CONSENT - Print in Journal

Mr. Wesely asked unanimous consent to print the following amendment to LB 722 in the Journal. No objections. So ordered.

AM1432

1. On page 117, line 6, after "Sec. 84." insert "(1)"; in line 9 after "of" insert ": (a) A change in plan design to a comprehensive major medical plan, including high option number one and basic plan option number two, as bid for the new contract period beginning on or after July 1, 1985; and (b)"; in line 10 after the period insert "The new contract with the changes to the current health insurance program as specified in this subsection shall become operative January 1, 1986."; in line 11 before "Employer" insert "(2)" and begin a paragraph; and in line 17 after the period insert "The current percentage of employer and employee contributions to the health insurance carrier during the 1984-85 fiscal year for the total monthly high option health insurance premium shall continue to be used in determining monthly premium contributions from the fund to the health insurance carrier.".

Mr. Vickers asked unanimous consent to print the following amendment to LB 204 in the Journal. No objections. So ordered.

AM1274

1. Insert the following new sections:

"Section 1. (1) It is the intent of the Legislature to encourage cooperative and coordinated programs in higher education to the end that there will be adequate access and educational opportunity for residents at a reasonable cost to taxpayers. The Legislature finds that interstate agreements between institutions are a cost effective means to ensure quality programs and student access. The purpose of this act is to require the governing boards of all public postsecondary institutions to investigate opportunities for cooperative programs with contiguous states and other states in close proximity to Nebraska prior to initiating new programs independently.

(2) The requirement to investigate cooperative programs shall apply to all proposed graduate level and

professional programs of instruction with special emphasis and application to high cost and small enrollment programs in medical education, including the cooperative program for veterinary medicine described in sections 4, 5, and 6 of this act.

(3) The requirement to investigate cooperative programs shall also be applicable to existing programs which are required to be reviewed in detail pursuant to subsection (2) of section 85-9,106.

Sec. 2. (1) There is hereby created a Special Legislative Oversight Committee for cooperative educational programs to be composed of the chairpersons of the Education and Appropriations Committees, the chairperson of the Executive Board of the Legislature, and the chairperson and three members of the standing committee, as designated by the Chairperson of the Executive Board, with jurisdiction over the subject matter which is most related to the subject matter of any program in higher education to be reviewed by the special committee.

(2) The function of the Special Legislative Oversight Committee for cooperative educational programs shall be to (a) establish an ongoing working relationship with legislative leaders in contiguous states and states in close proximity to Nebraska for the purpose of reviewing and discussing potential and existing cooperative programs in the public postsecondary sector for cooperative education and (b) to approve all cooperative agreements negotiated by the governing boards of public postsecondary institutions which will require an appropriation of general fund dollars by the Legislature. Such approval shall be required prior to the final execution of any contract entered into by the governing boards pursuant to section 1 of this act.

(3) The Legislative Research Office shall be responsible for coordinating staff responsibilities for the support of such committee and may request such assistance as is necessary and appropriate from any agency of state government.

Sec. 3. Prior to the approval of cooperative agreements which will require state general fund appropriations, the Special Legislative Oversight Committee shall consider the needs, projections, and analysis required by section 85-9,109. No cooperative

agreement for a new program shall be approved unless the program of instruction has been identified as filling an unmet need pursuant to the five-year projections required by section 85-9,109.".

2. On page 2, line 3, after "may" insert ",subject to the approval of the Special Legislative Oversight Committee created in section 2 of this act,"; in line 5 strike "other" and insert "contiguous" and after "states" insert "and other states in close proximity to Nebraska"; and in line 13 after the period insert "Any such agreement which will require an appropriation of general fund dollars shall be approved by the Special Legislative Oversight Committee created in section 2 of this act.".

3. On page 3, line 5, strike "subdivision (3) of section 1" and insert "section 4"; in line 6, after the period insert "Construction of such facilities and employment of such staff shall be pursuant to an agreement for a cooperative veterinary medicine program which has been approved by the Special Legislative Oversight Committee."; and in line 14 strike "1" and insert "4".

4. Renumber remaining sections accordingly.

## RESOLUTION

**LEGISLATIVE RESOLUTION 268.**

Introduced by Hall, 7th District; Labedz, 5th District.

WHEREAS, the federal Old Age Survivors' and Disability Insurance Program was established in order to provide certain persons, including the elderly, with an adequate income to meet basic needs and live in a dignified manner; and

WHEREAS, persons with similar wage histories receive greater old age benefits under this program if they have reached the age of sixty-two during or prior to 1978 than if they reach the age of sixty-two after 1978; and

WHEREAS, it is clearly unjust to permit persons reaching the age of sixty-two after 1978 to receive substantially less in social security benefits than those with similar wage histories who reached the age of sixty-two prior to 1978.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature hereby requests the Congress and President of the United States to enact legislation equalizing old age benefit levels received under the Social Security program for all persons with similar wage histories, regardless of the date when such persons reach sixty-two years of age.

2. That copies of this resolution be transmitted by the Clerk of the Legislature to the President of the United States, the Speaker of the House of Representatives, and each member of the Nebraska Congressional Delegation.

Laid over.

## UNANIMOUS CONSENT - Print in Journal

Mrs. Pirsch asked unanimous consent to print the following amendment to LB 144 in the Journal. No objections. So ordered.

(1)

Amendments to Amendments (AM1291) to LB 144:

1. On page 28, line 13, after "for" insert "reduction of real property taxes."

2. On page 28, line 20, after the period insert the following new language:

"At least 90% of the remainder of the proceeds, after payment of taxes pursuant to section 9-196, which the governmental subdivision receives under this section shall be used solely for reduction of real property taxes within the county where the electronic video lottery is conducted.

(2)

Amendments to Amendments (AM1291) to LB 144:

1. On page 3, after line 6, insert the following new subsection and renumber the remaining subsections accordingly:

"(1) Community betterment purposes shall mean the use of proceeds of an electronic video lottery for the following limited purposes:

(a) to improve the environmental quality of the governmental subdivision through the reduction of litter and waste material; and

(b) to protect the public health, safety, and well-being of the citizens of the State of Nebraska through more efficient, effective law enforcement procedures and policies."

Mrs. Pirsch asked unanimous consent to print the following amendment to LB 247 in the Journal. No objections. So ordered.

1. On page 11, add the following new section:
"Notwithstanding any provision of the laws of the State of Nebraska, any State or local law enforcement agency which participated directly with Federal law enforcement agencies in any of the acts which led to the seizure or forfeiture of property being held by Federal law enforcement agencies shall be authorized to receive such property directly from the Federal government."

## BILL ON FINAL READING

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 715.**

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701, 77-2702, 77-2703, 77-2704, and 77-2708, Revised Statutes Supplement, 1984; to define and redefine terms; to eliminate definitions; to change provisions relating to the sales and use tax as prescribed; to change exemptions; to eliminate an exemption; to provide for a refund; to harmonize provisions; to provide an operative date; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 25:

| | | | | |
|---|---|---|---|---|
| Beutler | Hall | Johnson, V. | Miller | Sieck |
| Chambers | Hannibal | Labedz | Nelson | Vickers |
| Chizek | Hartnett | Landis | Pirsch | Warner |
| Conway | Higgins | Lundy | Schmit | Wesely |
| Eret | Hoagland | Lynch | Scofield | Withem |

Voting in the negative, 22:

| | | | | |
|---|---|---|---|---|
| Abboud | Chronister | Harris | Lamb | Peterson |
| Baack | DeCamp | Hefner | Morehead | Remmers |
| Barrett | Goll | Johnson, L. | Nichol | Rogers |
| Beyer | Goodrich | Johnson, R. | Pappas | Rupp |
| Carsten | Haberman | | | |

Excused and not voting, 2:

Marsh Smith

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: 393, 236, 273, 273A, 432, 432A, 532, 102, 271, 271A, 408, 408A, and 439.

## BILL ON FINAL READING

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 715A.**

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 715, Eighty-ninth Legislature, First Session, 1985.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 26:

| | | | | |
|---|---|---|---|---|
| Beutler | Hall | Johnson, V. | Miller | Sieck |
| Carsten | Hannibal | Labedz | Nelson | Vickers |
| Chambers | Hartnett | Landis | Pirsch | Warner |
| Chizek | Higgins | Lundy | Schmit | Wesely |
| Conway | Hoagland | Lynch | Scofield | Withem |
| Eret | | | | |

Voting in the negative, 21:

| | | | | |
|---|---|---|---|---|
| Abboud | DeCamp | Harris | Lamb | Peterson |
| Baack | Goll | Hefner | Morehead | Remmers |
| Barrett | Goodrich | Johnson, L. | Nichol | Rogers |
| Beyer | Haberman | Johnson, R. | Pappas | Rupp |
| Chronister | | | | |

Excused and not voting, 2:

Marsh Smith

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: 715 and 715A.

## UNANIMOUS CONSENT - Member Excused

Mr. Warner asked unanimous consent to be excused. No objections. So ordered.

## EXPLANATION OF VOTE

Had I been present, I would have voted yes on LB 408E and no on LB 439.

(Signed) Rex Haberman

## UNANIMOUS CONSENT - Print in Journal

Mr. Wesely asked unanimous consent to print the following amendment to LB 722 in the Journal. No objections. So ordered.

AM1453

1. On page 117, line 6, after "Sec. 84." insert "(1)"; in line 10, after the period insert "The new contract with the changes to the current health insurance program as specified in this subsection shall become operative January 1, 1986."; in line 11, before "Employer" insert "(2)" and begin a paragraph; in line 17 after the period insert "The current percentage of employer and employee contributions to the health insurance carrier during the 1984-85 fiscal year for the total monthly high option health insurance premium shall continue to be used in determining monthly premium contributions from the fund to the health insurance carrier."; and after line 24 insert:

"(3) It is the intent of the Legislature that the state employee health insurance program shall adopt a comprehensive medical plan which shall become operative on January 1, 1987.".

Messrs. Lynch and DeCamp asked unanimous consent to print the following amendment to LB 722 in the Journal. No objections. So ordered.

AM1392

1. On page 40, line 11, strike "6,871,507" and insert "7,171,507"; in line 12 strike "1,778,512" and insert "2,278,512"; in line 13 strike "8,650,019" and insert "9,450,019"; and in line 18 strike "$3,815,822" and insert "$4,115,822" and strike "$1,300,000" and insert "$1,800,000".

2. On page 41, line 11, strike "25,127,907" and insert "24,827,907"; in line 13 strike "3,710,872" and insert "4,210,872"; in line 14 strike "36,099,289" and insert "36,299,289"; in line 19 strike "$5,070,551" and insert "$5,370,551" and strike "$919,732" and insert "$1,419,732"; and in line 23 strike "$4,645,638" and insert "$4,945,638".

3. On page 48, line 11, strike "14,561,703" and insert "15,561,703"; and in line 12 strike "100,806,959" and insert "101,806,959".

Mr. Warner asked unanimous consent to print the following amendment to LB 724 in the Journal. No objections. So ordered.

AM1449

1. On page 2, strike beginning with "the" in line 10 through "Services" in line 11 and insert "Nelson, Morris, and Holderman, 1610 South 70th Street, Suite 200, Lincoln, Nebraska 68506"; in line 12 strike "52,273.20" and insert "19,341.08"; and after line 12 insert "out of the Department of Social Services' federal funds 32,932.12".

2. On page 3, strike beginning with "the" in line 5 through "Services" in line 6 and insert "Cecile A. Brady, 825 Terminal Building, Lincoln, Nebraska 68508"; and strike beginning with "the" in line 9 through "Services" in line 10 and insert "Gerald D. Warren, P. O. Box 228, Aurora, Nebraska 68818".

Mr. Warner asked unanimous consent to print the following amendment to LB 722 in the Journal. No objections. So ordered.

AM1422

Purpose: Reduce various aid to political subdivision

programs by 1% across the board.

1. Purpose: To reduce aid to natural resources districts by $6,860.

Amendment: On page 10, line 24, strike "686,000" and insert "679,140"; and in line 27 strike "$686,000" and insert "$679,140".

2. Purpose: To reduce aid to municipalities by $170,687.

Amendment: On page 11, line 6, strike "17,068,660" and insert "16,897,973"; and in line 9 strike "$17,068,660" and insert "$16,897,973".

3. Purpose: To reduce aid to counties by $166,600.

Amendment: On page 11, line 15, strike "16,660,000" and insert "16,493,400"; and in line 18 strike "$16,660,000" and insert "$16,493,400".

4. Purpose: To reduce state aid to education by $1,337,161; high school tuition reimbursement by $54; and school lunch funds by $8,000.

Amendment: On page 14, line 10, strike "134,606,175" and insert "133,260,960"; in lines 14, 15, 19, and 21 strike "$93,100,000" and insert "$92,169,000"; and in line 26 strike "$40,616,100" and insert "$40,209,939".

On page 15, line 4, strike "$5,375" and insert "$5,321"; and in line 13 strike "$134,521,475" and insert "$133,176,260".

5. Purpose: To reduce aid for adult education by $52.

Amendment: On page 16, line 14, strike "61,670" and insert "61,618"; and in line 21 strike "$5,215" and insert "$5,163".

6. Purpose: To reduce aid for vocational education by $1,237.

Amendment: On page 16, line 25, strike "866,781" and insert "865,544".

On page 17, line 5, strike "$308,634" and insert "$307,397".

7. Purpose: To reduce aid to local health departments by $500.

Amendment: On page 31, line 23, strike "735,436" and insert "734,936".

On page 32, line 4, strike "$84,892" and insert "$84,392".

8. Purpose: to reduce aid for alcohol/drug

abuse programs by $38,158.

Amendment: On page 40, line 11, strike "6,871,507" and insert "6,833,349"; and in line 18 strike "$3,815,822" and insert "$3,777,664".

9. Purpose: To reduce aid for mental health programs by $50,706.

Amendment: On page 41, line 11, strike "25,127,907" and insert "25,077,201"; in line 19 strike "$5,070,551" and insert "$5,019,845"; in line 23 strike "$4,645,638" and insert "$4,599,182"; and in line 27 strike "$120,000" and insert "$118,800".

10. Purpose: To reduce aid for mental retardation programs by $210,484.

Amendment: On page 42, line 12, strike "21,048,373" and insert "20,837,889"; in line 15 strike "$21,048,373" and insert "$20,837,889"; and in line 23 strike "1,368,768" and insert "1,355,080".

On page 43, line 2, strike "1,120,796" and insert "1,109,588"; in line 8 strike "3,184,616" and insert "3,152,770"; in line 14 strike "2,868,278" and insert "2,839,595"; in line 20 strike "6,063,855" and insert "6,003,217"; and in line 26 strike "6,442,060" and insert "6,377,639".

On page 44, line 11, strike "$679,125" and insert "$672,334"; in line 15 strike "$112,764" and insert "$111,636"; in line 18 strike "$465,376" and insert "$460,722"; in line 22 strike "$294,993" and insert "$292,043"; and in line 26 strike "$37,691" and insert "$37,314".

11. Purpose: To reduce aid to local transit systems by $18,192.

Amendment: On page 55, line 7, strike "1,839,210" and insert "1,821,018"; and in line 12 strike "$1,819,210" and insert "$1,801,018".

12. Purpose: To reduce aid to libraries by $5,746.

Amendment: On page 64, line 21, strike "797,611" and insert "791,865".

On page 65, line 2, strike "$722,598" and insert "$716,852".

13. Purpose: To reduce aid for the Soil and Water Conservation Fund by $19,456.

Amendment: On page 89, line 21, strike "1,945,660" and insert "1,926,204"; and in line 27 strike "$1,945,660" and insert "$1,926,204".

14. Purpose: To reduce aid for the Resources Development Fund by $12,518.

Amendment: On page 90, line 17, strike "1,251,800" and insert "1,239,282"; and in line 23 strike "$1,251,800" and insert "$1,239,282".

15. Purpose: To reduce aid to area agencies on aging by $14,294.

Amendment: On page 101, line 18, strike "2,161,362" and insert "2,147,068"; and in line 25 strike "$1,792,517" and insert "$1,778,223".

16. Purpose: To reduce aid to Councils of government by $1,169.

Amendment: On page 103, line 21, strike "1,928,458" and insert "1,927,289".

On page 104, line 2, strike "$116,875" and insert "$115,706".

17. Purpose: To reduce aid to counties and villages with Indian reservations by $1,638.

Amendment: On page 106, line 3, strike "163,759" and insert "162,121"; and in line 9 strike "$163,584" and insert "$161,946".

18. Purpose: To reduce aid to technical community colleges by $236,134.

Amendment: On page 109, line 12, strike "23,613,418" and insert "23,377,284"; and in line 15 strike "$23,613,418" and insert "$23,377,284".

19. Purpose: To reduce aid for waste water treatment by $18,000.

Amendment: On page 110, line 12, strike "1,800,000" and insert "1,782,000"; and in line 18 strike "$1,800,000" and insert "$1,782,000".

Mr. Warner asked unanimous consent to print the following amendment to LB 723 in the Journal. No objections. So ordered.

AM1421

1. Purpose: Delete $20,000 General Funds for capital facilities planning - State Department of Education.

Amendment: Strike section 5.

2. Purpose: Delete $25,000 General Funds for fiscal year 1985-86 and $193,700 for fiscal year 1985-86 for sewer system connection at the Norfolk Regional Center.

Amendment: Strike section 8.

3. Purpose: Delete $30,000 General Funds for capital facilities planning - Military Department.
Amendment: Strike section 12.
4. Purpose: Reduce State College Miscellaneous renovation funds by $75,000 General Funds.
Amendment: On page 8, line 14, strike "$150,000" and insert "$75,000".
5. Purpose: Delete $110,000 General Funds for state capitol restoration, repair, and renovation projects; substitute cash funds.
Amendment: On page 12, line 21, strike "State Building Fund" and insert "Department of Administrative Services Cash Fund".
6. Purpose: Reduce appropriations for LB 309 Task Force by $1,000,000 General Funds.
Amendment: On page 12, line 25, strike "$1,925,000" and insert "$925,000".
7. Purpose: Defer $750,000 General Funds for the Lab Science project at the University of Nebraska - Omaha, from fiscal year 1985-86 to fiscal year 1987-88.
Amendment: On page 20, line 6, strike "$2,601,000" and insert "$1,851,000"; and in line 13 strike "$2,000,000" and insert "$2,750,000".
8. Purpose: Reduce $182,406 General Funds for the Grand Island Law Enforcement Training Center lease payment due to excess available balances.
Amendment: On page 21, in lines 1 and 4, strike "$360,000" and insert "$177,594".

## UNANIMOUS CONSENT - Member Excused

Mr. R. Johnson asked unanimous consent to be excused. No objections. So ordered.

## UNANIMOUS CONSENT - Withdraw Amendment to LB 496

Mr. Schmit asked unanimous consent to withdraw his pending amendment, AM1403, found in the Journal on page 2218 to LB 496. No objections. So ordered.

## MOTION - Return LB 496 to Select File

Mr. Schmit moved to return LB 496 to Select File for the following specific amendment:
AM1442

(Amendments to Final Reading Second)

1. Insert the following new section:

"Sec. 2. That section 39-669.26, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-669.26. In order to prevent and eliminate successive traffic violations, there is hereby provided a point system dealing with traffic violations as disclosed by the files of the Director of Motor Vehicles. The following point system shall be adopted:

(1) Conviction of motor vehicle homicide -- 12 points;

(2) Third offense drunken driving in violation of any city or village ordinance or of section 39-669.07, as disclosed by the records of the director, regardless of whether the trial court found the same to be a third offense -- 12 points;

(3) Failure to stop and render aid as required under the laws of this state in the event of involvement in a motor vehicle accident resulting in the death or personal injury of another -- 6 points;

(4) Failure to stop and render aid as required under the laws of this state or any city or village ordinance in the event of a motor vehicle accident resulting in property damage if such accident is reported by the owner or operator within twelve hours from the time of the accident -- 4 points, otherwise -- 8 points, and for purposes of this subdivision a telephone call or other notification to the appropriate peace officers shall be deemed to be a report;

(5) Driving a motor vehicle while under the influence of alcoholic liquor or any drug or with ten-hundredths of one per cent or more by weight of alcohol in body fluids in violation of any city or village ordinance or of section 39-669.07 -- 6 points;

(6) Willful reckless driving in violation of any city or village ordinance or of section 39-669.03 or 39-669.05 -- 6 points;

(7) Careless driving in violation of any city or village ordinance or of section 39-669 -- 4 points;

(8) Negligent driving in violation of any city or village ordinance -- 3 points;

(9) Reckless driving in violation of any city or village ordinance or of section 39-669.01 -- 5 points;

(10) Speeding in violation of any city or village ordinance or of section 39-662, 39-663, or 39-666: (a) Not more than five miles per hour over the speed limit -- 1 point; (b) more than five miles per hour but not more than ten miles per hour over the speed limit -- 2 points; (c) more than ten miles per hour over the speed limit -- 3 points; PROVIDED, that no points shall be assessed upon conviction of exceeding by not more than ten miles per hour the speed limit on any part of the National System of Interstate and Defense Highways; AND PROVIDED FURTHER, that one point shall be assessed upon conviction of exceeding by not more than ten miles per hour, two points shall be assessed upon conviction of exceeding by more than ten miles per hour but not more than fifteen miles per hour, and three points shall be assessed upon conviction of exceeding by more than fifteen miles per hour, the speed limits provided for in subdivision (2)(c) or (d) of section 39-662 or subdivision (1)(c), (d), or (e), (2)(c), (d), or (e), or (4)(c) or (d) of section 39-666 except as provided in the first proviso in this subdivision;

(11) Failure to yield to a pedestrian not resulting in bodily injury to a pedestrian -- 2 points;

(12) Failure to yield to a pedestrian resulting in bodily injury to a pedestrian -- 4 points; and

(13) All other traffic violations involving the operation of motor vehicles by the operator, for which reports to the Department of Motor Vehicles are required under sections 39-669.22 and 39-669.23, not including violations for not wearing a safety belt as prescribed in section 1 of this act, parking violations, violations for operating a motor vehicle without a valid operator's license in the operator's possession, muffler violations, overwidth, overheight, or overlength violations, motorcycle protective headgear violations, or overloading of trucks -- 1 point.

All such points shall be assessed against the driving record of the operator as of the date of the violation for which conviction was had. Points may be reduced by the department under section 39-669.37.

In all cases, the forfeiture of bail, not vacated, shall be regarded as equivalent to the conviction of the offense with which the operator was

charged.".

2. On page 1, line 1, strike "section" and insert "sections 39-669.26 and"; in line 4 after the second semicolon insert "to change a provision relating to the point system;"; and in line 8 strike "section" and insert "sections".

3. On page 2, strike beginning with "be" in line 12 through "Vehicles" in line 13 and insert "(1) be of a type which meets the requirements of 49 C.F.R. section 571.208 as such regulation currently exists or as the regulation existed when the safety belts were originally installed by the manufacturer or (2) if the safety belts have been replaced, be of a type which meets the requirements of 49 C.F.R. section 571.208 that applied to the originally installed safety belts or a more recently issued version of such regulation"; in line 16 strike "3 to 6" and insert "4 to 7"; in line 21 strike "new" and show as stricken; in line 22, strike "1964", show as stricken, and insert "1973"; in line 23 strike "sold" and show as stricken; in line 24 strike "in this state and" and show as stricken; and strike beginning with "has" in line 26 through "Vehicles" in line 27, show as stricken, and insert "shall (1) be of a type which meets the requirements of 49 C.F.R. section 571.208 as such regulation currently exists or as the regulation existed when the safety belts were originally installed by the manufacturer or (2) if the safety belts have been replaced, be of a type which meets the requirements of 49 C.F.R. section 571.208 that applied to the originally installed safety belts or a more recently issued version of such regulation".

4. On page 3, line 2, after "vehicle" insert "in this state".

5. On page 4, line 2, strike "section" and insert "sections 39-669.26 and"; and in line 3 strike "is" and insert "are".

6. Renumber the remaining sections accordingly.

The Schmit motion to return prevailed with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

## SELECT FILE

**LEGISLATIVE BILL 496.** The Schmit specific amendment,

AM1442, found in this day's Journal was adopted with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

Mrs. Pirsch requested a machine vote on the advancement of the bill.

Advanced to E & R for Re-Engrossment with 25 ayes, 7 nays, 13 present and not voting, and 4 excused and not voting.

## VISITORS

Visitors to the Chamber were 13 members of Shenandoah, Iowa Book Club; 5 students and teacher from Aurora Elementary School; Mr. and Mrs. Don Fraser; Executive Director Wallace Coffey and 55 members of the Winnebago Tribe of Nebraska; 44 fourth grade students and teachers from Oak Valley School, Omaha; and 12 third and fourth grade students and teachers from Douglas Community School.

## ADJOURNMENT

At 4:29 p.m., on a motion by Mr. Miller, the Legislature adjourned until 9:00 a.m., Wednesday, May 15, 1985.

Patrick J. O'Donnell
Clerk of the Legislature

# SEVENTY-NINTH DAY - MAY 15, 1985

## LEGISLATIVE JOURNAL

## EIGHTY-NINTH LEGISLATURE
## FIRST SESSION

## SEVENTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, May 15, 1985

Pursuant to adjournment, the Legislature met at 9:00 a.m.. President McGinley presiding.

## PRAYER

The prayer was offered by Dr. Robert Palmer, Westminster Presbyterian Church, Lincoln, Nebraska.

## ROLL CALL

The roll was called and all members were present except Mrs. Marsh who was excused; and Messrs. Chambers, Chizek, Goodrich, Hoagland, R. Johnson, Rogers, Mesdames Higgins, Labedz, Nelson, and Pirsch who were excused until they arrive.

## CORRECTIONS FOR THE JOURNAL

The Journal for the Seventy-Eighth Day was approved.

## SELECT COMMITTEE REPORTS
### Enrollment and Review

**LEGISLATIVE BILL 726.** Placed on Select File as amended.
E & R amendment to LB 726:
AM5171
1. On page 1, line 2, strike "and"; and in line 4 after "1943" insert "; and to declare an emergency".

**LEGISLATIVE BILL 87A.** Placed on Select File as amended.

E & R amendment to LB 87A:
AM5170
1. On page 2, line 13, after "347" insert a comma.

**Correctly Re-Engrossed**

The following bills were correctly re-engrossed: 213 and 553.

(Signed) Timothy Hall, Chairperson

**Enrollment and Review Change to LB 213**
**(Final Reading Copy)**

The following changes, required to be reported for publication in the Journal, have been made:
ER0086
1. On page 1, line 1 "section 48-838" has been struck and "sections 48-801 and 48-816" inserted; in line 2 "to define a term;" has been inserted after the semicolon; and in line 4 "section" has been struck and "sections" inserted.

(Signed) Mary Sommermeyer
E & R Attorney

**PRESENTED TO THE GOVERNOR**

Presented to the Governor on May 14, 1985, at 4:40 p.m., were the following bills: 393, 236, 271, 271A, 273, 273A, 432, 432A, 532, 102, 408, 408A, 439, 715, and 715A.

(Signed) Pam Movavec, Enrolling Clerk

**UNANIMOUS CONSENT - Print in Journal**

Mr. Wesely asked unanimous consent to print the following amendment to LB 325 in the Journal. No objections. So ordered.

AM1448
(Amendments to Standing Committee amendments)
1. On page 1, line 1, strike "Strike original section 5 and insert" and insert "Insert"; and in line 3 strike "7" and insert "8".
2. Insert the following new amendments:
"3. On page 6, strike lines 24 through 27.

4. On page 7, strike lines 1 through 3.

5. On page 8, after line 7 insert the following new subsection:

'(5) At the option of the retiring member, any annuity provided under this section or section 84-1320 may be deferred to commence as of the first of the month at any time prior to the member's seventieth birthday. Such election by the retiring member may be made at any time prior to the commencement of the annuity payments. Such deferred annuity shall be the actuarial equivalent, based on factors designated by the board, of the retirement value, or of the prior service annuity for an annuity provided under section 84-1320.'; and in line 15 after the period insert 'At the option of the member, the first payment may be deferred to commence as of the first of the month at any time prior to the member's seventieth birthday. Such deferred benefit shall be the actuarial equivalent, based on factors designated by the board, of the prior service benefit.'.

7. On page 10, line 13, strike 'sixty-fifth' show as stricken, and insert 'seventieth'.".

3. On page 2, line 3, after the first comma insert "line 4, strike 'sixty-fifth', show as stricken, and insert 'seventieth'; and in" and after "14" strike the comma; in line 6 after the semicolon insert "and"; and in line 7 strike "; and in line 17 strike '84-1319,' ".

4. Renumber remaining amendments accordingly.

## RESOLUTION

**LEGISLATIVE RESOLUTION 265.** Read. Considered.

LR 265 was adopted with 28 ayes, 0 nays, and 21 not voting.

## SELECT FILE

**LEGISLATIVE BILL 196.** Advanced to E & R for Engrossment.
**LEGISLATIVE BILL 197.** Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 722.** E & R amendments, AM5156, found in the Journal on page 2018 for the Seventy-First Day were adopted.

Messrs. Hoagland, Withem, and V. Johnson asked unanimous consent to withdraw their pending amendment found in the Journal

on page 1928. No objections. So ordered.

Mr. Hannibal asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. V. Johnson renewed his pending amendment found in the Journal on page 1925.

Mr. Lamb requested a record vote on the V. Johnson amendment.

Voting in the affirmative, 19:

| | | | | |
|---|---|---|---|---|
| Abboud | Hall | Johnson, V. | Nelson | Schmit |
| Beyer | Hartnett | Lamb | Pappas | Smith |
| Chizek | Hefner | Landis | Pirsch | Withem |
| Chronister | Higgins | Lynch | Rupp | |

Voting in the negative, 24:

| | | | | |
|---|---|---|---|---|
| Baack | DeCamp | Hoagland | Morehead | Sieck |
| Barrett | Eret | Johnson, L. | Nichol | Vickers |
| Beutler | Goll | Johnson, R. | Peterson | Warner |
| Carsten | Haberman | Labedz | Remmers | Wesely |
| Conway | Harris | Miller | Scofield | |

Present and not voting, 1:

Lundy

Excused and not voting, 5:

| | | | | |
|---|---|---|---|---|
| Chambers | Goodrich | Hannibal | Marsh | Rogers |

The V. Johnson amendment lost with 19 ayes, 24 nays, 1 present and not voting, and 5 excused and not voting.

Mr. Schmit renewed his pending amendment, AM1198, found in the Journal on page 1925.

Mr. Schmit asked unanimous consent to withdraw his pending amendment, AM1198, found in the Journal on page 1925. No objections. So ordered.

Mr. Lynch asked unanimous consent to withdraw his pending amendment, AM1197, found in the Journal on page 1941. No

objections. So ordered.

Mr. V. Johnson renewed his pending amendment found in the Journal on page 1995.

Mr. V. Johnson moved for a call of the house. The motion prevailed with 11 ayes, 2 nays, and 36 not voting.

The V. Johnson amendment lost with 17 ayes, 21 nays, 6 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Mr. Vickers asked unanimous consent to withdraw his pending amendment found in the Journal on page 1996. No objections. So ordered.

Messrs. Hartnett, Chizek, and Lynch renewed their pending amendment found in the Journal on page 2001.

Mr. R. Johnson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Mrs. Higgins requested a record vote on the Hartnett-Chizek-Lynch amendment.

Voting in the affirmative, 15:

| | | | | |
|---|---|---|---|---|
| Beyer | Hall | Higgins | Pirsch | Sieck |
| Chambers | Harris | Labedz | Remmers | Smith |
| Chizek | Hartnett | Lynch | Rupp | Withem |

Voting in the negative, 24:

| | | | | |
|---|---|---|---|---|
| Baack | DeCamp | Hoagland | Landis | Peterson |
| Barrett | Eret | Johnson, L. | Lundy | Scofield |
| Carsten | Goll | Johnson, R. | Morehead | Warner |
| Chronister | Haberman | Johnson, V. | Nelson | Wesely |
| Conway | Hannibal | Lamb | Pappas | |

Present and not voting, 7:

| | | | | |
|---|---|---|---|---|
| Abboud | Hefner | Nichol | Schmit | Vickers |
| Beutler | Miller | | | |

Excused and not voting, 3:

Goodrich Marsh Rogers

The Hartnett-Chizek-Lynch amendment lost with 15 ayes, 24 nays, 7 present and not voting, and 3 excused and not voting.

Mr. Schmit renewed his pending amendment, AM1227, found in the Journal on page 2008.

The Schmit amendment lost with 7 ayes, 16 nays, 23 present and not voting, and 3 excused and not voting.

Pending.

## RESOLUTIONS

**LEGISLATIVE RESOLUTION 269.**

Introduced by Schmit, 23rd District.

PURPOSE: Groundwater is one of Nebraska's most important resources. The Groundwater Quality Protection Strategy adopted by the Department of Environmental Control in February, 1985, recognized several components as potential sources for pollution of our valuable groundwater. The strategy recommends the development of comprehensive well construction and abandonment requirements and well driller certification requirements as the appropriate means of dealing with such potential pollution sources. The purpose of this resolution is to develop a comprehensive legislative and administrative program to address and satisfactorily implement the Groundwater Quality Protection Strategy recommendations.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Public Works Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution. When conducting this study, the committee shall be directed to work with the Department of Environmental Control, the Department of Health, the Conservation and Survey Division of the University of Nebraska, any other state agencies and departments interested in this issue, and the well drilling and pump installation industries in the state.

2. That the Public Works Committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 270.**

Introduced by Schmit, 23rd District; DeCamp, 40th District; R. Johnson, 34th District; Vickers, 38th District; Rupp, 22nd District.

PURPOSE: The purpose of this resolution is to study whether it would be desirable to submit to the electors an amendment to Article XIII, Section 3 of the Nebraska Constitution which would expand the state's authority with respect to agricultural loans. In particular, this study will research the agricultural credit programs and policies of other states, and to develop policy options and provide details of the enabling legislation and procedures necessary for the operation of a state agricultural lending program.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Constitutional Revision and Recreation Committee, the Agriculture and Environment Committee, and the Banking, Commerce and Insurance Committee shall conduct a joint interim study to carry out the purposes of this resolution.

2. That the Committees shall, upon conclusion of its study, make an official report of its findings, together with recommendations, to the Legislature.

Referred to the Executive Board.

**UNANIMOUS CONSENT - Print in Journal**

Mr. Landis asked unanimous consent to print the following amendment to LB 548 in the Journal. No objections. So ordered.

AM1441

(Amendments to Standing Committee Amendments)

1. On page 3, strike beginning with "A" in line 14 through "occupy" in line 15, show the old matter as stricken, and insert "An individual who occupies".

**SELECT FILE**

**LEGISLATIVE BILL 722.** Mrs. Smith renewed her pending amendment, AM1300, found in the Journal on page 2073.

Mr. DeCamp asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Hall moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 3 nays, and 21 not voting.

Mrs. Smith moved for a call of the house. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

Mrs. Smith requested a roll call vote on her amendment.

Voting in the affirmative, 21:

| | | | | |
|---|---|---|---|---|
| Barrett | Eret | Labedz | Pirsch | Sieck |
| Beutler | Harris | Lynch | Remmers | Smith |
| Beyer | Higgins | Miller | Rupp | Wesely |
| Chambers | Johnson, R. | Peterson | Schmit | Withem |
| Chronister | | | | |

Voting in the negative, 22:

| | | | | |
|---|---|---|---|---|
| Abboud | DeCamp | Hefner | Lamb | Nelson |
| Baack | Goll | Hoagland | Landis | Nichol |
| Carsten | Haberman | Johnson, L. | Lundy | Scofield |
| Chizek | Hall | Johnson, V. | Morehead | Warner |
| Conway | Hannibal | | | |

Present and not voting, 4:

| | | | |
|---|---|---|---|
| Goodrich | Hartnett | Pappas | Vickers |

Excused and not voting, 2:

| | |
|---|---|
| Marsh | Rogers |

The Smith amendment lost with 21 ayes, 22 nays, 4 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Mr. Lynch renewed his pending amendment, AM1308, found in the Journal on page 2096.

Mr. Sieck moved the previous question. The question is, "Shall the debate now close?" The motion lost with 15 ayes, 13 nays, and 21 not voting.

Messrs. Haberman, Schmit, and Harris asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Vickers moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Messrs. Barrett and DeCamp asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Lynch requested a record vote on his amendment.

Voting in the affirmative, 16:

| | | | | |
|---|---|---|---|---|
| Abboud | Goodrich | Hefner | Labedz | Pirsch |
| Beyer | Hall | Higgins | Lynch | Smith |
| Chizek | Hartnett | Johnson, R. | Nichol | Withem |
| Eret | | | | |

Voting in the negative, 24:

| | | | | |
|---|---|---|---|---|
| Baack | Goll | Lamb | Nelson | Scofield |
| Carsten | Hannibal | Landis | Pappas | Sieck |
| Chambers | Hoagland | Lundy | Peterson | Warner |
| Chronister | Johnson, L. | Miller | Remmers | Wesely |
| Conway | Johnson, V. | Morehead | Rupp | |

Present and not voting, 2:

| | |
|---|---|
| Beutler | Vickers |

Excused and not voting, 7:

| | | | | |
|---|---|---|---|---|
| Barrett | Haberman | Marsh | Rogers | Schmit |
| DeCamp | Harris | | | |

The Lynch amendment lost with 16 ayes, 24 nays, 2 present and not voting, and 7 excused and not voting.

## UNANIMOUS CONSENT - Print in Journal

Mr. Landis asked unanimous consent to print the following amendment to LB 663 in the Journal. No objections. So ordered.

AM1418

1. On page 3, line 19, after "used" insert "and agencies and services available for prevention of future unintended pregnancies".

Mr. Chambers asked unanimous consent to print the following amendment to LB 722 in the Journal. No objections. So ordered.

Page 82, lines 26 & 27, Strike "90,795,773"; insert "91,515,773".

"There is included in the appropriation for this program $720,000 general Funds to be used only for the purpose of providing an allowance of exactly $500 per month for each month of the calendar year retroactive to January 1, 1985, to each of 120 members of varsity football team at the University of Nebraska at Lincoln."

## VISITORS

Visitors to the Chamber were 45 seventh grade students and teacher from Trinity Lutheran School, Grand Island; 9 members of the Iowa and Nebraska Order of the Eastern Star, Grand Chapter Session; 31 fourth grade students and teacher from Stolley Park Elementary School, Grand Island; 37 fourth grade students, sponsor, and teacher from Clarkson Elementary School, Fremont; 25 first and second grade students and teacher from Prescott School, Lincoln; and 60 fourth through sixth grade students, sponsors, and teacher from Battle Creek Public School.

## RECESS

At 12:12 p.m., on a motion by Mr. Lundy, the Legislature recessed until 1:30 p.m.

## AFTER RECESS

The Legislature reconvened at 1:35 p.m., President McGinley presiding.

## ROLL CALL

The roll was called and all members were present except Mrs. Marsh who was excused; and Messrs. Harris, V. Johnson, Landis, Rogers, and Wesely who were excused until they arrive.

## GENERAL FILE

**LEGISLATIVE BILL 144.** Title read. Considered.

Standing Committee amendments, AM1291, printed separate from the Journal and referred to on page 2035 were considered.

Mrs. Pirsch renewed her pending amendment (1) found in the Journal on page 2298 to the Standing Committee amendments.

Mrs. Pirsch asked unanimous consent to withdraw her pending amendments (1) and (2) found in the Journal on page 2298. No objections. So ordered.

Mr. Pappas offered the following amendment to the Standing Committee amendments:

AMENDMENTS TO THE STANDING COMMITTEE AMENDMENTS (AM1291) TO LB 144

1. On page 4, line 22 strike "which conducted" and insert ", city, or village which has approved by a majority of the registered voters of such county, city, or village the establishment of"; and strike beginning with the second underscored comma in line 23 through "village" in line 25.

2. On page 6, line 7 after the semicolon insert "and"; and strike beginning with the semicolon in line 9 through "facilities" in line 13.

The Pappas amendment was adopted with 14 ayes, 4 nays, 25 present and not voting, and 6 excused and not voting.

The Standing Committee amendments, as amended, were adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Mr. Pappas moved to indefinitely postpone LB 144.

Mr. R. Johnson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 3 nays, and 19 not voting.

Mr. Carsten asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Pappas moved for a call of the house. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

Mr. Pappas requested a roll call vote on his motion to indefinitely postpone.

Voting in the affirmative, 22:

| | | | | |
|---|---|---|---|---|
| Abboud | Eret | Lamb | Morehead | Remmers |
| Barrett | Hefner | Landis | Nelson | Sieck |
| Beyer | Hoagland | Lundy | Peterson | Smith |
| Carsten | Johnson, L. | Miller | Pirsch | Warner |
| Chronister | Johnson, R. | | | |

Voting in the negative, 23:

| | | | | |
|---|---|---|---|---|
| Baack | Goodrich | Higgins | Pappas | Scofield |
| Beutler | Haberman | Johnson, V. | Rogers | Vickers |
| Chizek | Hall | Labedz | Rupp | Wesely |
| Conway | Hannibal | Lynch | Schmit | Withem |
| DeCamp | Hartnett | Nichol | | |

Present and not voting, 3:

| | | |
|---|---|---|
| Chambers | Goll | Harris |

Excused and not voting, 1:

Marsh

The Pappas motion to indefinitely postpone lost with 22 ayes, 23 nays, 3 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Mr. Rogers asked unanimous consent to be excused until he returns. No objections. So ordered.

**SPEAKER NICHOL PRESIDING**

Mr. Hefner moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Pappas moved for a call of the house. The motion prevailed with 12 ayes, 0 nays, and 37 not voting.

Mr. Wesely requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 22:

| | | | | |
|---|---|---|---|---|
| Baack | DeCamp | Hartnett | Lynch | Rupp |
| Beutler | Goodrich | Higgins | Morehead | Schmit |
| Chambers | Haberman | Johnson, V. | Nichol | Vickers |
| Chizek | Hall | Labedz | Pappas | Withem |
| Conway | Hannibal | | | |

Voting in the negative, 25:

| | | | | |
|---|---|---|---|---|
| Abboud | Eret | Johnson, L. | Miller | Scofield |
| Barrett | Goll | Johnson, R. | Nelson | Sieck |
| Beyer | Harris | Lamb | Peterson | Smith |
| Carsten | Hefner | Landis | Pirsch | Warner |
| Chronister | Hoagland | Lundy | Remmers | Wesely |

Excused and not voting, 2:

Marsh Rogers

Failed to advance to E & R for Review with 22 ayes, 25 nays, and 2 excused and not voting.

The Chair declared the call raised.

Messrs. Landis, Schmit, and Mrs. Labedz asked unanimous consent to be excused until they return. No objections. So ordered.

## STANDING COMMITTEE REPORT
### Public Works

The Committee on Public Works desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Michael J. O'Hara-Power Review Board.

Vote: Aye: Senators Schmit, Beyer, DeCamp, Harris, and Lynch. Nay: Senator Lamb. Not Voting: Senator Smith. Absent and Not Voting: Senator Nelson.

(Signed) Loran Schmit, Chairperson

## EXPLANATION OF VOTE

Had I been present, I would have voted aye on LBs 393, 236, 271, 271A, 432, 273, 273A, 532, 102, 408, 439, 432A, 726, and 87A. I would have voted nay on LBs 715 and 715A.

(Signed) Jacklyn Smith

## UNANIMOUS CONSENT - Print in Journal

Mr. Warner asked unanimous consent to print the following amendment to LB 725 in the Journal. No objections. So ordered.

On page 3, after line 27, insert the following:
The effective date of this act shall be July 1, 1985.
On page 4, after line 2, insert the following:
Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.

Mr. Warner asked unanimous consent to print the following amendment to LB 722 in the Journal. No objections. So ordered.

PURPOSE: To allow the Department of Public Institutions to contract for the provision of services for the residents of the Comprehensive Care Service/Mental Retardation Unit at the Lincoln Regional Center.
AMENDMENT:
On page 42, after line 1, insert the following:
"The General Funds included in the appropriation to this program to provide comprehensive care services/mental retardation shall be expended for the continued delivery of that service at the Lincoln Regional Center or by contract with alternative programs selected by the Director of the Department of Public Institutions. The Department of Public Institutions may contract with any vendor, meeting established standards, to provide complete and appropriate programs for residents of the Lincoln Regional Center Comprehensive Service/Mental Retardation Unit. The Director of the Department of Public Institutions shall submit a plan to the Legislature and the Governor for the allocation of this appropriation between the Lincoln Regional Center and alternative vendors. This plan shall ensure that appropriate services are provided the residents currently in this program."

## SELECT COMMITTEE REPORTS
### Enrollment and Review

### Correctly Re-Engrossed

The following bills were correctly re-engrossed: 356 and 447.

(Signed) Timothy Hall, Chairperson

### Enrollment and Review Change to LB 356
### (Final Reading Second)

The following changes, required to be reported for publication in the Journal, have been made:
ER0087

1. In the Chambers amendment adopted May 14, 1985, found on page 2282 of the Journal, on page 1, line 1, "I" has been underscored and "show as stricken;" has been struck.

2. On page 1, the matter beginning with "to" in line 4 through the semicolon in line 5 has been struck.

### Enrollment and Review Change to LB 447
### (Final Reading Copy)

The following changes, required to be reported for publication in the Journal, have been made:
ER0088

1. In the Wesely amendment, AM1385, adopted May 14, 1985:

a. On page 3, line 5; and page 4, lines 6 and 7, the comma has been struck and shown as stricken; and

b. On page 4, line 12, the first comma has been struck.

2. On page 1, line 1, "juveniles" has been struck and "children and other persons in need of protection" inserted.

(Signed) Mary Sommermeyer
E & R Attorney

### UNANIMOUS CONSENT - Print in Journal

Mr. Beutler asked unanimous consent to print the following amendment to LB 548 in the Journal. No objections. So ordered.

AM1461

1. Insert a new section as follows:

"Sec. 10. That section 49-1474, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

49-1474. (1) No political newsletter or other campaign mass mailing shall be sent at public expense by or on behalf of any elected official after that person has announced his or her candidacy for any office. An elected official violating the provisions of this subsection shall be guilty of a Class III misdemeanor.

(2) No person shall write, print, publish, post, or circulate, or cause to be written, printed, published, posted, or circulated, any letter, circular, bill, placard, poster, ~~or~~ other written or printed publication, recording, or other physical reproduction or cause any advertisement to be placed in a published newspaper or any other circulated publication, or in a transmitted recorded telephone message or a radio or television broadcast or singly or with others pay for any such advertisement, knowing such letter, circular, bill, placard, poster, other written or printed publication, recording, other physical reproduction, or advertisement to contain any false statement of material fact relating to any candidate or committee or, if he or she is a candidate, to himself or herself, or any false statement of material fact relating to any ballot question. Any person violating the provisions of this subsection shall be guilty of a Class III misdemeanor.".

2. On page 11, line 15, after the comma insert "49-1474,".

3. Renumber remaining sections accordingly.

Mr. Goodrich asked unanimous consent to print the following amendment to LB 564 in the Journal. No objections. So ordered.

AM1464

1. Insert the following new section:

"Sec. 2. That section 81-8,119.01, Revised Statutes Supplement, 1984, be amended to read as follows:

81-8,119.01. (1) Beginning in ~~1986~~ 1987, as a condition for renewal of a certificate of registration issued pursuant to sections 81-8,108 to 81-8,127, a certificate holder shall be required to successfully complete fifteen hours of professional development within the preceding calendar year.

(2) The State Board of Examiners for Land Surveyors shall not renew the certificate of registration of any certificate holder who has failed to complete the professional development requirements pursuant to subsection (1) of this section, unless he or she can show good cause why he or she was unable to comply with such requirements. If the board determines that good cause was shown, the board shall permit the registered surveyor to make up all outstanding required hours of professional development.".

2. On page 3, line 26, strike "section" and insert "sections 81-8,119.01 and".

3. Renumber remaining sections accordingly.

## MESSAGE FROM THE SECRETARY OF STATE

May 15, 1985

The Honorable William E. Nichol
Speaker of the Legislature
State Capitol, Room No. 2101
Lincoln, NE 68509

Dear Mr. Speaker:

On the first day of May, 1985, the members of the 89th Legislature, First Session, adopted Legislative Resolution 88 relating generally to a bilateral nuclear freeze.

Paragraph 2 of the Resolve Clause instructed the Nebraska Secretary of State to transmit certified copies of this resolution to the President of the United States, the Secretary of State of the United States, the Secretary of Defense of the United States, all members of Congress, and the Chairman of the Presidium of the Supreme Soviet. Please be advised that certified copies of Legislative Resolution 88 as per the Resolve Clause have in fact, been transmitted to everyone in appropriate form and format.

I respectfully request that a copy of this letter be placed in the Legislative Journal so that the complete history of Legislative Resolution 88 is preserved and can be researched.

Finally, I hereby acknowledge receipt of the original of Legislative Resolution 88 which has been placed on file in the office of the Secretary of State and made a part of the public record.

Respectfully Submitted,
(Signed) ALLEN J. BEERMANN

Secretary of State

AJB/mrh

## GENERAL FILE

**LEGISLATIVE BILL 247.** The first Standing Committee amendment found in the Journal on page 2252 was renewed.

Mr. Chambers renewed his pending amendment found in the Journal on page 2252 to the first Standing Committee amendment.

Mr. Chronister 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 9 ayes, 0 nays, and 40 not voting.

Mr. Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 19:

| | | | | |
|---|---|---|---|---|
| Baack | Haberman | Higgins | Morehead | Smith |
| Chambers | Hall | Johnson, R. | Nichol | Vickers |
| Conway | Hannibal | Labedz | Pappas | Wesely |
| Eret | Hartnett | Lynch | Schmit | |

Voting in the negative, 18:

| | | | | |
|---|---|---|---|---|
| Abboud | Chizek | Lundy | Remmers | Sieck |
| Beutler | Goll | Miller | Rupp | Warner |
| Beyer | Hoagland | Nelson | Scofield | Withem |
| Carsten | Johnson, L. | Pirsch | | |

Present and not voting, 8:

| | | | | |
|---|---|---|---|---|
| Barrett | Goodrich | Hefner | Lamb | Peterson |
| DeCamp | Harris | Johnson, V. | | |

Excused and not voting, 4:

| | | | |
|---|---|---|---|
| Chronister | Landis | Marsh | Rogers |

The Chambers amendment was adopted with 19 ayes, 18 nays, 8 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

## RESOLUTION

**LEGISLATIVE RESOLUTION 271.**

Introduced by Lynch, 13th District; DeCamp, 40th District; Nichol, 48th District; Lundy, 36th District; Hefner, 19th District; Goll, 16th District; Haberman, 44th District; Remmers, 1st District; Schmit, 23rd District; Withem, 14th District; Scofield, 49th District; Pappas, 42nd District; Rupp, 22nd District; Chizek, 31st District; Beyer, 3rd District; Vickers, 38th District; R. Johnson, 34th District; Sieck, 24th District; Chronister, 18th District; Landis, 46th District.

WHEREAS, President Reagan has declared the week of May 19, 1985, as National Tourism Week; and

WHEREAS, travel and tourism is the third largest retail industry in America, employing one out of every fifteen working Americans; and

WHEREAS, tourism bolsters our economy by generating two hundred ten billion dollars in sales, which represents six and four-tenths per cent of the gross national product, forty-one billion dollars in wages and salaries, and more than twenty billion dollars in federal, state, and local tax income; and

WHEREAS, tourism makes an impact on all of our lives economically and socially and significantly enhances international trade, understanding, and goodwill; and

WHEREAS, National Tourism Week is a celebration of how we as Americans are fortunate that "Tourism Work$ for America."

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature encourages Nebraskans to join with the rest of the nation in proclaiming the week of May 19, 1985, as National Tourism Week.

Laid over.

## UNANIMOUS CONSENT - Print in Journal

Mr. Carsten asked unanimous consent to print the following amendment to LB 722 in the Journal. No objections. So ordered.

AM1476

1. On page 109, lines 12 and 13, strike

"23-613,418" and all amendments thereto and insert "23-088,850"; in line 15 strike "$23,613,418" and all amendments thereto and insert "$23,088,850"; and in line 16 after the period insert the following:

"Program No. (50) - Vocational Education Aid and Assistance

| | |
|---|---|
| General Fund | 524,568 |
| Program Total | 524,568 |

Such funds so appropriated by the Legislature shall be distributed to the area boards by the Department of Administrative Services in ten as nearly as possible equal monthly payments between the fifth and twentieth day of each month beginning September 1985.

Such funds shall be divided among the areas in the following ratios:

Metropolitan Technical Community College Area, .2023;
Southeast Technical Community College Area, .3948;
Central Technical Community College Area, .1969;
Northeast Technical Community College Area, .0990;
Midplains Technical Community College Area, .0586; and
Western Technical Community College Area, .0484.

Such ratios are in accord with and to carry out the purpose of section 2.1-4 of the Nebraska State Plan for Vocational Education in effect and applicable for fiscal year 1983-84, which plan was approved and adopted by the State Board of Vocation Education pursuant to sections 79-1419 to 79-1429, particularly section 79-1422, and in cooperation with the United States Office of Education in the administration of the acts of Congress, particularly, 20 USCS, section 2310(c), in effect for fiscal year 1983-84.

Funding for this program shall only be for fiscal year 1985-86. If the areas receive all or a portion of the federal funds which were replaced by General Funds through other legislation in the 1985 Legislative Session, the General Fund appropriation shall be reduced by that amount.".

## VISITORS

Visitors to the Chamber were 20 eighth grade students and teacher from Atkinson Elementary School; 70 eighth grade students and teacher from Raymond-Central Junior High School, Raymond; 20 eighth grade students and teacher from St. Paul Lutheran School,

Omaha; and Kathy Murray, Gloria VanDussen, and Steve Bayne from Bellevue.

## MOTION - Adjournment

Mr. Goll moved to adjourn.

Mrs. Pirsch moved for a call of the house. The motion prevailed with 10 ayes, 3 nays, and 36 not voting.

Speaker Nichol requested a roll call vote on the motion to adjourn.

Voting in the affirmative, 28:

| | | | | |
|---|---|---|---|---|
| Abboud | DeCamp | Higgins | Lundy | Remmers |
| Barrett | Goll | Johnson, L. | Lynch | Rupp |
| Carsten | Goodrich | Johnson, R. | Pappas | Schmit |
| Chambers | Haberman | Johnson, V. | Peterson | Scofield |
| Chizek | Hannibal | Labedz | Pirsch | Smith |
| Conway | Hefner | Lamb | | |

Voting in the negative, 16:

| | | | | |
|---|---|---|---|---|
| Baack | Hall | Miller | Nichol | Warner |
| Beutler | Harris | Morehead | Sieck | Wesely |
| Beyer | Hoagland | Nelson | Vickers | Withem |
| Eret | | | | |

Present and not voting, 1:

Hartnett

Excused and not voting, 4:

| | | | |
|---|---|---|---|
| Chronister | Landis | Marsh | Rogers |

The motion to adjourn prevailed with 28 ayes, 16 nays, 1 present and not voting, and 4 excused and not voting, and at 4:04 p.m., on a motion by Mr. Goll, the Legislature adjourned until 9:00 a.m., Thursday, May 16, 1985.

Patrick J. O'Donnell
Clerk of the Legislature

# EIGHTIETH DAY - MAY 16, 1985

# LEGISLATIVE JOURNAL

# EIGHTIETH DAY - MAY 16, 1985

# LEGISLATIVE JOURNAL

# EIGHTY-NINTH LEGISLATURE
# FIRST SESSION

## EIGHTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, May 16, 1985

Pursuant to adjournment, the Legislature met at 9:04 a.m., President McGinley presiding.

## PRAYER

The prayer was offered by Senator Higgins.

## ROLL CALL

The roll was called and all members were present except Mrs. Marsh who was excused; and Messrs. Chambers, Hall, Hoagland, Lynch, Rupp, Schmit, Withem, Mesdames Labedz, and Morehead who were excused until they arrive.

## CORRECTIONS FOR THE JOURNAL

The Journal for the Seventy-Ninth Day was approved.

## SELECT COMMITTEE REPORTS
### Enrollment and Review

### Correctly Re-Engrossed

The following bill was correctly re-engrossed: 496.

### Correctly Engrossed

The following bills were correctly engrossed: 196 and 197.

(Signed) Timothy Hall, Chairperson

## Enrollment and Review Change to LB 496
## (Final Reading Copy Second)

The following changes, required to be reported for publication in the Journal, have been made:
ER0085

1. In the Schmit amendment, AM1442, adopted May 14, 1985:

a. Because of the Morehead, Schmit, and Labedz amendment, AM1342, adopted May 8, 1985, amendments 1, 2, and 4 to 6 have been struck, the following amendment has been inserted:

"1. In the Morehead, Schmit, and Labedz amendment, AM1342, strike amendment 3.", and the remaining amendment has been renumbered accordingly; and

b. On page 5, lines 3 and 18, "of" has been inserted after "or"; in line 11 "shall" and "be of a" have been struck; in line 12 "type which" has been struck; and in line 16 "be of a type which" has been struck.

2. In the Morehead, Schmit, and Labedz amendment, AM1342, adopted May 8, 1985, on page 3, line 3, "; PROVIDED," has been struck, shown as stricken, and ", except" inserted and "(i)" has been inserted after "that"; in line 7 the matter beginning with the semicolon through "that" has been struck, shown as stricken, and "and (ii)" inserted; the matter beginning with the third comma in line 15 through "(4)" in line 16 has been struck, shown as stricken, and "or (3)" inserted; and in line 17 "the first proviso in" has been struck, shown as stricken, and "subdivision (i) of" inserted.

3. On page 1, line 4, "to correct internal references;" has been inserted before the second "to"; and in line 5 "to change what constitutes a violation;" has been inserted after the first semicolon.

(Signed) Mary Sommermeyer
E & R Attorney

## PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolution: LR 265.

## STANDING COMMITTEE REPORT
### Appropriations

**LEGISLATIVE BILL 31.** Placed on General File as amended.
Standing Committee amendment to LB 31:
AM1452

1. Strike the original sections and insert the following new sections:

"Section 1. That section 43-504, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

43-504. (1) The term dependent child shall mean a child under the age of eighteen years~~,~~ or under the age of nineteen if he or she is a full-time student in a secondary school~~,~~ or in the equivalent level of vocational or technical training, and if, before he or she attains age nineteen, he or she may reasonably be expected to complete the program of such secondary school or such training, who has been deprived of parental support or care by reason of the death, continued absence from the home, physical or mental incapacity of a parent, or partial or total unemployment of the supporting parent, and who is living with his or her father, mother, grandfather, grandmother, brother, sister, stepfather, stepmother, stepbrother, stepsister, uncle, aunt, first cousin, nephew, or niece, in a place of residence maintained by one or more of such relatives as his, her, or their own home, or who has been removed from the home of such relative as a result of judicial determination to the effect that continuation therein would be contrary to the welfare of such child with placement of such child in a foster family home or child care institution as a result of such determination when the state, any court having jurisdiction of such child, or the county welfare agency is responsible for the care and placement of such child and one of the following conditions exists: (a) Such child received aid from the state in or for the month in which court proceedings leading to such determination were initiated; (b) such child would have received assistance in or for such month if application had been made therefor; or (c) such child had been living with such a relative specified above at any time within six months prior to the month in which such proceedings were initiated and would have received such aid in or for the month that such proceedings were initiated if in such month the child had been living with, and removed from the home of, such a relative and application had been made therefor.

(2) In awarding aid to dependent children payments, the term dependent child shall not include unborn children. ~~As soon as it is medically determined~~

~~that pregnancy exists, application may be made for initial eligibility or for an increase in an existing unit budget.~~ Payments which do not meet applicable criteria established by federal law for pregnant women ~~and unborn children~~ shall be made from state funds. ~~Only for the purpose of meeting federal requirements, a pregnant woman may be eligible but only (a) if it has been medically verified that the child is expected to be born in the month such payments are made or expected to be born within the three-month period following such month of payment, and (b) if such child had been born and was living with her in the month of payment, she would be eligible for aid to families with dependent children.~~ As soon as it is medically determined that pregnancy exists, a pregnant woman with no other children, who meets the other requirements for aid to dependent children, shall be eligible for a payment for her needs and medical assistance. Payment may also be made for the needs of a second parent when eligibility of either parent is based on incapacity or unemployment.

(3) A physically handicapped or crippled child shall mean a child who, by reason of a physical defect or infirmity, whether congenital or acquired by accident, injury, or disease, is or may be expected to be totally or partially incapacitated for education or for remunerative occupation.

Sec. 2. That original section 43-504, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

(Signed) Jerome Warner, Chairperson

## RESOLUTION

**LEGISLATIVE RESOLUTION 264.** Read. Considered.

Speaker Nichol moved the previous question. The question is, "Shall the debate now close?" The motion lost with 15 ayes, 8 nays, and 26 not voting.

LR 264 was adopted with 26 ayes, 0 nays, and 23 not voting.

## UNANIMOUS CONSENT - Add Co-Introducer

Mrs. Nelson asked unanimous consent to have her name added as co-introducer to LR 264. No objections. So ordered.

## UNANIMOUS CONSENT - Print in Journal

Messrs. Warner and Wesely asked unanimous consent to print the following amendment to LB 154 in the Journal. No objections. So ordered.

AM1446

(Amendments to Final Reading Copy)

1. On page 2, line 5, strike the new matter and reinstate the stricken matter and after the reinstated "meets" insert "conducted"; reinstate the stricken matter beginning with the first "on" in line 11 through "first" in line 12; in line 12 after the reinstated "first" insert "seven"; reinstate the stricken matter beginning with "million" in line 13 through the first "of" in line 14"; in line 14 after the stricken "one" insert "seven" and reinstate the stricken matter beginning with "million" through the second "of"; in line 15 after the stricken "three" insert "four", reinstate "per cent; and", after the reinstated "and" insert "(2) for", reinstate "other", strike the underscored comma, and reinstate "(a)"; and in line 16 reinstate "(b)".

## SELECT FILE

**LEGISLATIVE BILL 722.** Mr. Vickers renewed his pending amendment, AM1318, found in the Journal on page 2130.

## SPEAKER NICHOL PRESIDING

Mr. Vickers moved for a call of the house. The motion prevailed with 10 ayes, 0 nays, and 39 not voting.

Mr. Vickers requested a roll call vote on his amendment.

Voting in the affirmative, 22:

| | | | | |
|---|---|---|---|---|
| Abboud | Conway | Higgins | Landis | Pirsch |
| Beutler | Hall | Hoagland | Lynch | Scofield |
| Beyer | Hannibal | Johnson, V. | Morehead | Wesely |
| Chambers | Harris | Labedz | Pappas | Withem |
| Chizek | Hartnett | | | |

Voting in the negative, 25:

| | | | | |
|---|---|---|---|---|
| Baack | Eret | Johnson, L. | Nelson | Schmit |
| Barrett | Goll | Johnson, R. | Nichol | Sieck |
| Carsten | Goodrich | Lamb | Peterson | Smith |
| Chronister | Haberman | Lundy | Remmers | Vickers |
| DeCamp | Hefner | Miller | Rogers | Warner |

Excused and not voting, 2:

Marsh Rupp

The Vickers amendment lost with 22 ayes, 25 nays, and 2 excused and not voting.

The Chair declared the call raised.

Mr. Pappas renewed his pending amendment found in the Journal on page 2191.

Mr. Lundy requested a ruling of the Chair on whether the Pappas amendment is germane to the bill.

The Chair ruled the amendment germane to the bill.

The Pappas amendment lost with 9 ayes, 17 nays, 21 present and not voting, and 2 excused and not voting.

Messrs. Pappas, Haberman, and Mrs. Labedz asked unanimous consent to withdraw their pending amendment found in the Journal on page 2191. No objections. So ordered.

Mr. Hoagland asked unanimous consent to withdraw his pending amendment, AM1354, found in the Journal on page 2199. No objections. So ordered.

Mr. V. Johnson renewed his pending amendment (1) found in the Journal on page 2203.

Mr. Pappas asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Hefner moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

Mr. V. Johnson moved for a call of the house. The motion prevailed with 10 ayes, 0 nays, and 39 not voting.

Mr. DeCamp requested a roll call vote on the V. Johnson amendment.

Voting in the affirmative, 17:

| | | | | |
|---|---|---|---|---|
| Abboud | Goodrich | Johnson, R. | Landis | Pirsch |
| Beutler | Hall | Johnson, V. | Lynch | Vickers |
| Chizek | Harris | Labedz | Nelson | Wesely |
| Eret | Hoagland | | | |

Voting in the negative, 25:

| | | | | |
|---|---|---|---|---|
| Baack | Chronister | Hannibal | Lundy | Rupp |
| Barrett | Conway | Hefner | Nichol | Scofield |
| Beyer | DeCamp | Higgins | Peterson | Sieck |
| Carsten | Goll | Johnson, L. | Remmers | Smith |
| Chambers | Haberman | Lamb | Rogers | Warner |

Present and not voting, 5:

| | | | | |
|---|---|---|---|---|
| Hartnett | Miller | Morehead | Schmit | Withem |

Excused and not voting, 2:

| | |
|---|---|
| Marsh | Pappas |

The V. Johnson amendment lost with 17 ayes, 25 nays, 5 present and not voting, and 2 excused and not voting.

Pending.

The Chair declared the call raised.

## SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolution: LR 264.

## UNANIMOUS CONSENT - Member Excused

Mr. Carsten asked unanimous consent to be excused until he returns.

No objections. So ordered.

## MOTION - Place LB 83 on General File

Mr. Warner moved to suspend Rule 3 Section 17 so that LB 83 be placed on General File notwithstanding the action of the Public Works Committee.

Laid over.

## RESOLUTION

**LEGISLATIVE RESOLUTION 272.**

Introduced by Remmers, 1st District.

WHEREAS, the Peru State College health, physical education, and recreation building, built in 1979-80, does not have an official name; and

WHEREAS, such an excellent facility should be named after someone who has contributed much to the fields of health, physical education, and recreation; and

WHEREAS, Mr. Al Wheeler, former athletic director and longtime coach at Peru State College, served the college and the State of Nebraska with honor and dedication during twenty-seven years of coaching at Peru State College before retiring in 1965; and

WHEREAS, Mr. Al Wheeler was selected as "Nebraska Coach of the Year" in 1952 by the Omaha World-Herald and in 1961 by the Lincoln Journal and Star; and

WHEREAS, Mr. Wheeler was inducted into the Helms Athletic Foundation Football Hall of Fame in 1956 and the Nebraska Football Hall of Fame in 1983; and

WHEREAS, on April 26, 1985, the Board of Trustees of the Nebraska State Colleges unanimously approved the naming of the health, physical education, and recreation building at Peru State College after Mr. Al Wheeler.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the health, physical education, and recreation building at Peru State College be named the Al Wheeler Activity Center in recognition of and appreciation for Mr. Wheeler's many years of service.

2. That a copy of this resolution be presented to the family of Mr. Wheeler upon its passage.

Laid over.

## UNANIMOUS CONSENT - Print in Journal

Mr. V. Johnson asked unanimous consent to print the following amendment to LB 126 in the Journal. No objections. So ordered.

AM1454

(Amendments to Final Reading Second)

1. On page 9, line 20, after "1984," insert "and also sections 17 and 18, Legislative Bill 662, Eighty-ninth Legislature, First Session, 1985,".

2. On page 2, line 1, after the semicolon insert "to eliminate certain provisions relating to public school system operational costs;"; and in line 3 after "sections" insert ", and also sections 17 and 18, Legislative Bill 662, Eighty-ninth Legislature, First Session, 1985".

Mr. Schmit asked unanimous consent to print the following amendment to LB 614 in the Journal. No objections. So ordered.

To amend AM1310, Amendment to LB 614 (Final Reading Copy) on page 10, Line 13, strike "January" and insert "June".

## RESOLUTION

**LEGISLATIVE RESOLUTION 273.**

Introduced by Vickers, 38th District; Higgins, 9th District; Rogers, 41st District; Baack, 47th District; Hartnett, 45th District; Labedz, 5th District; Barrett, 39th District; Lundy, 36th District; Morehead, 30th District; Landis, 46th District; Chambers, 11th District; Conway, 17th District; Lynch, 13th District; Nelson, 35th District; Chizek, 31st District; DeCamp, 40th District; Sieck, 24th District; Smith, 33rd District; Withem, 14th District; Scofield, 49th District; Eret, 32nd District; Schmit, 23rd District; Pappas, 42nd District; V. Johnson, 8th District; Wesely, 26th District; Haberman, 44th District; Beutler, 28th District.

WHEREAS, there are 5,021 public rail crossings in Nebraska; and

WHEREAS, there are 4,009 private rail crossings in Nebraska; and

WHEREAS, there are only 486 grade separations in Nebraska;

and

WHEREAS, numerous citizens in Nebraska must traverse rail crossings daily in Nebraska; and

WHEREAS, railroad trackage dissects numerous communities where emergency and rescue vehicles must travel; and

WHEREAS, slow moving trains longer than one mile in length impede the traveling public in Nebraska; and

WHEREAS, it is unlawful to block crossings with cars or engines for more than ten minutes in any unincorporated town or village in Nebraska; and

WHEREAS, numerous city ordinances prohibit the blocking of crossings for extended periods; and

WHEREAS, some trains two miles or more in length contain rail cars and couplings that were built with flawed steel, the resulting failure causing crossings to be blocked for more than two hours.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature respectfully requests rail management to discontinue operating trains more than one mile in length.

2. That the Legislature encourage all county and city attorneys to strictly enforce state laws and city ordinances Neb. Rev. Stat. 74-594.

3. That the Legislature requests a hearing by the Nebraska Public Service Commission under Neb. Rev. Stat. 75-414.

4. That the Legislature encourage an investigation by the Federal Railroad Administration to ascertain if "flawed steel" violates sections of the Code of Federal Regulations, including but not limited to: Sec. 215 Railroad Freight Car Safety Standards; Sec. 232 Railroad Power Brakes and Drawbars; and Sec. 236 Installation, Inspection, Maintenance, and Repair of Systems, Devices and Appliances.

Laid over.

## SELECT FILE

**LEGISLATIVE BILL 722.** Mr. V. Johnson asked unanimous consent to withdraw his pending amendment (2) found in the Journal on page 2204. No objections. So ordered.

Mr. V. Johnson asked unanimous consent to withdraw his pending amendment (4) found in the Journal on page 2205. No objections. So ordered.

Mr. Peterson asked unanimous consent to be excused until he returns.

No objections. So ordered.

Mr. Remmers renewed his pending amendment found in the Journal on page 2276.

Mr. Haberman 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. Remmers asked unanimous consent to withdraw his pending amendment found in the Journal on page 2276. No objections. So ordered.

Mr. Beutler renewed his pending amendment found in the Journal on page 2289.

Pending.

## VISITORS

Visitors to the Chamber were 13 sixth grade students and teacher from Glenwood Elementary School, Kearney; 24 fifth and sixth grade students and teacher from Staplehurst; 11 fourth grade students and teacher from Temple Christian School, Omaha; 18 fourth grade students and teacher from Murdock Elementary School; 49 sixth grade students and teachers from Auburn Public School; 21 fourth grade students and teacher from Raymond Central, Ceresco; 65 fourth grade students and teacher from LaVista West Elementary School; 35 fifth grade students and teacher from Sacred Heart School, Norfolk; and 15 eighth grade students and teacher from Scribner Public School.

## RECESS

At 11:55 a.m., on a motion by Mr. Harris, the Legislature recessed until 1:30 p.m.

## AFTER RECESS

The Legislature reconvened at 1:33 p.m., Speaker Nichol presiding.

## ROLL CALL

The roll was called and all members were present except Mrs. Marsh who was excused; and Messrs. Chambers, V. Johnson, Pappas,

Schmit, and Mrs. Labedz who were excused until they arrive.

## SELECT FILE

**LEGISLATIVE BILL 722.** The Beutler pending amendment found in the Journal on page 2289 was considered.

The Beutler amendment was adopted with 27 ayes, 2 nays, 14 present and not voting, and 6 excused and not voting.

Mr. Wesely renewed his pending amendment, AM1432, found in the Journal on page 2295.

The Wesely amendment lost with 5 ayes, 23 nays, 18 present and not voting, and 3 excused and not voting.

Mr. Wesely renewed his pending amendment, AM1453, found in the Journal on page 2301.

Mr. Wesely moved for a call of the house. The motion prevailed with 4 ayes, 0 nays, and 45 not voting.

Mr. Wesely requested a record vote on his amendment.

Voting in the affirmative, 19:

| | | | | |
|---|---|---|---|---|
| Abboud | Chambers | Eret | Morehead | Sieck |
| Baack | Chronister | Hartnett | Pappas | Vickers |
| Beutler | Conway | Hoagland | Pirsch | Wesely |
| Beyer | DeCamp | Landis | Rupp | |

Voting in the negative, 25:

| | | | | |
|---|---|---|---|---|
| Barrett | Haberman | Johnson, L. | Lundy | Rogers |
| Carsten | Hall | Johnson, R. | Nelson | Scofield |
| Chizek | Hannibal | Johnson, V. | Nichol | Smith |
| Goll | Hefner | Labedz | Peterson | Warner |
| Goodrich | Higgins | Lamb | Remmers | Withem |

Present and not voting, 4:

| | | | |
|---|---|---|---|
| Harris | Lynch | Miller | Schmit |

Excused and not voting, 1:

Marsh

The Wesely amendment lost with 19 ayes, 25 nays, 4 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Mr. Vickers moved to reconsider the Vickers amendment, AM1318, found in the Journal on page 2130.

Mr. Vickers moved for a call of the house. The motion prevailed with 11 ayes, 0 nays, and 38 not voting.

Mr. Vickers requested a roll call vote on his motion to reconsider.

Voting in the affirmative, 25:

| | | | | |
|---|---|---|---|---|
| Abboud | Goodrich | Hartnett | Landis | Scofield |
| Beutler | Haberman | Higgins | Morehead | Smith |
| Beyer | Hall | Hoagland | Pappas | Vickers |
| Chambers | Hannibal | Johnson, V. | Pirsch | Wesely |
| Conway | Harris | Labedz | Rupp | Withem |

Voting in the negative, 22:

| | | | | |
|---|---|---|---|---|
| Baack | Eret | Lamb | Nelson | Rogers |
| Barrett | Goll | Lundy | Nichol | Schmit |
| Carsten | Hefner | Lynch | Peterson | Sieck |
| Chronister | Johnson, L. | Miller | Remmers | Warner |
| DeCamp | Johnson, R. | | | |

Present and not voting, 1:

Chizek

Excused and not voting, 1:

Marsh

The Vickers motion to reconsider prevailed with 25 ayes, 22 nays, 1 present and not voting, and 1 excused and not voting.

The Vickers amendment, AM1318, found in the Journal on page 2130 was reconsidered.

Mr. Vickers requested a roll call vote on his amendment.

Voting in the affirmative, 29:

| | | | | |
|---|---|---|---|---|
| Abboud | Goodrich | Higgins | Morehead | Scofield |
| Beutler | Haberman | Hoagland | Nelson | Smith |
| Beyer | Hall | Johnson, V. | Nichol | Vickers |
| Chambers | Hannibal | Labedz | Pappas | Wesely |
| Chizek | Harris | Landis | Pirsch | Withem |
| Conway | Hartnett | Lynch | Rupp | |

Voting in the negative, 19:

| | | | | |
|---|---|---|---|---|
| Baack | DeCamp | Johnson, L. | Miller | Schmit |
| Barrett | Eret | Johnson, R. | Peterson | Sieck |
| Carsten | Goll | Lamb | Remmers | Warner |
| Chronister | Hefner | Lundy | Rogers | |

Excused and not voting, 1:

Marsh

The Vickers amendment was adopted with 29 ayes, 19 nays, and 1 excused and not voting.

The Chair declared the call raised.

Messrs. Lynch and DeCamp renewed their pending amendment, AM1392, found in the Journal on page 2302.

Mr. DeCamp offered the following amendment to the Lynch-DeCamp amendment:

To amend AM1392 to LB 722:

On line 8, strike "24,827,907" and insert "25,427,907"; in line 10 strike "36,299,289" and insert "36,899,289"; and strike (3.) and change the agency totals accordingly.

Mr. Abboud asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Withem asked unanimous consent to be excused. No objections. So ordered.

Mr. DeCamp moved for a call of the house. The motion prevailed with 9 ayes, 0 nays, and 40 not voting.

The DeCamp amendment was adopted with 25 ayes, 9 nays, 12 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Mr. Hefner moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Lynch moved for a call of the house. The motion prevailed with 12 ayes, 0 nays, and 37 not voting.

Mr. DeCamp requested a roll call vote on the Lynch-DeCamp amendment, as amended.

Voting in the affirmative, 24:

| | | | | |
|---|---|---|---|---|
| Beyer | Haberman | Johnson, R. | Nichol | Schmit |
| Chambers | Hall | Labedz | Pappas | Sieck |
| Chizek | Hartnett | Lynch | Pirsch | Smith |
| DeCamp | Hefner | Miller | Remmers | Wesely |
| Eret | Higgins | Nelson | Rogers | |

Voting in the negative, 22:

| | | | | |
|---|---|---|---|---|
| Abboud | Chronister | Hoagland | Landis | Rupp |
| Baack | Conway | Johnson, L. | Lundy | Scofield |
| Barrett | Goll | Johnson, V. | Morehead | Vickers |
| Beutler | Goodrich | Lamb | Peterson | Warner |
| Carsten | Hannibal | | | |

Present and not voting, 1:

Harris

Excused and not voting, 2:

Marsh Withem

The Lynch-DeCamp amendment, as amended, lost with 24 ayes, 22 nays, 1 present and not voting, and 2 excused and not voting.

Pending.

The Chair declared the call raised.

## UNANIMOUS CONSENT - Print in Journal

Mr. Hannibal asked unanimous consent to print the following amendment to LB 722 in the Journal. No objections. So ordered.

Amendment to AM1476 to LB 722:
Purpose: To Appropriate a level of General Fund aid to the Technical Community Colleges consistent with aid levels authorized by amendment #1422. Within that total appropriation, $288,434 is to be appropriated to a new program and distributed according to the Vocational Education formula provided.
In AM1476, page 1, lines 8 and 9, strike "524,568" and insert "288,434"

Mr. Warner asked unanimous consent to print the following amendment to LB 723 in the Journal. No objections. So ordered.

PURPOSE: To reappropriate unexpended balance of FY 1984-85 appropriation to the Department of Education in Programs 901 and 902 for asbestos removal at the Nebraska School for the Deaf and the Nebraska School for the Visually Handicapped.
AMENDMENT:
On page 22, after line 22, insert:
"Agency No. 13 - Department of Education
Programs 901 and 902;".

Mr. Warner asked unanimous consent to print the following amendment to LB 501 in the Journal. No objections. So ordered.

AM1478

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. That section 60-119, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-119. There is hereby created the Title Security and Vehicle Theft Prevention Fund which shall be maintained by the State Treasurer as a cash fund and shall be administered by the Director of Motor Vehicles.

The fund shall be used to defray the expenses of training personnel, as determined by the Department of Motor Vehicles, in title document examination,

vehicle identification, fraud and theft investigation, and to defray department expenses arising pursuant to sections 60-118 to 60-128 including those incurred for printing and distribution of forms, personal services, hearings, and similar administrative functions. Transfers from such fund may also be made to the General Fund at the direction of the Legislature. ~~Such personnel~~ Personnel may include, but shall not be limited to, county clerks, investigative personnel of the Nebraska Motor Vehicle Industry Licensing Board, and peace officers mentioned in section 39-6,192. Such training program shall be administered by the department. The department's responsibility for providing for training shall begin January 1, 1984. The Director of Motor Vehicles may utilize the Nebraska Law Enforcement Training Center or the assistance of the Nebraska State Patrol to accomplish the training requirements of sections 60-118 to 60-128. The department may make expenditures from the fund necessary to implement such training.

Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1269.

Sec. 2. That original section 60-119, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

## UNANIMOUS CONSENT - Member Excused

Mr. R. Johnson asked unanimous consent to be excused until he returns. No objections. So ordered.

## SELECT FILE

**LEGISLATIVE BILL 722.** Mr. Warner renewed his pending amendment, AM1422, found in the Journal on page 2302.

Mr. Warner requested a division of the question on his amendment.

The Chair sustained the division of the question.

The first Warner amendment is as follows:

Purpose: Reduce various aid to political subdivision programs by 1% across the board.

1. Purpose: To reduce aid to natural resources districts by $6,860.

Amendment: On page 10, line 24, strike "686,000" and insert "679,140"; and in line 27 strike "$686,000" and insert "$679,140".

2. Purpose: To reduce aid to municipalities by $170,687.

Amendment: On page 11, line 6, strike "17,068,660" and insert "16,897,973"; and in line 9 strike "$17,068,660" and insert "$16,897,973".

5. Purpose: To reduce aid for adult education by $52.

Amendment: On page 16, line 14, strike "61,670" and insert "61,618"; and in line 21 strike "$5,215" and insert "$5,163".

6. Purpose: To reduce aid for vocational education by $1,237.

Amendment: On page 16, line 25, strike "866,781" and insert "865,544".

On page 17, line 5, strike "$308,634" and insert "$307,397".

7. Purpose: To reduce aid to local health departments by $500.

Amendment: On page 31, line 23, strike "735,436" and insert "734,936".

On page 32, line 4, strike "$84,892" and insert "$84,392".

8. Purpose: to reduce aid for alcohol/drug abuse programs by $38,158.

Amendment: On page 40, line 11, strike "6,871,507" and insert "6,833,349"; and in line 18 strike "$3,815,822" and insert "$3,777,664".

9. Purpose: To reduce aid for mental health programs by $50,706.

Amendment: On page 41, line 11, strike "25,127,907" and insert "25,077,201"; in line 19 strike "$5,070,551" and insert "$5,019,845"; in line 23 strike "$4,645,638" and insert "$4,599,182"; and in line 27 strike "$120,000" and insert "$118,800".

11. Purpose: To reduce aid to local transit systems by $18,192.

Amendment: On page 55, line 7, strike "1,839,210" and insert "1,821,018"; and in line 12 strike "$1,819,210" and insert "$1,801,018".

12. Purpose: To reduce aid to libraries by $5,746.

Amendment: On page 64, line 21, strike

"797,611" and insert "791,865".

On page 65, line 2, strike "$722,598" and insert "$716,852".

13. Purpose: To reduce aid for the Soil and Water Conservation Fund by $19,456.

Amendment: On page 89, line 21, strike "1,945,660" and insert "1,926,204"; and in line 27 strike "$1,945,660" and insert "$1,926,204".

14. Purpose: To reduce aid for the Resources Development Fund by $12,518.

Amendment: On page 90, line 17, strike "1,251,800" and insert "1,239,282"; and in line 23 strike "$1,251,800" and insert "$1,239,282".

15. Purpose: To reduce aid to area agencies on aging by $14,294.

Amendment: On page 101, line 18, strike "2,161,362" and insert "2,147,068"; and in line 25 strike "$1,792,517" and insert "$1,778,223".

16. Purpose: To reduce aid to Councils of government by $1,169.

Amendment: On page 103, line 21, strike "1,928,458" and insert "1,927,289".

On page 104, line 2, strike "$116,875" and insert "$115,706".

17. Purpose: To reduce aid to counties and villages with Indian reservations by $1,638.

Amendment: On page 106, line 3, strike "163,759" and insert "162,121"; and in line 9 strike "$163,584" and insert "$161,946".

19. Purpose: To reduce aid for waste water treatment by $18,000.

Amendment: On page 110, line 12, strike "1,800,000" and insert "1,782,000"; and in line 18 strike "$1,800,000" and insert "$1,782,000".

The first Warner amendment was adopted with 29 ayes, 0 nays, 17 present and not voting, and 3 excused and not voting.

Pending.

## UNANIMOUS CONSENT - Print in Journal

Mr. Vickers asked unanimous consent to print the following amendment to LB 722 in the Journal. No objections. So ordered.

Amendment to AM1414 (Warner Amendment)

Purpose: To reinstate $58,003 of the appropriations deleted from the Nebraska Coordinating Commission for Postsecondary Education.

1. Page 7, line 4, strike ",and"; line 5, following "Survey" insert ",performance of Academic Program Review activities as required by sections 85-9,103 to 85-9,109 and performance or contract for performance of special studies as may be requested by the Legislature."; line 7, strike "71,686" and insert "129,689"; line 8, strike "$45,219" and insert "77,813."

Mr. Lamb asked unanimous consent to print the following amendment to LB 722 in the Journal. No objections. So ordered.

PURPOSE: To delete funding for the Nebraska Telecommunications and Information Center.

AMENDMENT:

1. On page 97, line 13, strike "477,020" and insert "233,000"; in line 16, strike "9,971,733" and insert "9,727,713"; and in line 18, strike "411,148" and insert "271,068".

2. On page 99, line 10, strike "4,783,043" and insert "4,539,023"; and in line 13, strike "37,836,669" and insert "37,592,649".

**MOTION - Adjournment**

Mr. Hall moved to adjourn.

Mr. Hall moved for a call of the house. The motion prevailed with 19 ayes, 0 nays, and 30 not voting.

Mr. Hall requested a roll call vote on the motion to adjourn.

Voting in the affirmative, 22:

| | | | | |
|---|---|---|---|---|
| Abboud | Chambers | Hefner | Lynch | Rogers |
| Baack | Chronister | Higgins | Miller | Rupp |
| Barrett | DeCamp | Labedz | Peterson | Sieck |
| Beyer | Haberman | Lamb | Remmers | Smith |
| Carsten | Hall | | | |

Voting in the negative, 22:

| | | | | |
|---|---|---|---|---|
| Beutler | Goll | Harris | Johnson, L. | Lundy |
| Chizek | Goodrich | Hartnett | Johnson, V. | Morehead |
| Eret | Hannibal | Hoagland | Landis | Nelson |

Pappas Schmit Vickers Warner Wesely
Pirsch Scofield

Present and not voting, 2:

Conway Nichol

Excused and not voting, 3:

Johnson, R. Marsh Withem

The Hall motion to adjourn lost with 22 ayes, 22 nays, 2 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Mr. Barrett asked unanimous consent to be excused until he returns. No objections. So ordered.

Mrs. Smith, Messrs. Chronister, and Peterson asked unanimous consent to be excused. No objections. So ordered.

**MR. V. JOHNSON PRESIDING**

## SELECT FILE

**LEGISLATIVE BILL 722.** The second Warner amendment is as follows:

18. Purpose: To reduce aid to technical community colleges by $236,134.

Amendment: On page 109, line 12, strike "23,613,418" and insert "23,377,284"; and in line 15 strike "$23,613,418" and insert "$23,377,284".

The second Warner amendment was adopted with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

The third Warner amendment is as follows:

10. Purpose: To reduce aid for mental retardation programs by $210,484.

Amendment: On page 42, line 12, strike "21,048,373" and insert "20,837,889"; in line 15 strike "$21,048,373" and insert "$20,837,889"; and in line 23 strike "1,368,768" and insert "1,355,080".

On page 43, line 2, strike "1,120,796" and

insert "1,109,588"; in line 8 strike "3,184,616" and insert "3,152,770"; in line 14 strike "2,868,278" and insert "2,839,595"; in line 20 strike "6,063,855" and insert "6,003,217"; and in line 26 strike "6,442,060" and insert "6,377,639".

On page 44, line 11, strike "$679,125" and insert "$672,334"; in line 15 strike "$112,764" and insert "$111,636"; in line 18 strike "$465,376" and insert "$460,722"; in line 22 strike "$294,993" and insert "$292,043"; and in line 26 strike "$37,691" and insert "$37,314".

Mr. Haberman asked unanimous consent to be excused. No objections. So ordered.

Mrs. Labedz and Mr. Pappas 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 26 ayes, 6 nays, and 17 not voting.

The third Warner amendment was adopted with 25 ayes, 12 nays, 2 present and not voting, and 10 excused and not voting.

Mr. Chambers asked unanimous consent to be excused. No objections. So ordered.

The fourth Warner amendment is as follows:

3. Purpose: To reduce aid to counties by $166,600.

Amendment: On page 11, line 15, strike "16,660,000" and insert "16,493,400"; and in line 18 strike "$16,660,000" and insert "$16,493,400".

The fourth Warner amendment was adopted with 29 ayes, 3 nays, 6 present and not voting, and 11 excused and not voting.

The fifth Warner amendment is as follows:

4. Purpose: To reduce state aid to education by $1,337,161; high school tuition reimbursement by $54; and school lunch funds by $8,000.

Amendment: On page 14, line 10, strike "134,606,175" and insert "133,260,960"; in lines 14, 15, 19, and 21 strike "$93,100,000" and insert

"$92,169,000"; and in line 26 strike "$40,616,100" and insert "$40,209,939".

On page 15, line 4, strike "$5,375" and insert "$5,321"; and in line 13 strike "$134,521,475" and insert "$133,176,260".

Speaker Nichol asked unanimous consent to be excused until he returns. No objections. So ordered.

The fifth Warner amendment was adopted with 26 ayes, 4 nays, 7 present and not voting, and 12 excused and not voting.

## VISITORS

Visitors to the Chamber were 20 fourth through sixth grade students and teacher from District 10 school, Union; 18 sixth grade students and teacher from Sandhills School, Brewster; Mrs. Chalice Harvey, Eric, and Sharra Harvey from Fremont; Marv Donnehl from Holdrege; 28 fifth and sixth grade students and principal from St. Paul's Lutheran School, Beatrice; 55 fourth grade students and teacher from West School, Fairbury; Kathy and Margaret Nicholsen from Seattle, Washington, Janet and Ted Nicholsen, Susie, Tim, and Laura Litofe from Portland, Oregon; 50 fourth grade students and teachers from Norfolk Elementary School; and Alexandre Muterahejuru from Rwanda and Paul Polakoff from Los Angeles.

## ADJOURNMENT

Mr. Sieck moved to adjourn. The motion prevailed, and at 4:57 p.m., on a motion by Mr. Sieck, the Legislature adjourned until 8:00 a.m., Friday, May 17, 1985.

Patrick J. O'Donnell
Clerk of the Legislature

# EIGHTY-FIRST DAY - MAY 17, 1985

## LEGISLATIVE JOURNAL

## EIGHTY-NINTH LEGISLATURE
## FIRST SESSION

## EIGHTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Friday, May 17, 1985

Pursuant to adjournment, the Legislature met at 8:00 a.m., Speaker Nichol presiding.

## PRAYER

The prayer was offered by Dr. Robert Palmer, Westminster Presbyterian Church, Lincoln, Nebraska.

## ROLL CALL

The roll was called and all members were present except Mrs. Marsh who was excused; and Messrs. Barrett, Chizek, Hoagland, R. Johnson, Landis, Warner, Withem, and Mrs. Pirsch who were excused until they arrive.

## CORRECTIONS FOR THE JOURNAL

The Journal for the Eightieth Day was approved.

## UNANIMOUS CONSENT - Print in Journal

Mr. Lamb asked unanimous consent to print the following amendment to LB 516 in the Journal. No objections. So ordered.

AM1477

(Amendments to AM1408)

1. On page 7, line 26, strike "as provided in" and insert "pursuant to".

2. On page 12, line 21, strike "as provided in" and insert "pursuant to".

3. Strike section 18.

4. On page 19, line 12, strike "sections 24-503 and 24-810" and insert "section 24-503".

5. Renumber remaining sections accordingly.

## RESOLUTION

**LEGISLATIVE RESOLUTION 272.** Read. Considered.

LR 272 was adopted with 30 ayes, 0 nays, and 19 not voting.

## BILL ON FINAL READING

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 721.** With Emergency.

A BILL FOR AN ACT relating to appropriations; to make deficiency appropriations; to amend Laws 1984, LB 761A, section 2, Laws 1984, LB 882, section 1, and Laws 1984, LB 1128, sections 1, 3, 7, 9, 11, 14, 17, 18, 19, 20, 22, 23, 24, 29, 32, 33, 35, 36, 44, 47, 48, 49, 52, 56, 58, 61, 65, 67, 69, 74, 77, 80, 81, 82, and 98; to repeal the original sections, and also Laws 1984, LB 1129, section 12; and to declare an emergency.

Whereupon the President stated: "All provisions of 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 | DeCamp | Hartnett | Lynch | Rogers |
| Baack | Eret | Hefner | Miller | Rupp |
| Barrett | Goll | Higgins | Morehead | Schmit |
| Beyer | Goodrich | Johnson, L. | Nelson | Scofield |
| Carsten | Haberman | Johnson, R. | Nichol | Sieck |
| Chambers | Hall | Johnson, V. | Pappas | Smith |
| Chronister | Hannibal | Labedz | Peterson | Vickers |
| Conway | Harris | Lundy | Remmers | Wesely |

Voting in the negative, 1:

Lamb

Present and not voting, 1:

Beutler

Excused and not voting, 7:

| | | | | |
|---|---|---|---|---|
| Chizek | Landis | Pirsch | Warner | Withem |
| Hoagland | Marsh | | | |

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 126 to Select File**

Mr. V. Johnson moved to return LB 126 to Select File for his specific amendment, AM1454, found in the Journal on page 2340.

Mr. DeCamp requested a ruling of the Chair on whether the V. Johnson amendment is germane to the bill.

The Chair ruled the V. Johnson amendment not germane to the bill.

Mr. V. Johnson moved to suspend the rules, Rule 7, Section 3 (d) to permit consideration of the V. Johnson amendment to LB 126.

Mr. Beutler moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 8 nays, and 14 not voting.

Mr. Haberman requested a record vote on the V. Johnson motion to suspend the rules.

Voting in the affirmative, 16:

| | | | | |
|---|---|---|---|---|
| Chambers | Harris | Hoagland | Landis | Nelson |
| Chizek | Hartnett | Johnson, V. | Lynch | Pappas |
| Goodrich | Higgins | Labedz | Morehead | Wesely |
| Hall | | | | |

Voting in the negative, 27:

| | | | | |
|---|---|---|---|---|
| Baack | Carsten | Eret | Hefner | Nichol |
| Barrett | Chronister | Goll | Johnson, L. | Peterson |
| Beutler | Conway | Haberman | Johnson, R. | Pirsch |
| Beyer | DeCamp | Hannibal | Miller | Remmers |

| | | | | |
|---|---|---|---|---|
| Rogers | Schmit | Sieck | Smith | Warner |
| Rupp | Scofield | | | |

Present and not voting, 4:

| | | | |
|---|---|---|---|
| Abboud | Lamb | Lundy | Vickers |

Excused and not voting, 2:

| | |
|---|---|
| Marsh | Withem |

The V. Johnson motion to suspend the rules lost with 16 ayes, 27 nays, 4 present and not voting, and 2 excused and not voting.

## UNANIMOUS CONSENT - Member Excused

Mr. Chambers asked unanimous consent to be excused until he returns. No objections. So ordered.

## BILL ON FINAL READING

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 126.**

A BILL FOR AN ACT relating to energy; to amend section 57-705, Reissue Revised Statutes of Nebraska, 1943, sections 81-1632 and 81-1634, Revised Statutes Supplement, 1984, and section 81-1633, Revised Statutes Supplement, 1984, as amended by section 5, Legislative Bill 6, Eighty-ninth Legislature, First Session, 1985; to change provisions relating to the distribution of funds from the Severance Tax Fund; to change certain energy efficiency grants to loans; to change provisions relating to energy loans and grants; to change a termination date; to harmonize provisions; to provide operative dates; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

| | | | | |
|---|---|---|---|---|
| Abboud | Beyer | Chronister | Eret | Haberman |
| Baack | Carsten | Conway | Goll | Hall |
| Barrett | Chizek | DeCamp | Goodrich | Hannibal |

| | | | | |
|---|---|---|---|---|
| Harris | Johnson, R. | Lynch | Pirsch | Sieck |
| Hartnett | Johnson, V. | Morehead | Remmers | Smith |
| Hefner | Labedz | Nelson | Rogers | Vickers |
| Higgins | Lamb | Nichol | Rupp | Warner |
| Hoagland | Landis | Pappas | Schmit | Wesely |
| Johnson, L. | Lundy | Peterson | Scofield | |

Voting in the negative, 0.

Present and not voting, 2:

Beutler Miller

Excused and not voting, 3:

Chambers Marsh Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**MOTION - Return LB 389 to Select File**

Mr. Lamb moved to return LB 389 to Select File for his specific amendment, AM1402, found in the Journal on page 2243.

The Lamb motion to return prevailed with 34 ayes, 0 nays, 12 present and not voting, and 3 excused and not voting.

**SELECT FILE**

**LEGISLATIVE BILL 389.** The Lamb specific amendment, AM1402, found in the Journal on page 2243 was adopted with 36 ayes, 0 nays, 10 present and not voting, and 3 excused and not voting.

Advanced to E & R for Re-Engrossment.

**UNANIMOUS CONSENT - Withdraw Amendment to LB 389**

Mr. R. Johnson asked unanimous consent to withdraw his pending amendment, AM1430, found in the Journal on page 2255. No objections. So ordered.

**MOTION - Return LB 389 to Select File**

Mr. R. Johnson moved to return LB 389 to Select File for the

following specific amendment:
AM1451

(Amendments to Final Reading Copy)

1. On page 6, line 17, after "a" insert "custom feeder of livestock or poultry or a".

The R. Johnson motion to return prevailed with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

## SELECT FILE

**LEGISLATIVE BILL 389.** The R. Johnson specific amendment, AM1451, found in this day's Journal was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Advanced to E & R for Re-Engrossment.

## MOTION - Return LB 389 to Select File

Mr. Beutler moved to return LB 389 to Select File for the following specific amendment:

On page 10 line 15 strike the words "upon request"

The Beutler motion to return prevailed with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

## SELECT FILE

**LEGISLATIVE BILL 389.** The Beutler specific amendment found in this day's Journal was adopted with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

Advanced to E & R for Re-Engrossment.

## BILL ON FINAL READING

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 406.** With Emergency.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-101, 28-401, 28-405, and 28-416, Revised Statutes Supplement, 1984; to define a term; to change schedules of controlled substances; to eliminate a penalty; to prohibit certain acts relating to imitation controlled substances; to provide duties for the Revisor of

Statutes; to provide penalties; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 42:

| | | | | |
|---|---|---|---|---|
| Abboud | DeCamp | Higgins | Lundy | Remmers |
| Baack | Eret | Hoagland | Miller | Rogers |
| Barrett | Goll | Johnson, L. | Morehead | Rupp |
| Beutler | Goodrich | Johnson, R. | Nelson | Scofield |
| Beyer | Haberman | Johnson, V. | Nichol | Sieck |
| Carsten | Hannibal | Labedz | Pappas | Vickers |
| Chizek | Harris | Lamb | Peterson | Warner |
| Chronister | Hartnett | Landis | Pirsch | Wesely |
| Conway | Hefner | | | |

Voting in the negative, 3:

| | | |
|---|---|---|
| Hall | Schmit | Smith |

Present and not voting, 1:

Lynch

Excused and not voting, 3:

| | | |
|---|---|---|
| Chambers | Marsh | Withem |

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**MOTION - Return LB 401 to Select File**

Mr. Beutler moved to return LB 401 to Select File for the following specific amendment:
on page 9 strike subsection (4)
on page 10 strike subsection (2)

Mr. Wesely requested a roll call vote on the Beutler motion to return.

Voting in the affirmative, 27:

| | | | | |
|---|---|---|---|---|
| Abboud | Eret | Hefner | Lundy | Pirsch |
| Barrett | Goodrich | Higgins | Miller | Remmers |
| Beutler | Haberman | Johnson, R. | Morehead | Rupp |
| Carsten | Hannibal | Labedz | Nelson | Schmit |
| Chizek | Harris | Lamb | Nichol | Smith |
| Chronister | Hartnett | | | |

Voting in the negative, 17:

| | | | | |
|---|---|---|---|---|
| Baack | Hall | Landis | Rogers | Vickers |
| Conway | Hoagland | Lynch | Scofield | Warner |
| DeCamp | Johnson, L. | Pappas | Sieck | Wesely |
| Goll | Johnson, V. | | | |

Present and not voting, 2:

| | |
|---|---|
| Beyer | Peterson |

Excused and not voting, 3:

| | | |
|---|---|---|
| Chambers | Marsh | Withem |

The Beutler motion to return prevailed with 27 ayes, 17 nays, 2 present and not voting, and 3 excused and not voting.

## SELECT FILE

**LEGISLATIVE BILL 401.** The Beutler specific amendment found in this day's Journal was considered.

Mr. Lundy moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 20 ayes, 8 nays, and 21 not voting.

Mr. Wesely requested a roll call vote on the Beutler amendment.

Voting in the affirmative, 24:

| | | | | |
|---|---|---|---|---|
| Abboud | Chizek | Hannibal | Lundy | Remmers |
| Barrett | Eret | Harris | Morehead | Rupp |
| Beutler | Goll | Hartnett | Nelson | Schmit |
| Beyer | Goodrich | Higgins | Nichol | Smith |
| Carsten | Haberman | Johnson, R. | Pirsch | |

Voting in the negative, 21:

| | | | | |
|---|---|---|---|---|
| Baack | Hefner | Labedz | Miller | Sieck |
| Chronister | Hoagland | Lamb | Pappas | Vickers |
| Conway | Johnson, L. | Landis | Rogers | Warner |
| DeCamp | Johnson, V. | Lynch | Scofield | Wesely |
| Hall | | | | |

Present and not voting, 2:

Peterson Withem

Excused and not voting, 2:

Chambers Marsh

The Beutler amendment lost with 24 ayes, 21 nays, 2 present and not voting, and 2 excused and not voting.

Mr. Beutler requested a machine vote on the advancement of the bill.

Readvanced to Final Reading with 27 ayes, 15 nays, 4 present and not voting, and 3 excused and not voting.

**MOTION - Return LB 401 to Select File**

Mr. DeCamp moved to return LB 401 to Select File for the following specific amendment:
Strike the enacting clause.

Mr. R. Johnson asked unanimous consent to be excused until he returns. No objections. So ordered.

Mrs. Labedz moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 2 nays, and 22 not voting.

Mr. DeCamp requested a roll call vote on his motion to return.

Voting in the affirmative, 24:

| | | | | |
|---|---|---|---|---|
| Abboud | Chronister | Goll | Johnson, V. | Nichol |
| Baack | Conway | Haberman | Lamb | Pappas |
| Barrett | DeCamp | Hefner | Lundy | Peterson |
| Beyer | Eret | Higgins | Lynch | Pirsch |

Remmers Rogers Schmit Sieck

Voting in the negative, 22:

| | | | | |
|---|---|---|---|---|
| Beutler | Hannibal | Labedz | Nelson | Vickers |
| Carsten | Harris | Landis | Rupp | Warner |
| Chizek | Hartnett | Miller | Scofield | Wesely |
| Goodrich | Hoagland | Morehead | Smith | Withem |
| Hall | Johnson, L. | | | |

Excused and not voting, 3:

Chambers Johnson, R. Marsh

The DeCamp motion to return lost with 24 ayes, 22 nays, and 3 excused and not voting.

**MOTION - Reconsider Action on LB 401**

Mr. Wesely moved to reconsider the vote on the Beutler amendment found in this day's Journal.

Mrs. Labedz moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

The Wesely motion to reconsider prevailed with 27 ayes, 10 nays, 9 present and not voting, and 3 excused and not voting.

**MOTION - Return LB 401 to Select File**

Mr. Beutler moved to return LB 401 to Select File for the following reconsidered amendment:
on page 9 strike subsection (4)
on page 10 strike subsection (2)

Mr. Barrett asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Hall moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

Mr. Beutler requested a roll call vote on his motion to return.

Voting in the affirmative, 22:

| | | | | |
|---|---|---|---|---|
| Abboud | Goodrich | Hoagland | Nelson | Vickers |
| Beutler | Hannibal | Labedz | Rupp | Warner |
| Carsten | Harris | Landis | Scofield | Wesely |
| Chizek | Hartnett | Morehead | Smith | Withem |
| Eret | Higgins | | | |

Voting in the negative, 23:

| | | | | |
|---|---|---|---|---|
| Baack | Goll | Johnson, V. | Nichol | Remmers |
| Beyer | Haberman | Lamb | Pappas | Rogers |
| Chronister | Hall | Lundy | Peterson | Schmit |
| Conway | Hefner | Lynch | Pirsch | Sieck |
| DeCamp | Johnson, L. | Miller | | |

Excused and not voting, 4:

| | | | |
|---|---|---|---|
| Barrett | Chambers | Johnson, R. | Marsh |

The Beutler motion to return lost with 22 ayes, 23 nays, and 4 excused and not voting.

## BILL ON FINAL READING

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 401.**

A BILL FOR AN ACT relating to the disclosure of information concerning state government; to amend sections 81-8,245 and 81-1318, Reissue Revised Statutes of Nebraska, 1943; to state intent; to define terms; to provide for the submission to and investigation by the Public Counsel or an elected state official of allegations of wrongdoing as prescribed; to provide powers and duties; to provide procedures; to prohibit reprisals and intentional misuse; 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, 18:

| | | | | |
|---|---|---|---|---|
| Beutler | Carsten | Chizek | Goodrich | Hall |

| | | | | |
|---|---|---|---|---|
| Hannibal | Hoagland | Nelson | Vickers | Wesely |
| Harris | Labedz | Scofield | Warner | Withem |
| Hartnett | Landis | Smith | | |

Voting in the negative, 26:

| | | | | |
|---|---|---|---|---|
| Abboud | Eret | Johnson, L. | Morehead | Remmers |
| Baack | Goll | Johnson, V. | Nichol | Rogers |
| Beyer | Haberman | Lamb | Pappas | Rupp |
| Chronister | Hefner | Lundy | Peterson | Schmit |
| Conway | Higgins | Lynch | Pirsch | Sieck |
| DeCamp | | | | |

Present and not voting, 1:

Miller

Excused and not voting, 4:

| | | | |
|---|---|---|---|
| Barrett | Chambers | Johnson, R. | Marsh |

Having failed to receive a constitutional majority voting in the affirmative, the bill failed to pass.

Mr. Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

## REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of May 16, 1985. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Ryan, James E. - Lincoln, (Withdrawn 85/04/30), Lincoln Citizens for Equitable Taxation

## RESOLUTION

**LEGISLATIVE RESOLUTION 274.**

Introduced by Haberman, 44th District.

WHEREAS, 1985 marks the one hundredth anniversary of the City of Imperial, NE; and

WHEREAS, the City of Imperial is the county seat and an important cornerstone to all residents of Chase County, Nebraska; and

WHEREAS, the City of Imperial is within a county that contains 576,000 acres of land and forms one of the broad plateaus that in the very early days was known as the "Great American Desert"; and

WHEREAS, the City of Imperial has continually shown signs of progress as many citizens have contributed to its growth and stability in the past one hundred years; and

WHEREAS, a centennial celebration offers a community a unique opportunity to reflect upon those citizens whose efforts were responsible for the community's many accomplishments; and

WHEREAS, the City of Imperial has been, is, and will continue to be an outstanding community and the citizens of the City of Imperial deserve special recognition during the centennial celebration which takes place on June 14-16, 1985;

NOW, THEREFORE, BE IT RESOLVED by the members of the Eighty-ninth Legislature of NE, First Session:

1) That the Legislature recognize and commend the City of Imperial for its one hundredth anniversary.

2) That the Legislature congratulates and extends best wishes to the citizens of the Imperial community.

3) That a copy of the Resolution be sent to Imperial's Mayor Victor Hofman, and the City Council members, the publisher of the Imperial Republican and the citizens of Imperial.

Laid over.

## ATTORNEY GENERAL'S OPINION

Opinion No. 81
May 15, 1985

Dear Senator DeCamp:

As a follow-up to the question you addressed to us concerning LB 208, which we responded to in Attorney General Opinion No. 79, dated May 13, 1985, you have asked us to consider whether LB 208, which would alter the shrinkage allowance granted to dealers of motor vehicle fuels to provide a three percent allowance

on the first 75,000 gallons of fuel received monthly, and a two percent allowance on all gallons in excess of 75,000 gallons, would be unconstitutional. In our earlier opinion, we concluded your proposed amendment to LB 208, raising the shrinkage allowance to 90 percent, would appear to be unconstitutional on the ground it established an unreasonable classification bearing no rational relationship to the object or purpose sought to be achieved by the provision of a shrinkage allowance.

Presently, Neb.Rev.Stat. §66-414 (Reissue 1981) provides a three percent shrinkage allowance. As we indicated in our earlier opinion, this three percent allowance has existed since 1929. In your letter, you state you have found no evidence to indicate a three percent allowance bears any rational relationship to actual shrinkage loss under present conditions. You have also provided some information regarding your position that a one percent allowance would be sufficient.

In Bridgeford v. U-Haul Company, 195 Neb. 308, 238 N.W.2d 443 (1976), the Nebraska Supreme Court stated "{w}hether there was a reasonable basis for the enactment of the statute in question is primarily a matter of legislative determination, subject to limited judicial scrutiny." While we are aware of your view that a one percent shrinkage allowance would be reasonable, we do not have sufficient information to determine whether the three percent allowance under LB 208 would be clearly unreasonable. Furthermore, as we stated in our previous opinion, "this determination of reasonableness is one which must, in the first instance, rest with the Legislature."

The question of whether a one percent or three percent allowance is reasonable rests on a factual determination which we believe must initially be made by the Legislature. Based on the information provided, we simply are not in a position to conclude that the allowance proposed under LB 208 would be unconstitutional.

Very truly yours,
ROBERT M. SPIRE
Attorney General
(Signed) L. Jay Bartel
Assistant Attorney General

LJB:ejg
cc: Patrick J. O'Donnell
Clerk of the Legislature

**UNANIMOUS CONSENT - Member Excused**

Mr. Schmit asked unanimous consent to be excused until he returns. No objections. So ordered.

## BILL ON FINAL READING

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 633.**

A BILL FOR AN ACT relating to schools; to amend sections 79-420, 79-4,154, 79-549, 79-1254.06, and 79-1304, Reissue Revised Statutes of Nebraska, 1943, and sections 79-4,140.04, 79-1247.02, 79-1247.05, 79-1247.06, and 79-1247.09, Revised Statutes Supplement, 1984; to change provisions relating to when a district must be dissolved; to eliminate a fund; to create the Professional Staff Development Program; to provide for rules and regulations; to require a vote for the issuance of certain bonds; to change provisions relating to kindergarten programs; to provide for biennial course offerings as prescribed; to change provisions relating to advisory committees; to provide for pilot projects; to change certain dates; to change provisions relating to competency examinations, teaching certificates and permits, and the entry-year assistance program; to change provisions relating to a hearing requirement; to eliminate a provision on when school must be open and in session; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

| | | | | |
|---|---|---|---|---|
| Abboud | DeCamp | Hefner | Miller | Rupp |
| Baack | Eret | Higgins | Morehead | Scofield |
| Barrett | Goll | Hoagland | Nelson | Sieck |
| Beutler | Goodrich | Johnson, L. | Nichol | Smith |
| Beyer | Haberman | Johnson, V. | Pappas | Vickers |
| Carsten | Hall | Labedz | Peterson | Warner |
| Chizek | Hannibal | Lamb | Pirsch | Wesely |
| Chronister | Harris | Lundy | Remmers | Withem |
| Conway | Hartnett | Lynch | Rogers | |

Voting in the negative, 0.

Excused and not voting, 5:

| | | | | |
|---|---|---|---|---|
| Chambers | Johnson, R. | Landis | Marsh | Schmit |

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**UNANIMOUS CONSENT - Withdraw Amendment to LB 606**

Mr. Lynch asked unanimous consent to withdraw his pending amendment, AM1123, found in the Journal on page 1704. No objections. So ordered.

**MOTION - Return LB 606 to Select File**

Mr. DeCamp moved to return LB 606 to Select File for his specific amendment, AM1313, found in the Journal on page 2107.

The DeCamp motion to return prevailed with 30 ayes, 0 nays, 14 present and not voting, and 5 excused and not voting.

**SELECT FILE**

**LEGISLATIVE BILL 606.** The DeCamp specific amendment, AM1313, found in the Journal on page 2107 was adopted with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

Advanced to E & R for Re-Engrossment.

Mr. DeCamp asked unanimous consent to be excused until he returns. No objections. So ordered.

**MOTION - Suspend Rules on LB 606A**

Mrs. Labedz moved to suspend the rules, Rule 6 Section 3(g) and Rule 7 Section 3(d) to permit consideration of AM1391 to LB 606A.

The Labedz motion to suspend the rules prevailed with 34 ayes, 0 nays, 10 present and not voting, and 5 excused and not voting.

**MOTION - Return LB 606A to Select File**

Mrs. Labedz moved to return LB 606A to Select File for the following Labedz - Abboud - Baack - Barrett - Beyer - Carsten - Chambers - Chizek - Chronister - Conway - DeCamp - Eret - Goll - Goodrich - Haberman - Hall - Harris - Hartnett - Hefner - Higgins - Hoagland - L. Johnson - R. Johnson - V. Johnson - Lamb - Lundy - Lynch - Miller - Morehead - Nelson - Nichol - Pappas - Pirsch -

Remmers - Rogers - Rupp - Schmit - Scofield - Sieck - Smith - Warner - Wesely - Withem specific amendment:
AM1391

(Amendments to Final Reading Copy)

1. Strike the original sections and insert the following new section:

"Section 1. The land acquired by the Game and Parks Commission located in Township 12 North, Range 10 East of the 6th P.M., Cass County, is hereby named the Eugene T. Mahoney State Park.".

The Labedz motion to return prevailed with 36 ayes, 0 nays, 9 present and not voting, and 4 excused and not voting.

## SELECT FILE

**LEGISLATIVE BILL 606A.** The Labedz et al. specific amendment, AM1391, found in this day's Journal was adopted with 34 ayes, 1 nay, 10 present and not voting, and 4 excused and not voting.

Advanced to E & R for Re-Engrossment.

## UNANIMOUS CONSENT - Withdraw Amendment to LB 614

Mr. Pappas asked unanimous consent to withdraw his pending amendment found in the Journal on page 1395. No objections. So ordered.

## MOTION - Suspend Rules on LB 614

Messrs. Schmit and L. Johnson moved to suspend the rules, Rule 6, Section 3(g) and Rule 7, Section 3(d) to permit consideration of AM1310 to LB 614.

The motion to suspend the rules prevailed with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

## MOTION - Return LB 614 to Select File

Messrs. Schmit and L. Johnson moved to return LB 614 to Select File for the specific amendment, AM1310, printed separate from the Journal and referred to on page 2085.

The Schmit-L. Johnson motion to return prevailed with 35 ayes, 0 nays, 10 present and not voting, and 4 excused and not voting.

## SELECT FILE

**LEGISLATIVE BILL 614.** The Schmit et al. specific amendment, AM1310, printed separate from the Journal and referred to on page 2085 was adopted with 37 ayes, 0 nays, 8 present and not voting, and 4 excused and not voting.

Advanced to E & R for Re-Engrossment.

## MOTION - Return LB 614 to Select File

Mr. Schmit moved to return LB 614 to Select File for his specific amendment found in the Journal on page 2340.

The Schmit motion to return prevailed with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

## SELECT FILE

**LEGISLATIVE BILL 614.** The Schmit specific amendment found in the Journal on page 2340 was adopted with 31 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

Advanced to E & R for Re-Engrossment.

## SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 721, 126, 406, and 633.

## UNANIMOUS CONSENT - Member Excused

Mr. V. Johnson asked unanimous consent to be excused from May 20, 1985 through May 24, 1985. No objections. So ordered.

## STANDING COMMITTEE REPORT
## Judiciary

**LEGISLATIVE BILL 600.** Placed on General File as amended.
Standing Committee amendments to LB 600:
AM1489

1. On page 3, strike beginning with "which"
in line 11 through "handling" in line 12 and insert "as

provided in this act"; strike beginning with "and" in line 17 through the comma in line 19; in line 20 strike "shall" and insert "may"; in line 23, strike "in the district" and insert "of one or more of the districts affected"; and in line 27 strike "the" and insert "an" and strike "required of district" and insert "prescribed by the Supreme Court".

2. On page 4, line 1, strike "court judges"; in line 3, strike "other district court"; in line 4 after "officials" insert "of the State of Nebraska"; in line 8 after the first comma insert "modification,"; in line 12 strike "matters pertaining to"; in line 15 strike "and" and insert "supervise pretrial preparation pursuant to Nebraska Rules of Discovery," and after "adjournments" insert ", and exercise related powers"; in line 20 strike the second "a" and insert "the"; in line 22 strike "and" and insert ", except"; and in line 23 strike "shall have" and insert "the".

3. On page 5, line 7, after "the" insert "written"; in line 16 strike ", in the discretion of the court, may" and insert "shall" and strike "either"; and in line 27 strike "a" and insert "the" and strike "judge upon posting of such bond, if" and insert "court.".

4. On page 6, strike line 1.

5. On page 8, strike beginning with "payments" in line 9 through "are" in line 12 and insert "is".

6. On page 10, line 15, strike "thirty days", show as stricken, and insert "one month".

7. On page 18, line 9, strike "shall" and reinstate the stricken matter.

8. On page 24, strike beginning with "an" in line 23 through "order" in line 24.

9. On page 26, line 23, strike "pay day" and insert "payday"; and in line 24 after "withheld" insert "under the Income Withholding for Child Support Act or any court order".

10. On page 28, line 2, strike "back pay" and insert "backpay".

11. On page 39, line 24, after the period insert "There shall be no fee charged for the filing of such certified copies.".

12. On page 45, line 18, strike "(3)", show as stricken, and insert "(4)".

13. On page 47, lines 3, 7, 12, 19, 26, and

27 strike the new matter.

14. On page 48, lines 15 and 16, strike "or reopen" and show as stricken.

15. Insert the following new sections:

"Sec. 76. It shall be the duty of the Supreme Court Administrator to develop and implement a statewide automated record-keeping system for all clerks of the district court. Such system shall be interfaced with the automated child support enforcement system of the Department of Social Services.

Sec. 77. As soon after the effective date of this act as is practicable, the Supreme Court shall appoint a committee to examine the legislation. By December 1, 1985, such committee shall recommend to the Legislature modifications, if any, to enhance the enforcement and collection of child support and other related matters.

Sec. 78. Sections 1 to 76 and 79 shall become operative on September 1, 1986. The remaining sections shall become operative on their effective date.".

16. Renumber the remaining section accordingly.

(Signed) Peter Hoagland, Chairperson

## VISITORS

Visitors to the Chamber were three groups of eighth grade students and teachers from Marrs Junior High School, Omaha; 53 fourth grade students and teachers from West Lawn Elementary School, Grand Island; 12 seventh and eighth grade students and teacher from St. Pauls Lutheran School, Arlington; 32 fourth grade students, teachers, and principal from Yutan Public School; 28 seventh and eighth grade students, sponsors, and teacher from Silver Creek; 45 third through sixth grade students and teachers from Chester-Hubell-Bryon School, Chester; and 15 seventh through ninth grade students and teacher from Culler Junior High, Lincoln.

## RECESS

At 11:58 a.m., on a motion by Mr. Sieck, the Legislature recessed until 1:30 p.m.

## AFTER RECESS

The Legislature reconvened at 1:34 p.m., Speaker Nichol presiding.

## ROLL CALL

The roll was called and all members were present except Messrs. Barrett, Chambers, Mesdames Higgins, and Marsh who were excused; and Messrs. Chronister, Hoagland, and Mrs. Pirsch who were excused until they arrive.

## SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolution: LR 272.

## PRESENTED TO THE GOVERNOR

Presented to the Governor on May 17, 1985, at 1:30 p.m., were the following bills: 721, 126, 406, and 633.

(Signed) Pam Moravec, Enrolling Clerk

## GENERAL FILE

**LEGISLATIVE BILL 31.** Title read. Considered.

Standing Committee amendment, AM1452, found in the Journal on page 2333 for the Eightieth Day was considered.

Mr. V. Johnson offered the following amendment to the Standing Committee amendment:

To amend the Committee Amendment to LB 31 by adding the contents of LB 201, as amended, to LB 31.

Mr. Beutler requested a ruling of the Chair on whether the V. Johnson amendment is germane to the Standing Committee amendment.

The Chair ruled the V. Johnson amendment not germane to the Standing Committee amendment.

Mr. Beutler moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

The Standing Committee amendment was adopted with 27 ayes, 16

nays, 1 present and not voting, and 5 excused and not voting.

Mrs. Labedz moved to indefinitely postpone LB 31.

Mr. Chizek moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mrs. Labedz moved for a call of the house. The motion prevailed with 15 ayes, 1 nay, and 33 not voting.

Mrs. Labedz requested a roll call vote on her motion to indefinitely postpone.

Voting in the affirmative, 21:

| | | | | |
|---|---|---|---|---|
| Beyer | Goodrich | Hartnett | Pappas | Schmit |
| Chizek | Haberman | Johnson, V. | Remmers | Sieck |
| Conway | Hall | Labedz | Rogers | Wesely |
| DeCamp | Harris | Lynch | Rupp | Withem |
| Eret | | | | |

Voting in the negative, 21:

| | | | | |
|---|---|---|---|---|
| Abboud | Hannibal | Johnson, R. | Miller | Peterson |
| Baack | Hefner | Lamb | Morehead | Scofield |
| Beutler | Hoagland | Landis | Nelson | Vickers |
| Carsten | Johnson, L. | Lundy | Nichol | Warner |
| Goll | | | | |

Present and not voting, 3:

| | | |
|---|---|---|
| Chronister | Pirsch | Smith |

Excused and not voting, 4:

| | | | |
|---|---|---|---|
| Barrett | Chambers | Higgins | Marsh |

The Labedz motion to indefinitely postpone lost with 21 ayes, 21 nays, 3 present and not voting, and 4 excused and not voting.

Mrs. Labedz requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 25:

| | | | | |
|---|---|---|---|---|
| Abboud | Goll | Johnson, L. | Lundy | Peterson |
| Baack | Haberman | Johnson, R. | Miller | Pirsch |
| Beutler | Hannibal | Johnson, V. | Morehead | Scofield |
| Carsten | Hefner | Lamb | Nelson | Vickers |
| Chronister | Hoagland | Landis | Nichol | Warner |

Voting in the negative, 20:

| | | | | |
|---|---|---|---|---|
| Beyer | Eret | Hartnett | Remmers | Sieck |
| Chizek | Goodrich | Labedz | Rogers | Smith |
| Conway | Hall | Lynch | Rupp | Wesely |
| DeCamp | Harris | Pappas | Schmit | Withem |

Excused and not voting, 4:

| | | | |
|---|---|---|---|
| Barrett | Chambers | Higgins | Marsh |

Advanced to E & R for Review with 25 ayes, 20 nays, and 4 excused and not voting.

The Chair declared the call raised.

**LEGISLATIVE BILL 501.** Title read. Considered.

Standing Committee amendments, AM0413, found in the Journal on page 879 for the Thirty-Fifth Day lost with 1 aye, 19 nays, 25 present and not voting, and 4 excused and not voting.

Mr. Warner renewed his pending amendment, AM1478, found in the Journal on page 2347.

The Warner amendment was adopted with 26 ayes, 1 nay, 18 present and not voting, and 4 excused and not voting.

Advanced to E & R for Review with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

**MOTION - Place LB 83 on General File**

Mr. Warner renewed his pending motion found in the Journal on page 2339 to suspend Rule 3 Section 17 so that LB 83 be placed on General File notwithstanding the action of the Public Works Committee.

Messrs. Conway and Baack asked unanimous consent to be excused.

No objections. So ordered.

Mr. Beutler moved for a call of the house. The motion prevailed with 27 ayes, 2 nays, and 20 not voting.

Mr. Warner requested a roll call vote on his motion to suspend the rules.

Voting in the affirmative, 29:

| | | | | |
|---|---|---|---|---|
| Beutler | Goodrich | Johnson, L. | Nelson | Sieck |
| Carsten | Hannibal | Johnson, V. | Pappas | Vickers |
| Chizek | Harris | Lamb | Pirsch | Warner |
| Chronister | Hartnett | Landis | Remmers | Wesely |
| Eret | Hefner | Lundy | Rupp | Withem |
| Goll | Hoagland | Morehead | Scofield | |

Voting in the negative, 13:

| | | | | |
|---|---|---|---|---|
| Abboud | Haberman | Labedz | Nichol | Schmit |
| Beyer | Hall | Lynch | Rogers | Smith |
| DeCamp | Johnson, R. | Miller | | |

Present and not voting, 1:

Peterson

Excused and not voting, 6:

| | | | | |
|---|---|---|---|---|
| Baack | Chambers | Conway | Higgins | Marsh |
| Barrett | | | | |

The Warner motion to suspend the rules lost with 29 ayes, 13 nays, 1 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

## UNANIMOUS CONSENT - Members Excused

Messrs. Pappas and Nichol asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Rupp asked unanimous consent to be excused. No objections. So ordered.

**MRS. MOREHEAD PRESIDING**

## SELECT FILE

**LEGISLATIVE BILL 722.** Mr. Warner offered the following amendment:

1. Agency 03 - Legislative Council

Purpose: To delete $30,000 General Funds for partial coverage of full year funding for legislative staff.

Amendment: On page 3, in lines 3 and 4, strike "2,753,685" and insert "2,723,685".

2. Agency 03 - Legislative Council

Purpose: To delete reappropriation of unexpended balances for renovation of legislative space.

Amendment: Strike the Beutler-DeCamp amendment on page 1934 of the Journal.

3. Agency 04 - Policy Research Office

Purpose: To delete $12,638 General Funds for a .5 FTE Research Analyst position.

Amendment: On page 4, line 26, strike "397,143" and insert "384,505".

4. Agency 05 - Supreme Court

Purpose: To reduce funding by $46,850 General Funds for two positions authorized but not filled.

Amendment: On page 5, line 10, strike "7,812,316" and insert "7,765,466"; and in line 14, strike "$6,306,683" and insert "$6,264,853".

5. Agency 05 - Supreme Court

Purpose: To eliminate $170,000 General Funds for the County Court special salary increase.

Amendment: On page 5, line 10, strike "7,812,316" and insert "7,642,316"; and in line 14 strike "$6,306,683" and insert "$6,154,897".

6. Agency 11 - Attorney General

Purpose: To reduce funding from $100,000 to $50,000 General Funds for investigation and litigation of cases regarding asbestos in state buildings.

Amendment: On page 9, line 25, strike "1,451,339" and insert "1,401,339"; and on page 10, line 7, strike "$100,000" and insert "$50,000".

7. Agency 11 - Attorney General

Purpose: To reduce funding for expert witness fee expenses from $60,000 to $30,000 General Funds.

Amendment: On page 9, line 25, strike

"1,451,339" and insert "1,421,339"; and on page 10, line 4, strike "$60,000 and insert "$30,000.

8. Agency 13 - State Department of Education

Purpose: Reduce the funds provided for salaries at the School for the Deaf by $67,135 and the School for the Visually Handicapped by $32,865.

Amendment: On page 18, line 18, strike "2,435,994" and insert "2,368,859"; and in line 23, strike "$1,914,345" and insert "$1,854,294"; and on page 19, line 2, strike "997,611" and insert "964,746"; and in line 7 strike "$820,382" and insert "$790,984".

9. State Department of Education

Purpose: Reduce funding for instructional television by $150,000.

Amendment: On page 20, line 14, strike "729,256" and insert "579,256".

10. Agency 14 - Public Service Commission

Purpose: To eliminate $5,000 for purchase of a microcomputer.

Amendment: On page 21, in lines 11 and 12, strike "1,481,426" and insert "1,476,426"; and on page 22, line 1, strike "1,498,926 and insert "1,493,926"; and in line 3 strike "1,508,926" and insert "1,503,926".

11. Agency 16 - Department of Revenue

Purpose: To eliminate $20,000 of the cost of salary upgrades.

Amendment: On page 23, line 9, strike "1,222,090" and insert "1,202,090"; in line 11 strike "2,449,231" and insert "2,429,231"; and in line 13 strike "$1,084,070" and insert "$1,064,070".

13. Agency 25 - Department of Public Institutions

Purpose: Delete $98,464 General Funds, $247,848 Cash Funds, and $63,875 Federal Funds to open a new ward for Structured/Supportive Long-Term Care at the Norfolk Regional Center.

Amendment: On page 41, line 11, strike "25,127,907" and insert "25,029,443"; in line 12 strike "7,260,510" and insert "7,012,662"; in line 13 strike "3,710,872" and insert "3,646,997"; and in line 17 strike "$21,366,612" and insert "$21,090,604".

14. Agency 26 - Department of Social Services

Purpose: Reduce the amount for additional child protective service workers by $50,000.

Amendment: On page 49, line 18, strike "16,959,161" and insert "16,909,161"; and in line 23

strike "$29,668,859" and insert "$29,633,233".

16. Agency 26 - Department of Social Services

Purpose: To reappropriate $1,000,000 of the unexpended balance to offset General Funds.

Amendment: On page 53, line 9, strike "58,950,316" and insert "57,950,316"; in line 20 after "to" insert "(a) Program 348 - Medical Assistance in an amount not to exceed $1,000,000 which shall be in addition to the amount shown and (b)".

17. Agency 31 - Military Department

Purpose: To reduce the level of funding in the Governor's Emergency Fund from an estimated $626,447, including reappropriations, to $496,447.

Amendment: On page 58, in lines 19 and 20, strike "500,000" and insert "370,000".

18. Agency 33 - Game and Parks Commission

Purpose: To reduce the level of General Funds supporting the Nebraskaland magazine from $276,064 to $141,064.

Amendment: On page 62, line 3, strike "1,034,338" and insert "899,338".

19. Agency 34 - Nebraska Library Commission

Purpose: Reduce the aid to library systems by $147,908 General Funds.

Amendment: On page 64, line 21, strike "797,611" and insert "649,703"; and on page 65, line 2, strike "$722,598" and insert "$574,690".

20. Agency 35 - Nebraska Liquor Control Commission

Purpose: To eliminate $33,214 General Funds for a new inspector position.

Amendment: On page 65, in lines 14 and 15, strike "1,016,963" and insert "983,749"; and in line 17 strike "$699,863" and insert "$681,519".

21. Agency 38 - Nebraska Commission on the Status of Women

Purpose: Eliminate Fair Booth, Job Listing, and Directory of Boards and Commissions.

Amendment: On page 67, line 12, strike "239,379" and insert "229,020".

23. Agency 50-1 Chadron State College

Purpose: To state intent.

Amendment: On page 76, after line 7, insert:

"It is the intent of the Legislature that expenditures made as a result of appropriation of cash balances shall not be for activities or items which must

continue to be funded in future years."

24. Agency 50-2 Kearney State College

Purpose: To reduce additional General Funded faculty from 7 FTE to 2 FTE.

Amendment: On page 76, line 15, strike "11,445,003" and insert "11,300,161"; and in line 22 strike "$11,993,027" and insert "$11,870,667".

25. Agency 50-2 Kearney State College

Purpose: To state intent.

Amendment: On page 77, after line 13, insert:

"It is the intent of the Legislature that expenditures made as a result of appropriation of cash balances shall not be for activities or items which must continue to be funded in future years.".

26. Agency 50-3 Peru State College

Purpose: To reduce additional faculty from 2 FTE to 1 FTE.

Amendment: On page 77, line 25, strike "3,370,341" and insert "3,346,113"; and on page 78, line 5, strike "$2,559,656" and insert "$2,538,840".

27. Agency 50-3 Peru State College

Purpose: To state intent.

Amendment: On page 78, after line 9, insert:

"It is the intent of the Legislature that expenditures made as a result of appropriation of cash balances shall not be for activities or items which must continue to be funded in future years.".

28. Agency 51 - University of Nebraska

Purpose: to reduce the General Fund appropriation for the University of Nebraska-Lincoln due to tuition income in excess of projections.

Amendment: On page 82, line 26, strike "90,795,773" and insert "90,595,773".

29. Agency 51 - University of Nebraska

Purpose: To provide intent regarding tuition rates.

Amendment: On page 82, after line 13, insert the following:

"It is the intent of the Legislature that beginning in fiscal year 1986-87 the University of Nebraska begin to increase tuition rates to the average tuition rates of the respective peer groups which have been designated by the Board of Regents.".

30. Agency 54 - Nebraska State Historical Society

Purpose: Reduce agency appropriation by

$40,000.

Amendment: On page 87, line 9, strike "510,759" and insert "500,159"; in line 20 strike "1,081,836" and insert "1,069,436"; in line 25 strike "$1,028,229" and insert "$1,023,229"; and in line 27 strike "12,500" and insert "5,000"; and on page 88, strike lines 16 through 21.

31. Agency 64 - State Patrol

Purpose: To reduce $25,000 General Funds which will be replaced with cash funding through a contractual agreement with the Odometer Fraud Division of the Attorney General's office.

Amendment: On page 94, line 26, strike "3,354,742" and insert "3,329,742"; and on page 95, line 3, strike "$2,520,011" and insert "$2,497,690".

32. Agency 64 - State Patrol

Purpose: To reduce $82,300 General Funds for 3 FTE Trooper I positions.

Amendment: On page 94, line 21, strike "6,463,606" and insert "6,444,706"; and on page 96, line 5, strike "8,546,999" and insert "8,483,599"; and in line 8 strike "6,989,487" and insert "6,932,880".

33. Agency 65 - Department of Administrative Services

Purpose: To delete an additional clerk position for the Purchasing Division.

Amendment: On page 96, line 24, strike "395,623" and insert "381,967"; and on page 97, line 1, strike "$1,433,154" and insert "$1,420,248".

34. Agency 65 - Department of Administrative Services

Purpose: To delay funding start-up costs of a statewide data communications network.

Amendment: On page 97, line 13, strike "477,020" and insert "277,020"; and strike beginning with "There" in line 19 through the period in line 22 and insert "There is hereby appropriated $200,000 from the General Fund for the period July 1, 1986, to June 30, 1987, to the Department of Administrative Services, for Program 173, to fund start-up costs of a statewide data communications network.".

35. Agency 67 - Equal Opportunity Commission

Purpose: Reduce agency appropriation by $5,000.

Amendment: On page 99, line 26, strike "746,473" and insert "741,473".

36. Agency 68 - Commission on Mexican-Americans

Purpose: Reduce agency appropriation by $10,000.

Amendment: On page 100, line 8, strike "251,673" and insert "241,673".

37. Agency 71 - Department on Aging

Purpose: To eliminate $18,500 General Funds for one staff position.

Amendment: On page 101, line 18, strike "2,161,362" and insert "2,142,862"; and in line 23 strike "$565,546" and insert "$549,028".

38. Agency 71 - Department on Aging

Purpose: To eliminate $65,183 in General Fund aid for financing of the "Grand Generations" show on ETV.

Amendment: On page 101, line 18, strike "2,161,362" and insert "2,096,179"; and in line 25 strike "$1,792,517" and insert "$1,727,334".

41. Purpose: To transfer $150,000 from The Nebraska Energy Resource Fund to the General fund ($100,000 from the allocation to the Gasohol Committee and $50,000 uncommitted funds)

Amendment: Insert the following new section:

"Sec. 97. For the fiscal year ending June 30, 1986, money in The Nebraska Energy Resource Fund shall be allocated as follows: $250,000 to the Nebraska Energy Office, $100,000 to the Department of Revenue, and the remaining $150,000 transferred to the General Fund. The State Treasurer is hereby directed to transfer $150,000 from the Nebraska Energy Resource Fund to the General Fund on or before June 1, 1986."

42. Purpose: To transfer $385,000 from the Title Security and Vehicle Theft Prevention Fund to the General Fund.

Amendment: Insert the following new section:

Sec. 98. The State Treasurer is hereby authorized to transfer $385,000 from the Title Security and Vehicle Theft Prevention Fund to the General Fund during the fiscal year ending June 30, 1986, if section 60-119 is amended to allow the transfer of such money to the General Fund."

43. Adjustments to Program Totals and Agency Totals shall be made to reflect changes made by this amendment.

44. Renumber remaining sections accordingly.

The first Warner amendment was adopted with 28 ayes, 0 nays, 12

present and not voting, and 9 excused and not voting.

The second Warner amendment is as follows:

39. Agency 78 - Commission Law Enforcement and Criminal Justice
Purpose: To eliminate $84,792 in General Funds for Victim-Witness Centers.
Amendment: On page 107, line 3, strike "84,792" and insert "0"; and in line 9 strike "$84,792" and insert "$0".

The second Warner amendment was adopted with 27 ayes, 7 nays, 6 present and not voting, and 9 excused and not voting.

The third Warner amendment is as follows:

40. Agency 81 - Nebraska Energy Office
Purpose: To delete General Fund Support for the Energy Office ($36,131).
Amendment: On page 108, strike line 14.

Mr. Warner moved for a call of the house. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

Mr. Warner requested a roll call vote on his amendment.

Voting in the affirmative, 31:

| | | | | |
|---|---|---|---|---|
| Abboud | Goll | Johnson, L. | Lundy | Remmers |
| Beutler | Goodrich | Johnson, R. | Miller | Rogers |
| Beyer | Hall | Johnson, V. | Morehead | Scofield |
| Carsten | Hannibal | Labedz | Nelson | Smith |
| Chizek | Hefner | Lamb | Peterson | Vickers |
| Chronister | Hoagland | Landis | Pirsch | Warner |
| Eret | | | | |

Voting in the negative, 7:

| | | | | |
|---|---|---|---|---|
| DeCamp | Harris | Sieck | Wesely | Withem |
| Haberman | Lynch | | | |

Present and not voting, 2:

| | |
|---|---|
| Hartnett | Nichol |

Absent and not voting, 1:

Schmit

Excused and not voting, 8:

| | | | | |
|---|---|---|---|---|
| Baack | Chambers | Higgins | Pappas | Rupp |
| Barrett | Conway | Marsh | | |

The third Warner amendment was adopted with 31 ayes, 7 nays, 2 present and not voting, 1 absent and not voting, and 8 excused and not voting.

The Chair declared the call raised.

The fourth Warner amendment is as follows:

22. Agency 48 - Nebraska Coordinating Commission for Postsecondary Education

Purpose: To provide the commission the support staff and operating expenses to include the administration of the state Student Incentive Grant Program, the approval of out-of-state institutions and private colleges seeking accreditation, and the collection of data for the Higher Education General Information Survey.

Amendment: On page 73, line 9, strike "176,095" and insert "71,686"; and in line 14 strike "$105,310" and insert "$45,219".

Mr. Vickers renewed his pending amendment found in the Journal on page 2350 to the fourth Warner amendment.

Mr. R. Johnson asked unanimous consent to be excused. No objections. So ordered.

Mr. Vickers moved for a call of the house. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

Mr. Vickers requested a roll call vote on his amendment.

Voting in the affirmative, 10:

| | | | | |
|---|---|---|---|---|
| Eret | Harris | Hoagland | Pappas | Sieck |
| Goodrich | Hartnett | Nelson | Schmit | Vickers |

Voting in the negative, 27:

| | | | | |
|---|---|---|---|---|
| Carsten | Hall | Landis | Nichol | Scofield |
| Chizek | Hannibal | Lundy | Peterson | Smith |
| Chronister | Hefner | Lynch | Pirsch | Warner |
| DeCamp | Johnson, L. | Miller | Remmers | Wesely |
| Goll | Johnson, V. | Morehead | Rogers | Withem |
| Haberman | Lamb | | | |

Present and not voting, 4:

| | | | |
|---|---|---|---|
| Abboud | Beutler | Beyer | Labedz |

Excused and not voting, 8:

| | | | | |
|---|---|---|---|---|
| Baack | Chambers | Higgins | Marsh | Rupp |
| Barrett | Conway | Johnson, R. | | |

The Vickers amendment lost with 10 ayes, 27 nays, 4 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

Messrs. Haberman and Hefner asked unanimous consent to be excused. No objections. So ordered.

Pending.

**MOTION - Reconsider Action on LB 722**

Mr. Harris moved to reconsider the Lynch/DeCamp Amendment (AM 1392) to LB 722.

Laid over.

**RESOLUTION**

**LEGISLATIVE RESOLUTION 275.**

Introduced by Lamb, 43rd District.

WHEREAS, 1985 marks the one hundredth anniversary of Callaway, also known as the Queen of the Seven Valleys; and

WHEREAS, over the years the hardy citizens of Callaway have survived prairie fires, droughts, dust storms, blizzards, depressions, and many other trials and tribulations; and

WHEREAS, due to their strong sense of patriotism the citizens of Callaway have willingly responded to the nation's call to arms and each year have an exemplary Fourth of July celebration; and

WHEREAS, Callaway has been and continues to be an outstanding and thriving community; and

WHEREAS, a centennial celebration offers a unique opportunity for the members of a community to reflect upon those former citizens who founded the community and have contributed to its growth and vitality; and

WHEREAS, the week of June 23 through June 30 will be celebrated as Pioneer Picnic Week in Callaway.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the members of the Legislature recognize and commend the community of Callaway and it's citizens for its centennial celebration.

2. That a copy of this resolution be sent to the Mayor and City Council of Callaway, Nebraska.

Laid over.

## UNANIMOUS CONSENT - Print in Journal

Mr. Lynch asked unanimous consent to print the following amendment to LB 722 in the Journal. No objections. So ordered.

PURPOSE: To require the submission of similar cost data on intermediate care facilities for the mentally retarded and regional and private programs for the mentally retarded.

AMENDMENT:

On page 47, after line 14, insert "By September 15, 1985, the Department of Public Institutions shall prepare and submit information to the Appropriations Committee showing the budgets derived for fiscal year 1986-87 for each of the intermediate care facilities for the mentally retarded based upon the previously described cost model with the adaptations listed."

On page 47, after line 23, insert "By November 1, 1985, the mental retardation regions and other providers funded through Program 424 shall also prepare and submit to the Appropriations Committee budget requests for fiscal year 1986-87 based on the methodology developed in the 'Report on the Development of a Medicaid Rate-Setting Methodology for Intermediate Care Facility Services for the Mentally Retarded', prepared by Touche Ross and Company on November 1, 1983."

## STANDING COMMITTEE REPORT
### Revenue

**LEGISLATIVE BILL 539.** Placed on General File as amended.
Standing Committee amendment to LB 539:
AM1493

1. Strike the original sections and insert new sections as follows:

"Section 1. That section 77-2701.01, Revised Statutes Supplement, 1984, be amended to read as follows:

77-2701.01. Pursuant to section 77-2715.01, the rate of the income tax imposed by section 77-2715 shall be ~~nineteen~~ twenty per cent.

Sec. 2. That original section 77-2701.01, Revised Statutes Supplement, 1984, is repealed.".

(Signed) Vard Johnson, Chairperson

## MOTION - Adjournment

Mr. Vickers moved to adjourn. The motion lost with 14 ayes, 21 nays, and 14 not voting.

## SELECT FILE

**LEGISLATIVE BILL 722.** The fourth Warner pending amendment found in this day's Journal was adopted with 26 ayes, 5 nays, 8 present and not voting, and 10 excused and not voting.

The fifth Warner amendment is as follows:

15. Agency 26 - Department of Social Services

Purpose: Eliminate the state only ADC - unborn coverage.

Amendment: On page 49, line 25, strike "46,810,150" and insert "46,197,150"; on page 50, line 6, strike "$46,810,150" and insert "$46,197,150"; on page 51, line 9, strike "22,101,700" and insert "21,488,700"; and in line 11, strike "53,226,600" and insert "52,613,600"; and insert the following on page 53, after line 7:

The General Fund appropriation to this program shall increase by $613,000 if the state only Aid to Families with unborn coverage provisions in subsection

(2) of section 43-504 are not changed.

Pending.

## MOTION - Reconsider Adjournment

Mr. Beutler moved to reconsider the motion to adjourn.

Mr. Beutler asked unanimous consent to withdraw his motion to reconsider. No objections. So ordered.

## VISITORS

Visitors to the Chamber were 35 seventh and eighth grade students and teacher from Orchard School; 16 fourth grade students and teacher from Beaver City Elementary School; 28 fourth grade students and teacher from Ponca Elementary School, Omaha; Judge Colleen Bukley from Omaha; 8 fourth through eighth grade students and teacher from Trinity Lutheran School, Hoskins; Senator Scofield's mother, Mrs. Mildred Scofield, and Lou Jensen; Mrs. Cora Mahoney from Stapleton; and 72 fourth grade students and teacher from Cottonwood Elementary School, Omaha.

## MOTION - Adjournment

Mr. Beutler moved to adjourn. The motion prevailed with 22 ayes, 8 nays, and 19 not voting, and at 5:10 p.m., on a motion by Mr. Beutler, the Legislature adjourned until 9:00 a.m., Monday, May 20, 1985.

Patrick J. O'Donnell
Clerk of the Legislature

# EIGHTY-SECOND DAY - MAY 20, 1985

## LEGISLATIVE JOURNAL

## EIGHTY-NINTH LEGISLATURE
## FIRST SESSION

## EIGHTY-SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Monday, May 20, 1985

Pursuant to adjournment, the Legislature met at 9:04 a.m., Speaker Nichol presiding.

## PRAYER

The prayer was offered by Dr. Robert Palmer, Westminster Presbyterian Church, Lincoln, Nebraska.

## ROLL CALL

The roll was called and all members were present except Mr. V. Johnson who was excused; and Messrs. Baack, Beutler, Chambers, Conway, Goodrich, Hoagland, R. Johnson, Rupp, Schmit, Warner, and Ms. Scofield who were excused until they arrive.

## CORRECTIONS FOR THE JOURNAL

The Journal for the Eighty-First Day was approved.

## MESSAGE FROM THE GOVERNOR

May 17, 1985

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 393, 236, 273, 273A, 432, 432A, 532, 102, 408, 408A, 439, 715 and 715A were received in my office on May 14, 1985.

These bills were signed by me on May 17, 1985 and delivered to the Secretary of State.

Sincerely,
(Signed) ROBERT KERREY
Governor

RK/kks

## GENERAL FILE

**LEGISLATIVE BILL 247.** Considered.

The first Standing Committee amendment found in the Journal on page 2252 and referred to on page 2328 was adopted with 26 ayes, 0 nays, 11 present and not voting, and 12 excused and not voting.

The second Standing Committee amendment is as follows:

2. On page 6, line 1, strike "of", show as stricken, and insert "or any person having an interest in"; and strike beginning with "at" in line 16 through "proceeding" in line 18.

The second Standing Committee amendment was adopted with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

The third Standing Committee amendment is as follows:

3. On page 7, line 18, strike "or reason to believe"; and strike beginning with "at" in line 22 through "proceeding" in line 24.

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:

4. On page 8, line 8, strike "one year" and insert "two years".

The fourth Standing Committee amendment 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:

5. On page 10, line 8, strike "his or her respective" and insert "the"; in line 9 strike "funds shall be created by each county" and insert "shall be administered by the Nebraska Commission on Law Enforcement and Criminal Justice. The commission shall make disbursements to the County Drug Law Enforcement Boards upon application based upon the needs of each respective county in relation to the amount of money in such fund. Such commission shall make at least an annual accounting to the Auditor of Public Accounts of the expenditures of such fund and shall adopt and promulgate all rules and regulations for the expenditure and accountability of such fund."; in line 12 strike "administer" and insert "apply for funds" and strike "its respective" and insert "from the"; in line 14 strike "authorize" and insert "apply for" and strike "in"; in line 15 strike "its own or any other county"; and in lines 26 and 27 strike "and shall vote only in case of a tie".

The fifth Standing Committee amendment lost with 1 aye, 17 nays, 21 present and not voting, and 10 excused and not voting.

The sixth Standing Committee amendment is as follows:

6. On page 11, strike lines 1 through 5.

The sixth Standing Committee amendment lost with 0 ayes, 20 nays, 20 present and not voting, and 9 excused and not voting.

Mrs. Pirsch renewed her second pending amendment found in the Journal on page 1626.

The Pirsch amendment was adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

Mrs. Pirsch asked unanimous consent to withdraw her first pending amendment found in the Journal on page 1626. No objections. So ordered.

Mrs. Pirsch renewed her pending amendment found in the Journal on page 2298.

The Pirsch amendment was adopted with 28 ayes, 0 nays, 14 present and not voting, and 7 excused and not voting.

Advanced to E & R for Review with 28 ayes, 0 nays, 14 present and not voting, and 7 excused and not voting.

**LEGISLATIVE BILL 445.** Title read. Considered.

Standing Committee amendments, AM0968, found in the Journal on page 1475 for the Fifty-Seventh Day were adopted with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

## ANNOUNCEMENT

The Chair announced today is Senator Beyer's birthday.

## UNANIMOUS CONSENT - Member Excused

Mr. DeCamp asked unanimous consent to be excused until he returns. No objections. So ordered.

## GENERAL FILE

**LEGISLATIVE BILL 668.** Title read. Considered.

Standing Committee amendment, AM0967, found in the Journal on page 1475 for the Fifty-Seventh Day was considered.

Mrs. Higgins renewed her pending amendment (1), AM1028, found in the Journal on page 1543 to the Standing Committee amendment.

The first Higgins amendment was adopted with 17 ayes, 6 nays, 18 present and not voting, and 8 excused and not voting.

Mrs. Higgins renewed her pending amendment (2), AM1029, found in the Journal on page 1544 to the Standing Committee amendment.

The second Higgins amendment was adopted with 13 ayes, 9 nays, 20 present and not voting, and 7 excused and not voting.

Mrs. Higgins renewed her pending amendment (3), AM1030, found in the Journal on page 1544.

Mr. Haberman moved the previous question. The question is, "Shall

the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mrs. Higgins moved for a call of the house. The motion prevailed with 17 ayes, 0 nays, and 32 not voting.

Mr. Hoagland requested a roll call vote on the Higgins amendment.

Voting in the affirmative, 16:

| | | | | |
|---|---|---|---|---|
| Chronister | Hannibal | Johnson, L. | Peterson | Rupp |
| Conway | Hartnett | Labedz | Pirsch | Schmit |
| Eret | Higgins | Pappas | Rogers | Withem |
| Haberman | | | | |

Voting in the negative, 23:

| | | | | |
|---|---|---|---|---|
| Abboud | Hefner | Lundy | Nelson | Sieck |
| Beutler | Hoagland | Lynch | Nichol | Smith |
| Carsten | Johnson, R. | Marsh | Remmers | Vickers |
| Chizek | Lamb | Miller | Scofield | Wesely |
| Hall | Landis | Morehead | | |

Present and not voting, 5:

| | | | | |
|---|---|---|---|---|
| Barrett | Beyer | DeCamp | Goll | Harris |

Excused and not voting, 5:

| | | | | |
|---|---|---|---|---|
| Baack | Chambers | Goodrich | Johnson, V. | Warner |

The third Higgins amendment lost with 16 ayes, 23 nays, 5 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

The Standing Committee amendment, as amended, was adopted with 31 ayes, 0 nays, 13 present and not voting, and 5 excused and not voting.

Advanced to E & R for Review with 32 ayes, 0 nays, 12 present and not voting, and 5 excused and not voting.

## RESOLUTION

**LEGISLATIVE RESOLUTION 276.**

Introduced by Beutler, 28th District.

WHEREAS, There is speculation that some companies in the property-casualty insurance business underestimate future losses; and

WHEREAS, Unanticipated liabilities may lead to insolvency on the part of these insurers; and

WHEREAS, Geographic concentration of liability may endanger the solvency of an insurer in the event of a natural disaster; and

WHEREAS, The Legislature has enacted laws creating guarantee funds in an effort to protect policy holders; and

WHEREAS, Payments made for liabilities incurred may be used to reduce income for tax purposes; and

WHEREAS, To the extent that an insurer's tax burden may be reduced, liability may be shifted to the taxpayers of the state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature conduct a study of the laws governing guarantee funds for property-casualty companies.

2. That the study include an examination of potential unfunded and concentrated liability on the part of these insurers.

3. That the study include an examination of the tax laws governing the treatment of liabilities and the potential shift in tax burden caused by these laws.

4. That a report, together with findings and recommendations, be presented to the Eighty-Ninth Legislature of Nebraska, Second Session.

Referred to the Executive Board.

## STANDING COMMITTEE REPORTS
### Public Health and Welfare

**LEGISLATIVE BILL 685.** Placed on General File.

**LEGISLATIVE BILL 218.** Indefinitely postponed.

(Signed) Don Wesely, Chairperson

## SELECT COMMITTEE REPORTS
### Enrollment and Review

**LEGISLATIVE BILL 31.** Placed on Select File as amended.

E & R amendments to LB 31:
AM5172

1. In the Standing Committee amendments, AM1452, adopted May 17, 1985, on page 1, line 7, reinstate the stricken comma; in line 10 strike the first comma and show as stricken; and in line 17 strike the comma and show as stricken.

2. On page 1, line 1, strike "appropriations" and insert "aid to dependent children"; and strike beginning with line 2 through "bill" in line 4 and insert "43-504, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to eligibility of unborn children".

**LEGISLATIVE BILL 501.** Placed on Select File as amended.
E & R amendment to LB 501:
AM5173

1. On page 1, strike beginning with "overweight" in line 1 through the semicolon in line 6 and insert "the Title Security and Vehicle Theft Prevention Fund; to amend section 60-119, Reissue Revised Statutes of Nebraska, 1943; to authorize certain transfers from the fund;"; and in line 7 strike "sections" and insert "section".

(Signed) Timothy Hall, Chairperson

## GENERAL FILE

**LEGISLATIVE BILL 60.** Considered.

Mr. Wesely renewed his pending amendment, AM0898, found in the Journal on page 1395.

The Wesely amendment was adopted with 25 ayes, 3 nays, 16 present and not voting, and 5 excused and not voting.

Mr. Vickers renewed the Vickers-Warner pending amendment, AM1261, found in the Journal on page 2045.

Mr. Vickers asked unanimous consent to withdraw the Vickers-Warner amendment, AM1261, found in the Journal on page 2045. No objections. So ordered.

Mr. Haberman offered the following amendment:

AM0990

1. Insert the following new sections:

"Sec. 5. That section 54-2101, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

54-2101. Sections 54-2101 to 54-2119 and section 6 of this act shall be known and may be cited as the Nebraska Beef Industry Development Act.

Sec. 6. A seller who has sold cattle and has an assessment deducted from the sale price may, by written application to the board, secure a refund of the amount deducted. The refund shall be payable by the board upon application within sixty days after the deduction. Each application for refund by a seller shall have attached thereto proof of the assessment deducted. There shall be no refund for the amounts collected prior to the effective date of this act.".

2. On page 8, line 20, after the second comma insert "54-2101,".

3. Renumber remaining sections accordingly.

Mr. Goll 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. Haberman moved for a call of the house. The motion prevailed with 9 ayes, 0 nays, and 40 not voting.

Mr. Haberman requested a roll call vote on his amendment.

Voting in the affirmative, 10:

| | | | | |
|---|---|---|---|---|
| Abboud | Haberman | Harris | Higgins | Pirsch |
| Conway | Hannibal | Hartnett | Labedz | Vickers |

Voting in the negative, 34:

| | | | | |
|---|---|---|---|---|
| Baack | Eret | Lamb | Nelson | Schmit |
| Barrett | Goll | Landis | Nichol | Scofield |
| Beutler | Hall | Lundy | Pappas | Sieck |
| Beyer | Hefner | Lynch | Peterson | Smith |
| Carsten | Hoagland | Marsh | Remmers | Wesely |
| Chizek | Johnson, L. | Miller | Rogers | Withem |
| Chronister | Johnson, R. | Morehead | Rupp | |

Present and not voting, 1:

Chambers

Absent and not voting, 1:

DeCamp

Excused and not voting, 3:

Goodrich Johnson, V. Warner

The Haberman amendment lost with 10 ayes, 34 nays, 1 present and not voting, 1 absent and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Mr. Schmit offered the following amendment:

1. STRIKE ORIGINAL SECTIONS 2, 4, and 5, AND ALL AMENDMENTS TO SUCH SECTIONS.

2. ON PAGE 8, LINE 19 STRIKE ",2-3311," AND INSERT "AND"; AND IN LINE 20 STRIKE "2-4011, AND 54-2112,".

Mr. Chizek asked unanimous consent to be excused until he returns. No objections. So ordered.

The Schmit amendment was adopted with 25 ayes, 3 nays, 17 present and not voting, and 4 excused and not voting.

Mr. Vickers requested a record vote on the advancement of the bill.

Voting in the affirmative, 25:

| | | | | |
|---|---|---|---|---|
| Baack | Goodrich | Higgins | Nichol | Schmit |
| Beutler | Haberman | Labedz | Pappas | Scofield |
| Carsten | Hall | Marsh | Peterson | Sieck |
| Conway | Harris | Miller | Rogers | Wesely |
| Eret | Hartnett | Morehead | Rupp | Withem |

Voting in the negative, 17:

| | | | | |
|---|---|---|---|---|
| Abboud | Goll | Hoagland | Lamb | Nelson |
| Barrett | Hannibal | Johnson, L. | Landis | Pirsch |
| Beyer | Hefner | Johnson, R. | Lundy | Remmers |

Smith Vickers

Present and not voting, 4:

Chambers Chronister DeCamp Lynch

Excused and not voting, 3:

Chizek Johnson, V. Warner

Advanced to E & R for Review with 25 ayes, 17 nays, 4 present and not voting, and 3 excused and not voting.

## NOTICE OF COMMITTEE HEARING
**Rules**

Proposed rule change Tuesday, May 21, 1985 12:00 noon

Morehead proposed rule change, page 2259 of the Journal.

(Signed) Pat Morehead, Chairperson

## MESSAGE FROM THE GOVERNOR

May 18, 1985

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointments to the Motor Vehicle Industry Licensing Board requiring legislative confirmation.

Appointees:

Rich Watson, c/o Rich Watson Auto, 2302 East 4th Street, North Platte, NE 69101, (308) 532-1750(o), Term: 5/18/85 to 5/18/88, Succeeds: Ted Cannon, term expired.

James Pattee, 11111 L Street, Omaha, NE 68137, 334-4707(o), 333-4796(h), Term: 5/18/85 to 5/18/88, Succeeds: is reappointed.

Lloyd Soukup, 701 West 4th Street, Grand Island, NE 68801, (308) 381-8896(o), Term: 5/18/85 to 5/18/88, Succeeds: Darrell Barnes, term expired.

These appointments are respectfully submitted for your consideration.

Sincerely,
(Signed) ROBERT KERREY
Governor

cc: Staff Assistant to the Governor
Accountability and Disclosure Commission
Department of Administrative Services
Department of Motor Vehicles

## GENERAL FILE

**LEGISLATIVE BILL 284.** Title read. Considered.

Mr. Vickers asked unanimous consent to be excused until he returns. No objections. So ordered.

Standing Committee amendments, AM0933, found in the Journal on page 1483 for the Fifty-Seventh Day were adopted with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

Advanced to E & R for Review with 32 ayes, 0 nays, 13 present and not voting, and 4 excused and not voting.

## VISITORS

Visitors to the Chamber were 12 members of the Columbus Chamber of Commerce; 15 third and fourth grade students and teachers from Bradshaw Elementary School; 10 sixth grade students and teachers from Cardinal-Spellman School, Omaha; Mr. Jan Prillevitz from European Parliament, Brussels; 17 fifth grade students and teacher from St. Mary's School, Lincoln; and 43 first and second grade students and teachers from Wahoo St. Wenceslaus School.

## RECESS

At 11:58 a.m., on a motion by Mr. Beyer, the Legislature recessed until 1:30 p.m.

## AFTER RECESS

The Legislature reconvened at 1:30 p.m., President McGinley presiding.

## ROLL CALL

The roll was called and all members were present except Messrs. Chizek and V. Johnson who were excused; and Messrs. Baack, Chronister, Hoagland, R. Johnson, Landis, Rupp, and Schmit who were excused until they arrive.

## REPORT OF EXECUTIVE BOARD

May 20, 1985

1985 Resolutions Calling for a Study

196 Interim study to document the need and determine what provisions shall be included in a NE "Superfund" or a comprehensive environmental response and liability act. (Beutler) Executive Board/Agriculture and Environment

200 Interim study by the Rev. Committee of the current tax policy respecting financial institutions in Nebraska (Revenue Comm. - V. Johnson) Executive Board/Revenue

262 Interim study by Judiciary Committee of the manner in which attorneys are utilized in the Executive branch of state government. (Hoagland) Judiciary

263 Interim study of possible changes in the various public retirement systems in NE. (Hartnett & Lundy) Nebraska Retirement Systems

267 A select committee to study Nebraska's special education system with focus on early childhood special education system. (Vickers, Beutler)

LR 267 referred to a select committee composed of the following:

Senator Vickers, Chair, Education Comm.
Senator Wesely, Chair, Public Health & Welfare Comm.
Senator Warner, Chair, Appropriations Comm.
Senator V. Johnson, Chair, Revenue Comm.
Senator Beutler, Chair, Executive Board.

Plus three additional members to be appointed by the Executive Board.

Nominations:
Senator Hartnett

Senator Morehead
Senator Scofield

269 Interim study by the Public Works Comm. to develop a comprehensive legislative and administrative program relative to the Groundwater Quality Protection Strategy recommendations. (Schmit) Executive Board/Public Works

270 Joint interim study by Const. Rev., Ag, and Banking Committees as to the desirability of submitting a Const. Amd. to Art. XIII, Sec. 3 to expand the state's authority with respect to agricultural loans. (Schmit, DeCamp, R. Johnson, Vickers, Rupp) Constitutional Revision and Recreation/Agriculture and Environment/Banking, Commerce and Insurance

276 Insurance Guarantee Funds (Beutler) Executive Board

**LB**

662 Select committee Appointments:
Senator Vickers by Statute
Senator V. Johnson
Plus 2 members from each Congressional District
Nominations:
District 1
Senator Landis
Senator Beutler
District 2
Senator Chambers
Senator Withem
District 3
Senator DeCamp
Senator Lamb

## REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative resolution 261.

| **LR** | **Committee** |
|---|---|
| 261 | Executive Board |

(Signed) Chris Beutler, Chairperson
Legislative Council
Executive Board

## SELECT FILE

**LEGISLATIVE BILL 722.** The fifth Warner pending amendment

found in the Journal on page 2389 was considered.

Mr. Warner moved for a call of the house. The motion prevailed with 10 ayes, 0 nays, and 39 not voting.

Mrs. Labedz requested a roll call vote on the Warner amendment.

Voting in the affirmative, 28:

| | | | | |
|---|---|---|---|---|
| Abboud | Chronister | Hoagland | Morehead | Scofield |
| Baack | Goll | Johnson, L. | Nelson | Smith |
| Barrett | Goodrich | Johnson, R. | Nichol | Vickers |
| Beutler | Haberman | Lamb | Peterson | Warner |
| Beyer | Hannibal | Lundy | Remmers | Wesely |
| Carsten | Hefner | Miller | | |

Voting in the negative, 16:

| | | | | |
|---|---|---|---|---|
| Chambers | Hall | Higgins | Marsh | Rupp |
| Conway | Harris | Labedz | Pappas | Sieck |
| DeCamp | Hartnett | Lynch | Rogers | Withem |
| Eret | | | | |

Present and not voting, 1:

Pirsch

Excused and not voting, 4:

| | | | |
|---|---|---|---|
| Chizek | Johnson, V. | Landis | Schmit |

The fifth Warner amendment was adopted with 28 ayes, 16 nays, 1 present and not voting, and 4 excused and not voting.

The sixth Warner amendment is as follows:

12. Agency 24 - Department of Motor Vehicles

Purpose: To decrease General Funds by $500,000 and increase Cash Funds by a like amount to reflect a proposed increase in the driver record abstract fee from $1 to $2.

Amendment: On page 37, line 27, strike "2,926,450" and insert "2,426,450"; on page 38, line 1, strike "1,319,915" and insert "1,819,915"; and after line 9 insert "The General Fund appropriation to this program shall be increased by $500,000 and the Cash fund

appropriation to this program shall be decreased by $500,000 if section 60.412 is not amended to increase the driver record abstract fee by at least $1."; and on page 39, line 3, strike "3,278,186" and insert "2,778,186"; and in line 4 strike "4,037,365" and insert "4,537,365".

Mr. DeCamp 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 sixth Warner amendment was adopted with 29 ayes, 4 nays, 13 present and not voting, and 3 excused and not voting.

Mr. Warner offered the following amendment:
AM1450

1. PURPOSE: Merge Program 608 into Program 507 within Agency 11 - Attorney General.

AMENDMENT:

a. On page 9, line 25, strike "1,451,339" and insert "1,587,299"; and in line 27 strike "1,653,533" and insert "1,789,493".

b. On page 10, line 2, strike "$1,020,509" and insert "$1,125,817"; and strike lines 11 through 15.

2. PURPOSE: To reappropriate into 1985-86 $40,000 from a cash gift received during the current fiscal year for the purpose of computer system enhancement. Obligation of the gift funds cannot be accomplished by June 30, 1985, thereby necessitating a reappropriation.

AMENDMENT: On page 38, after line 9, insert a new paragraph as follows:

"The unexpended Cash Fund balance existing on June 30, 1985, not to exceed $40,000, is hereby reappropriated.".

3. PURPOSE: Provide $60,000 cash fund appropriation authority for day care licensing in the Department of Social Services.

AMENDMENT:

a. On page 49, after line 18 insert "Cash Fund 60,000"; and in line 20 strike "43,360,015" and insert "43,420,015".

b. On page 54, line 25, strike "6,972,116" and insert "7,032,116"; in line 27 strike "333,782,977" and insert "333,842,977".

c. On page 121, line 15, after the second "Fund" insert ", Early Childhood Programs Cash Fund".

4. PURPOSE: To remove earmarking language for tuition remissions within the state colleges.

AMENDMENT:

a. On page 75, line 21; page 76, line 24, and page 78, lines 7 and 25, after "General Funds" insert "estimate".

b. On page 75, strike beginning with "which" in line 22 through "purpose" in line 23.

c. On page 76, lines 25 and 26; and page 78, lines 8 and 9 and 26 and 27, strike ", which shall only be used for such purpose".

5. PURPOSE: To make a technical change regarding a fiscal year reference.

AMENDMENT: On page 81, line 27, strike "fiscal year 1984-85 and".

6. PURPOSE: To remove earmarking language for tuition remissions for the University of Nebraska.

AMENDMENT:

a. On page 83, strike beginning with "and" in line 3 through "remissions" in line 4; in line 5 after "purposes" insert "and $3,493,000 General Fund estimate for tuition remissions"; strike beginning with "and" in line 19 through "remissions" in line 20; and in line 21 after "purposes" insert "and $313,900 General Fund estimate for tuition remissions".

b. On page 84, line 2, after "Funds" insert "estimate"; strike beginning with "which" in line 3 through "purposes" in line 4; in line 12 after "Funds" insert "estimate"; and in line 13 strike "which shall only be used for such purposes".

7. PURPOSE: Provide an additional $10,000 cash fund appropriation to the State Historical Society for historical markers.

AMENDMENT: On page 88, line 1, strike "10,000" and insert "20,000"; in line 2 strike "22,500" and insert "32,500"; in line 25 strike "156,287" and insert "166,287"; and in line 27 strike "2,865,527" and insert "2,875,527".

8. PURPOSE: To clarify the employee premium rates for state employee health insurance.

AMENDMENT: On page 117, line 10, after the period insert "It is the intent of the Legislature that employees subject to sections 44-1620 to 44-1632

contribute the following sums for payment of the health insurance plan in effect on or after July 1, 1985, to June 30, 1986: For high option single coverage, the monthly sum of eleven dollars and twenty-six cents; for high option two or four party coverage, the monthly sum of twenty-eight dollars and fourteen cents; for high option family coverage, the monthly sum of thirty-nine dollars and ninety-five cents; for intermediate option single coverage, the monthly sum of three dollars and fifty-one cents; for intermediate option two or four party coverage, the monthly sum of eight dollars and seventy-one cents; and for intermediate option family coverage, the monthly sum of twelve dollars and six cents.".

The Warner amendment was adopted with 30 ayes, 0 nays, 16 present and not voting, and 3 excused and not voting.

Mr. DeCamp offered the following amendment:
PURPOSE: To reduce all General Fund appropriations by 3% excluding those amounts stated.
AMENDMENT:
1. Strike each General Fund appropriation as shown in the green copy of LB 722 and insert an amount 3 percent less than such appropriation, except that the percent reduction shall not apply to the following agencies and programs in the amounts shown:

| Agency Number | Program Number | Dollar Amount Excluded |
|---|---|---|
| 13 | 401 | 2,435,994 |
| 13 | 402 | 997,611 |
| 25 | 355 | 294,523 |
| 25 | 365 | 20,057,356 |
| 25 | 421 | 7,819,493 |
| 25 | 424 | 21,048,373 |
| 25 | 519 | 4,756,731 |
| 26 | 524 | 3,554,564 |
| 31 | 192 | 500,000 |
| 31 | 548 | 606,000 |
| 37 | 526 | 333,869 |
| 46 | 360 | 35,283,697 |
| 64 | 190 | 3,354,742 |
| 64 | 195 | 8,546,999 |
| 85 | 515 | 8,116,385 |
| 89 | 538 | 998,099 |

2. As part of the regular engrossing process, adjustments to Program Totals and Agency Totals shall be made to reflect changes made by

this amendment.

Mr. Beutler offered the following amendment to the DeCamp amendment:

By reducing the figure '3%' to '2%'

Mr. Conway moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 9 nays, and 13 not voting.

The Beutler amendment was adopted with 26 ayes, 19 nays, 2 present and not voting, and 2 excused and not voting.

Mr. Chambers offered the following amendment to the DeCamp amendment:

Strike all exemptions or exclusions.

Mrs. Labedz moved the previous question. The question is, "Shall the debate now close?" The motion lost with 19 ayes, 16 nays, and 14 not voting.

Mr. Abboud asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Wesely moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Mr. Chambers moved for a call of the house. The motion prevailed with 14 ayes, 2 nays, and 33 not voting.

Mr. Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 18:

| | | | | |
|---|---|---|---|---|
| Beutler | Haberman | Higgins | Nichol | Smith |
| Chambers | Hall | Johnson, L. | Pappas | Vickers |
| Eret | Hannibal | Labedz | Schmit | Wesely |
| Goll | Hartnett | Morehead | | |

Voting in the negative, 28:

| | | | | |
|---|---|---|---|---|
| Abboud | Beyer | Conway | Harris | Johnson, R. |
| Baack | Carsten | DeCamp | Hefner | Lamb |
| Barrett | Chronister | Goodrich | Hoagland | Landis |

| | | | | |
|---|---|---|---|---|
| Lundy | Miller | Remmers | Scofield | Warner |
| Lynch | Nelson | Rogers | Sieck | Withem |
| Marsh | Pirsch | Rupp | | |

Present and not voting, 1:

Peterson

Excused and not voting, 2:

Chizek Johnson, V.

The Chambers amendment lost with 18 ayes, 28 nays, 1 present and not voting, and 2 excused and not voting.

Pending.

The Chair declared the call raised.

## STANDING COMMITTEE REPORT
### Constitutional Revision and Recreation

**LEGISLATIVE RESOLUTION 252.** Indefinitely postponed.

(Signed) Lee Rupp, Chairperson

## SELECT COMMITTEE REPORTS
### Enrollment and Review

### Correctly Re-Engrossed

The following bills were correctly re-engrossed: 389, 606, 606A, and 614.

(Signed) Timothy Hall, Chairperson

### Enrollment and Review Change to LB 389
### (Final Reading Copy)

The following changes, required to be reported for publication in the Journal, have been made:
ER0090

1. On page 5, line 4, an underscored comma has been inserted after "may"; and in line 5 the stricken comma has been reinstated.
2. On page 10, line 15, the second and third commas have been

struck.

**Enrollment and Review Change to LB 606**
**(Final Reading Copy)**

The following changes, required to be reported for publication in the Journal, have been made:
ER0089

1. In the DeCamp amendment, AM1313, adopted May 17, 1985:

a. On page 1, line 9, "this" has been inserted after "of" and "9-307" has been struck;

b. On page 2, line 2, "be" has been struck and "is" inserted; and in line 22 ", Uniform Commercial Code," has been struck and shown as stricken; and

c. On page 3, line 17, an underscored comma has been inserted after "alternatives".

2. On page 1, line 14, the matter beginning with "to" through the second semicolon has been struck and "to provide operative dates;" inserted.

3. On page 3, line 3, "notice;" has been inserted after the second semicolon.

4. On page 17, line 15, the first "to" has been struck.

5. On page 30, line 15, "and" has been struck and "and 9-417," has been inserted after the third comma.

**Enrollment and Review Change to LB 606A**
**(Final Reading Copy)**

The following changes, required to be reported for publication in the Journal, have been made:
ER0091

1. In the Labedz et al amendment, AM1391, adopted May 17, 1985, on page 1, the matter beginning with "Township" in line 4 through the second period in line 5 has been struck and "township 12 north, range 10 east of the sixth principal meridian" inserted.

2. On page 1, the matter beginning with the first "to" in line 1 through line 3 has been struck and "relating to state parks; to name a state park." inserted.

**Enrollment and Review Change to LB 614**

The following changes, required to be reported for publication in the Journal, have been made:
ER0092

1. In the Schmit et al amendment, AM1310, adopted May 17,

1985:

a. On page 7, line 4, "respect" has been struck and "respects" inserted; and in line 19 "Association," has been struck and "Corporation" inserted;

b. On page 9, line 6, "Federal" has been struck and "federal" inserted; and

c. On page 10, line 10, the comma has been struck; and the matter beginning with "for" in line 24 through "prescribed" in line 25 has been struck and "a bond form" inserted.

(Signed) Mary Sommermeyer
E & R Attorney

## UNANIMOUS CONSENT - Members Excused

Messrs. Landis, Rogers, and Miller asked unanimous consent to be excused until they return. No objections. So ordered.

## SELECT FILE

**LEGISLATIVE BILL 722.** Mr. Chambers offered the following amendment to the pending DeCamp amendment:

31-192 1. Strike Governor's Emergency Fund.
31-548 2. Strike Military Tuition Assistance
46-360 3. Strike Operations (all institutions)
64-190 4. Strike Criminal Investigations
64-195 5. Protection of People and Property.

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, 19:

| | | | | |
|---|---|---|---|---|
| Baack | DeCamp | Hartnett | Nichol | Vickers |
| Beutler | Eret | Higgins | Pappas | Wesely |
| Chambers | Haberman | Labedz | Schmit | Withem |
| Conway | Hall | Lynch | Smith | |

Voting in the negative, 23:

| | | | | |
|---|---|---|---|---|
| Abboud | Chronister | Hannibal | Hoagland | Lundy |
| Beyer | Goll | Harris | Johnson, L. | Marsh |
| Carsten | Goodrich | Hefner | Lamb | Morehead |

| | | | | |
|---|---|---|---|---|
| Nelson | Pirsch | Rupp | Sieck | Warner |
| Peterson | Remmers | Scofield | | |

Present and not voting, 2:

| | |
|---|---|
| Barrett | Johnson, R. |

Excused and not voting, 5:

| | | | | |
|---|---|---|---|---|
| Chizek | Johnson, V. | Landis | Miller | Rogers |

The Chambers amendment lost with 19 ayes, 23 nays, 2 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Mr. R. Johnson asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. DeCamp offered the following amendment to the DeCamp amendment:
PURPOSE: To reduce all General Fund appropriations by 1% excluding those amounts stated.
AMENDMENT:
1. Strike each General Fund appropriation as shown in the green copy of LB 722 and insert an amount 1 percent less than such appropriation, except that the percent reduction shall not apply to the following agencies and programs in the amounts shown:

| Agency Number | Program Number | Dollar Amount Excluded |
|---|---|---|
| 13 | 401 | 2,435,994 |
| 13 | 402 | 997,611 |
| 25 | 355 | 294,523 |
| 25 | 365 | 20,057,356 |
| 25 | 421 | 7,819,493 |
| 25 | 424 | 21,048,373 |
| 25 | 519 | 4,756,731 |
| 26 | 524 | 3,554,564 |
| 31 | 192 | 500,000 |
| 31 | 548 | 606,000 |
| 37 | 526 | 333,869 |
| 46 | 360 | 35,283,697 |
| 64 | 190 | 3,354,742 |
| 64 | 195 | 8,546,999 |
| 85 | 515 | 8,116,385 |
| 89 | 538 | 998,099 |

2. As part of the regular engrossing process, adjustments to Program Totals and Agency Totals shall be made to reflect changes made by this amendment.
3. PURPOSE: Change the state employee salary increase (including the University of Nebraska and State Colleges) from 3% on July 1, 1985 to 4% on January 1, 1986.
AMENDMENT: On page 113, in lines 2, 9, 17, 26 and 27, strike "July 1, 1985," and insert "January 1, 1986"; in lines 6 and 13, strike "three" and insert "four"; and in line 14, strike "June 30, 1985" and insert "December 31, 1985".

On page 114, in lines 5, 8, 12 and 14, strike "July 1, 1985" and insert "January 1, 1986".

The Bill Drafter's Office, with assistance from the Legislative Fiscal Analyst, shall, as part of the regular engrossing process, prepare the changes mandated by the change in the state employee salary increase as provided for in this amendment.

Mrs. Pirsch asked unanimous consent to be excused. No objections. So ordered.

Mr. Pappas asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. DeCamp asked unanimous consent to withdraw his amendment to the pending DeCamp amendment. No objections. So ordered.

Mrs. Marsh asked unanimous consent to be excused. No objections. So ordered.

Mrs. Labedz moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 3 nays, and 20 not voting.

Mr. DeCamp moved for a call of the house. The motion prevailed with 17 ayes, 0 nays, and 32 not voting.

Mr. DeCamp requested a roll call vote on his amendment.

Voting in the affirmative, 22:

| | | | | |
|---|---|---|---|---|
| Abboud | Eret | Higgins | Landis | Schmit |
| Baack | Haberman | Hoagland | Morehead | Smith |
| Beutler | Hall | Johnson, R. | Pappas | Vickers |
| Conway | Hartnett | Labedz | Pirsch | Withem |
| DeCamp | Hefner | | | |

Voting in the negative, 23:

| | | | | |
|---|---|---|---|---|
| Barrett | Goodrich | Lundy | Peterson | Scofield |
| Beyer | Hannibal | Lynch | Remmers | Sieck |
| Carsten | Harris | Miller | Rogers | Warner |
| Chronister | Johnson, L. | Nelson | Rupp | Wesely |
| Goll | Lamb | Nichol | | |

Present and not voting, 1:

Chambers

Excused and not voting, 3:

| | | |
|---|---|---|
| Chizek | Johnson, V. | Marsh |

The DeCamp amendment, as amended, lost with 22 ayes, 23 nays, 1 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Messrs. R. Johnson and Haberman asked unanimous consent to be excused. No objections. So ordered.

## RESOLUTION

**LEGISLATIVE RESOLUTION 277.**

Introduced by L. Johnson, 15th District.

WHEREAS, on May 18, 1985, the Fremont High School Boys Track Team won the Class A State High School Track and Field Championships with one hundred six points over the second place team with seventy-six points; and

WHEREAS, on the same day, the Fremont High School Girls Track Team took second place in the Class A statewide competition just twelve points away from the first place title; and

WHEREAS, Dan Hodge pole-vaulted to a first place finish of fifteen feet to break an established state track meet record and Gerry Gdowski was the first four-event gold medal winner since 1941; and

WHEREAS, the boys track team from Fremont was presented with the Omaha World-Herald's Gregg McBride Grand Champion Award, based on best state performance regardless of class for the second year in a row; and

WHEREAS, the dedication and encouragement of Boys' Coach Jon Appleget and Assistant Coaches Pat Murphy, Mike Reis, and Gerry Gdowski and Girls' Coach Sue Sokoll and Assistant Coaches Diane Hento and Linda Rolfsmeyer led the teams to the championship and nine first place finishes by team members; and

WHEREAS, the accomplishment deserves special recognition.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature commends and congratulates the coaches and members of the 1985 Fremont Boys and Girls Track Teams for their wins in the State Track and Field Championship.

2. That a copy of this resolution be sent to Fremont High School for dissemination to the coaches and members of the 1985 Fremont Boys and Girls Track Teams.

Laid over.

## STANDING COMMITTEE REPORT
### Public Health and Welfare

**LEGISLATIVE BILL 317.** Indefinitely postponed.

(Signed) Don Wesely, Chairperson

## UNANIMOUS CONSENT - Print in Journal

Mr. Hoagland asked unanimous consent to print the following amendment to LB 600 in the Journal. No objections. So ordered.

AMENDMENTS TO COMMITTEE AMENDMENTS TO LB 600

1. On page 52, line 25, before "The" insert "(1)".

2. On page 53, line 2, strike "That" and insert "Except as provided in subsection (2) of this section, that"; and after line 6 insert a new subsection as follows:

"(2) In any county in which the county attorney has established an efficient and effective child support program, the federal incentive funds generated from the collection of child support and attributable to enforcement activities in such county shall be provided to the county for development and administration of the child support enforcement program.".

Mr. Warner asked unanimous consent to print the following amendment to LB 539 in the Journal. No objections. So ordered.

AM1513

1. Strike the original sections and all amendments thereto and insert new sections as follows:

"Section 1. That section 77-2701.02, Revised Statutes Supplement, 1984, be amended to read as follows:

77-2701.02. Pursuant to section 77-2715.01, the rate of the sales tax imposed by section 77-2703 shall be three and ~~one-half~~ three-fourths per cent.

Sec. 2. This act shall become operative on October 1, 1985.

Sec. 3. That original section 77-2701.02, Revised Statutes Supplement, 1984, is repealed.".

Messrs. Landis and Hefner asked unanimous consent to print the following amendment to LB 539 in the Journal. No objections. So ordered.

AM1510

(Amendments to AM1493)

1. Insert a new section as follows:

"Sec. 2. This act shall be operative for all taxable years commencing on or after January 1, 1985.".

2. Renumber remaining sections accordingly.

**MOTION - Reconsider Action on LB 83**

Mrs. Marsh moved to reconsider the Warner motion to place LB 83 on General File notwithstanding the committee action.

Laid over.

**GENERAL FILE**

**LEGISLATIVE BILL 722.** Mr. Harris renewed his pending motion found in the Journal on page 2387 to reconsider the Lynch-DeCamp amendment (AM1392).

Pending.

**VISITORS**

Visitors to the Chamber were 14 sixth through eighth grade students and teacher from Zion Lutheran School, St. Libory; Mr. and Mrs. Tom Dawson from Dayton, Ohio, and Debby Mullen from Dallas, Texas; 15 eighth grade students and teacher from Axtell Public School; 40 first grade students, sponsor, and teachers from West Ward Elementary School, Wahoo; 9 first, second, third, fifth, and sixth grade students and teacher from District 14, Cumming County; 35 fourth through sixth grade students and teachers from Newcastle Public School; and 37 fourth grade students and teacher from Springfield Elementary School.

## ADJOURNMENT

At 5:05 p.m., on a motion by Mrs. Higgins, the Legislature adjourned until 8:00 a.m., Tuesday, May 21, 1985.

Patrick J. O'Donnell
Clerk of the Legislature

# EIGHTY-THIRD DAY - MAY 21, 1985

# LEGISLATIVE JOURNAL

# EIGHTY-THIRD DAY - MAY 21, 1985

## LEGISLATIVE JOURNAL

## EIGHTY-NINTH LEGISLATURE
## FIRST SESSION

## EIGHTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, May 21, 1985

Pursuant to adjournment, the Legislature met at 8:00 a.m., Speaker Nichol presiding.

## PRAYER

The prayer was offered by Father John Glaves, Blessed Sacrament Church, Lincoln, Nebraska.

## ROLL CALL

The roll was called and all members were present except Mr. V. Johnson who was excused; and Messrs. Chambers, Hall, Hoagland, R. Johnson, Landis, Schmit, Warner, and Wesely who were excused until they arrive.

## CORRECTIONS FOR THE JOURNAL

The Journal for the Eighty-Second Day was approved.

## MESSAGE FROM THE GOVERNOR

May 20, 1985

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 271 and 271A were received in my office on May 14, 1985.

These bills were signed by me on May 20, 1985 and delivered to the Secretary of State.

Sincerely,
(Signed) ROBERT KERREY
Governor

RK/jm

## ATTORNEY GENERAL'S OPINIONS

Opinion No. 82
May 17, 1985

Dear Senator Haberman:

This is in response to your letter of May 6, 1985, concerning LB 713. In that letter you note that the committee amendments to LB 713 provide that the State and the City of Lincoln will enter into a sale and leaseback agreement involving the Nebraska State Office Building.

Your question is simply whether or not the sale and leaseback of the Nebraska State Office Building is constitutional. We have examined this question and can find no basis for declaring that such a transaction would be unconstitutional. We would note, that the procedure generally complies with existing state law found in Neb.Rev.Stat. §72-1401 et seq. (Reissue 1981).

Sincerely,
ROBERT M. SPIRE
Attorney General
(Signed) John Boehm
Assistant Attorney General

JB/bae
cc: Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 83
May 17, 1985

Dear Senator Haberman:

This is in response to your letter of May 6, 1985, concerning LB 713. In that letter you note that the committee amendments to

LB 713 provide that four (4) cents of the cigarette tax, established by Neb.Rev.Stat. §77-2602 (Supp. 1984), will be deposited in the Lincoln State Office Building rental fund, created by LB 713, and the proceeds of this fund will in turn be appropriated for payment to the city for the lease of the State Office Building.

Your question is whether the above provision is constitutional. We have examined this provision and find no basis for declaring that such legislation is unconstitutional. We would note, that a similar provision presently exists in Neb.Rev.Stat. §77-2602 (Reissue 1984).

Sincerely,
ROBERT M. SPIRE
Attorney General
(Signed) John Boehm
Assistant Attorney General

JB/bae
cc: Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 84
May 17, 1985

Dear Senator Haberman:

This is in response to your letter of May 6, 1985, concerning LB 713. In that letter you note that the committee amendments to LB 713 provide in Section 11, subparagraph 5 that "The unexpended balance existing in the Lincoln State Office Building Rental Fund on June 15 of each year shall be transferred to the General Fund. . . ."

Your question is whether it is constitutional to have the balance of a fund that "is made up for a specific purpose and earmarked for a special purpose be put in the General Fund on an annual basis."

We have examined this provision and find no basis for declaring that such action is unconstitutional. We would note that Neb.Rev.Stat. §77-2602 (Supp. 1984), presently provides that money in similar funds may be transferred to the general fund at the direction of the Legislature.

Sincerely,
ROBERT M. SPIRE
Attorney General
(Signed) John Boehm
Assistant Attorney General

JB/bae
cc: Patrick J. O'Donnell

Clerk of the Legislature

## MOTION - Reconsider Action on LB 722

Mr. Chambers moved to reconsider the vote on DeCamp amendment regarding 2% across-the-board tax cut to LB 722.

Laid over.

## UNANIMOUS CONSENT - Add Co-Introducer

Mr. R. Johnson asked unanimous consent to have his name added as co-introducer to LB 284. No objections. So ordered.

## RESOLUTION

**LEGISLATIVE RESOLUTION 271.** Read. Considered.

LR 271 was adopted with 30 ayes, 0 nays, and 19 not voting.

## BILLS ON FINAL READING

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 356.**

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-430.01, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to illegal operation of a motor vehicle; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

| | | | | |
|---|---|---|---|---|
| Abboud | Conway | Hartnett | Marsh | Remmers |
| Baack | DeCamp | Hefner | Miller | Rogers |
| Barrett | Eret | Higgins | Morehead | Rupp |
| Beutler | Goll | Johnson, L. | Nelson | Scofield |
| Beyer | Goodrich | Labedz | Nichol | Sieck |
| Carsten | Haberman | Lamb | Pappas | Smith |
| Chizek | Hannibal | Lundy | Peterson | Vickers |
| Chronister | Harris | Lynch | Pirsch | Withem |

Voting in the negative, 0.

Excused and not voting, 9:

| | | | | |
|---|---|---|---|---|
| Chambers | Hoagland | Johnson, V. | Schmit | Wesely |
| Hall | Johnson, R. | Landis | Warner | |

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 447.**

A BILL FOR AN ACT relating to children and other persons in need of protection; to amend sections 43-245 to 43-247, 43-250, 43-251, 43-254, 43-258, 43-261, 43-262, 43-264, 43-272.01, 43-279, 43-282, 43-285, 43-289, 43-295, 43-296, 43-298, 43-299, 43-2,107, 43-2,109, 43-2,113, 43-2,128, 43-2,129, and 43-1301, Reissue Revised Statutes of Nebraska, 1943, and sections 28-710, 71-1903, and 71-1912, Revised Statutes Supplement, 1984; to state intent; to define and redefine terms; to provide the Department of Social Services with certain powers and duties relating to adoption, medical assistance, and child care; to establish procedures and provide for the placement of certain juveniles as prescribed; to authorize continuing jurisdiction of the court as prescribed; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

| | | | | |
|---|---|---|---|---|
| Abboud | DeCamp | Higgins | Morehead | Rupp |
| Baack | Eret | Johnson, L. | Nelson | Scofield |
| Barrett | Goll | Labedz | Nichol | Sieck |
| Beutler | Goodrich | Lamb | Pappas | Smith |
| Beyer | Haberman | Lundy | Peterson | Vickers |
| Carsten | Hannibal | Lynch | Pirsch | Warner |
| Chizek | Harris | Marsh | Remmers | Wesely |
| Chronister | Hartnett | Miller | Rogers | Withem |
| Conway | Hefner | | | |

Voting in the negative, 0.

Excused and not voting, 7:

| | | | | |
|---|---|---|---|---|
| Chambers | Hoagland | Johnson, V. | Landis | Schmit |
| Hall | Johnson, R. | | | |

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 553.**

A BILL FOR AN ACT relating to vehicles; to amend sections 39-6,177 to 39-6,179, 39-6,180, 39-6,184, and 60-320, Reissue Revised Statutes of Nebraska, 1943; to provide for operation of vehicles moving buildings and other objects as prescribed; to provide powers and duties; to provide a penalty; to harmonize provisions; to change a penalty relating to carrying a gross load over the maximum; to change provisions relating to In Transit decals; 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 | Eret | Higgins | Nelson | Schmit |
| Baack | Goll | Johnson, L. | Nichol | Scofield |
| Barrett | Goodrich | Labedz | Pappas | Sieck |
| Beyer | Haberman | Lamb | Peterson | Smith |
| Carsten | Hall | Lundy | Pirsch | Vickers |
| Chizek | Hannibal | Lynch | Remmers | Warner |
| Chronister | Harris | Marsh | Rogers | Wesely |
| Conway | Hartnett | Miller | Rupp | Withem |
| DeCamp | Hefner | Morehead | | |

Voting in the negative, 0.

Present and not voting, 1:

Beutler

Excused and not voting, 5:

| | | | | |
|---|---|---|---|---|
| Chambers | Hoagland | Johnson, R. | Johnson, V. | Landis |

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 196.** With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for the payment of salaries of members of the Nebraska State Legislature and payments to be made as provided by Chapter 68, article 6, for the year ending June 30, 1986; and to declare an emergency.

Whereupon the President stated: "All provisions of 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 | DeCamp | Hefner | Morehead | Schmit |
| Baack | Eret | Higgins | Nelson | Scofield |
| Barrett | Goll | Johnson, L. | Nichol | Sieck |
| Beutler | Goodrich | Labedz | Pappas | Smith |
| Beyer | Haberman | Lamb | Peterson | Vickers |
| Carsten | Hall | Lundy | Pirsch | Warner |
| Chizek | Hannibal | Lynch | Remmers | Wesely |
| Chronister | Harris | Marsh | Rogers | Withem |
| Conway | Hartnett | Miller | Rupp | |

Voting in the negative, 0.

Excused and not voting, 5:

| | | | | |
|---|---|---|---|---|
| Chambers | Hoagland | Johnson, R. | Johnson, V. | Landis |

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**LEGISLATIVE BILL 197.** With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for the payment of the salaries of certain state officers and payments to be made as provided by Chapter 68, article 6, for the year ending June 30, 1986; and to declare an emergency.

Whereupon the President stated: "All provisions of 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 | Eret | Higgins | Nelson | Schmit |
| Baack | Goll | Johnson, L. | Nichol | Scofield |
| Barrett | Goodrich | Labedz | Pappas | Sieck |
| Beyer | Haberman | Lamb | Peterson | Smith |
| Carsten | Hall | Lundy | Pirsch | Vickers |
| Chizek | Hannibal | Lynch | Remmers | Warner |
| Chronister | Harris | Marsh | Rogers | Wesely |
| Conway | Hartnett | Miller | Rupp | Withem |
| DeCamp | Hefner | Morehead | | |

Voting in the negative, 0.

Present and not voting, 1:

Beutler

Excused and not voting, 5:

| | | | | |
|---|---|---|---|---|
| Chambers | Hoagland | Johnson, R. | Johnson, V. | Landis |

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**LEGISLATIVE BILL 213.**

A BILL FOR AN ACT relating to labor; to amend sections 48-801 and 48-816, Reissue Revised Statutes of Nebraska, 1943; to define a term; to change provisions relating to collective bargaining; 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 | Beutler | Chizek | Eret | Hall |
| Baack | Beyer | Chronister | Goll | Hannibal |
| Barrett | Carsten | Conway | Goodrich | Harris |

| | | | | |
|---|---|---|---|---|
| Hartnett | Lundy | Nelson | Rogers | Vickers |
| Higgins | Lynch | Nichol | Rupp | Warner |
| Hoagland | Marsh | Pappas | Scofield | Wesely |
| Johnson, L. | Miller | Pirsch | Sieck | Withem |
| Labedz | Morehead | Remmers | Smith | |

Voting in the negative, 6:

| | | | | |
|---|---|---|---|---|
| DeCamp | Hefner | Lamb | Peterson | Schmit |
| Haberman | | | | |

Excused and not voting, 4:

| | | | |
|---|---|---|---|
| Chambers | Johnson, R. | Johnson, V. | Landis |

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**UNANIMOUS CONSENT - Withdraw Amendment to LB 154**

Mr. DeCamp asked unanimous consent to withdraw his pending amendment found in the Journal on page 1970. No objections. So ordered.

**MOTION - Return LB 154 to Select File**

Mr. DeCamp moved to return LB 154 to Select File for his specific amendment, AM1424, found in the Journal on page 2279.

Mr. Conway moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 7 nays, and 17 not voting.

Mr. DeCamp requested a roll call vote on his motion to return.

Voting in the affirmative, 25:

| | | | | |
|---|---|---|---|---|
| Abboud | DeCamp | Hannibal | Labedz | Pappas |
| Baack | Goll | Harris | Lamb | Remmers |
| Carsten | Goodrich | Hefner | Lynch | Rogers |
| Chronister | Haberman | Higgins | Morehead | Sieck |
| Conway | Hall | Johnson, L. | Nelson | Warner |

Voting in the negative, 18:

| | | | | |
|---|---|---|---|---|
| Barrett | Eret | Marsh | Schmit | Vickers |
| Beutler | Hartnett | Nichol | Scofield | Wesely |
| Beyer | Hoagland | Peterson | Smith | Withem |
| Chizek | Lundy | Rupp | | |

Present and not voting, 3:

| | | |
|---|---|---|
| Chambers | Miller | Pirsch |

Excused and not voting, 3:

| | | |
|---|---|---|
| Johnson, R. | Johnson, V. | Landis |

The DeCamp motion to return prevailed with 25 ayes, 18 nays, 3 present and not voting, and 3 excused and not voting.

## SELECT FILE

**LEGISLATIVE BILL 154.** The DeCamp specific amendment, AM1424, found in the Journal on page 2279 was considered.

Mr. Chambers moved to reconsider the vote on the DeCamp motion to return LB 154 to Select File.

Mr. Hall moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Chambers requested a roll call vote on his motion to reconsider.

Voting in the affirmative, 20:

| | | | | |
|---|---|---|---|---|
| Barrett | Chizek | Landis | Peterson | Smith |
| Beutler | Eret | Lundy | Rupp | Vickers |
| Beyer | Hartnett | Miller | Schmit | Wesely |
| Chambers | Hoagland | Nichol | Scofield | Withem |

Voting in the negative, 27:

| | | | | |
|---|---|---|---|---|
| Abboud | Goll | Hefner | Lynch | Pirsch |
| Baack | Goodrich | Johnson, L. | Marsh | Remmers |
| Carsten | Haberman | Johnson, R. | Morehead | Rogers |
| Chronister | Hall | Labedz | Nelson | Sieck |
| Conway | Hannibal | Lamb | Pappas | Warner |
| DeCamp | Harris | | | |

Present and not voting, 1:

Higgins

Excused and not voting, 1:

Johnson, V.

The Chambers motion to reconsider lost with 20 ayes, 27 nays, 1 present and not voting, and 1 excused and not voting.

Mrs. Smith asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Hefner moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 11 nays, and 13 not voting.

Mr. DeCamp requested a roll call vote on his specific amendment, AM1424, found in the Journal on page 2279.

Voting in the affirmative, 25:

| | | | | |
|---|---|---|---|---|
| Abboud | DeCamp | Hall | Johnson, R. | Nelson |
| Baack | Eret | Hannibal | Labedz | Pappas |
| Carsten | Goll | Harris | Lamb | Remmers |
| Chronister | Goodrich | Hefner | Lynch | Sieck |
| Conway | Haberman | Johnson, L. | Morehead | Warner |

Voting in the negative, 20:

| | | | | |
|---|---|---|---|---|
| Barrett | Hartnett | Marsh | Pirsch | Scofield |
| Beutler | Hoagland | Miller | Rogers | Vickers |
| Beyer | Landis | Nichol | Rupp | Wesely |
| Chizek | Lundy | Peterson | Schmit | Withem |

Present and not voting, 2:

Chambers Higgins

Excused and not voting, 2:

Johnson, V. Smith

The DeCamp specific amendment was adopted with 25 ayes, 20 nays, 2 present and not voting, and 2 excused and not voting.

Mr. Abboud asked unanimous consent to be excused until he returns. No objections. So ordered.

**MR. BARRETT PRESIDING**

Speaker Nichol asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Vickers requested a machine vote on the advancement of the bill.

Advanced to E & R for Re-Engrossment with 26 ayes, 11 nays, 10 present and not voting, and 2 excused and not voting.

## MESSAGE FROM THE GOVERNOR

May 21, 1985

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bill 721 was received in my office on May 17, 1985.

This bill was signed by me on May 21, 1985 and delivered to the Secretary of State.

Sincerely,
(Signed) ROBERT KERREY
Governor

RK/jm

## RESOLUTIONS

**LEGISLATIVE RESOLUTION 278.**

Introduced by Vickers, 38th District; Barrett, 39th District.

WHEREAS, the City of Elwood was named for one Elwood Thomas who happened to meet the surveyor while riding to the post

office one day in May, 1885; and,

WHEREAS, June 13, 1985, marks the one hundredth anniversary of the recording of the plat for the City of Elwood; and,

WHEREAS, the City of Elwood has been the county seat of Gosper County since a highly contested special election in 1889; and,

WHEREAS, the City of Elwood is the home of Johnson Lake, one of the most pleasant recreational spots in the State of Nebraska; and,

WHEREAS, a centennial celebration offers a community a unique opportunity to reflect upon its history and the citizens whose efforts were responsible for the community's many accomplishments; and,

WHEREAS, the City of Elwood has been and will continue to be an outstanding Nebraska community whose citizens deserve special recognition during this summer of centennial celebration activities.

THEREFORE LET IT BE RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature commend the City of Elwood for its one hundredth anniversary.

2. That the Legislature congratulate and extend its best wishes to the citizens of the Elwood community.

3. That a copy of this resolution be sent to Elwood's Mayor Cooksley and the City Council and the publisher of the Elwood Bulletin and the citizens of the fair City of Elwood.

Laid over.

**LEGISLATIVE RESOLUTION 279.**

Introduced by Chronister, 18th District.

WHEREAS, the Howells' girls track team is the 1985 champion of the Class C girls state track meet; and

WHEREAS, these young women have demonstrated athletic excellence which is deserving of statewide recognition having closed their season with a girls state track championship; and

WHEREAS, the coaching of Arnold Jakubowski and Lee Vrooman and the contribution of all team members is deserving of recognition.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the members of the Legislature commend the Howells' girls track team for their efforts and accomplishments.

2. That a copy of this resolution be sent to the Howells girls track coaches and team.

Laid over.

**LEGISLATIVE RESOLUTION 280.**

Introduced by Lamb, 43rd District.

WHEREAS, 1985 is the centennial year of Keya Paha County, Nebraska; and

WHEREAS, Keya Paha County was named after the name given to gentle hills to the north by the Dakota Indians, meaning many turtles; and

WHEREAS, even though Keya Paha County was one of the last counties to be established in Nebraska, it has taken its place as a vital part of the state contributing greatly to its economy; and

WHEREAS, the people of Keya Paha County deserve recognition for the contributions they and their forbearers have made to the history and settlement of Nebraska; and

WHEREAS, Keya Paha County will celebrate its centennial anniversary in Springview on June 8 and 9; and

WHEREAS, a centennial celebration offers a county a unique opportunity to reflect upon those citizens whose efforts were responsible for its founding and those who worked for its continued vitality.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature acknowledges the efforts and achievements of the pioneers who settled Keya Paha County and the past and present residents of the county who continue that heritage and spirit.

2. That the Legislature congratulates and extends best wishes to the people of Keya Paha County on this great occasion.

3. That the Legislature recognizes and commends Keya Paha County on its one hundredth anniversary.

4. That a copy of this resolution be delivered to the chairperson of the Keya Paha county board and the Springview Herald.

Laid over.

## NOTICE OF COMMITTEE HEARINGS
### Public Works

Governor Appointments Wednesday, May 22, 1985 1:30 p.m.
James Pattee-Motor Vehicle Industry Licensing Board
Lloyd Soukup-Motor Vehicle Industry Licensing Board

(reappointment)

Governor Appointment Wednesday, May 29, 1985 1:30 p.m.
Rich Watson-Motor Vehicle Industry Licensing Board

(Signed) Loran Schmit, Chairperson

**MOTION - Return LB 154 to Committee**

Mr. Chambers moved to return LB 154 to Committee.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

The Chambers motion lost with 12 ayes, 28 nays, 7 present and not voting, and 2 excused and not voting.

**UNANIMOUS CONSENT - Withdraw Amendment to LB 154**

Mr. Wesely asked unanimous consent to withdraw the Warner-Wesely amendment, AM1446, found in the Journal on page 2336. No objections. So ordered.

**MOTION - Return LB 154 to Select File**

Mrs. Nelson moved to return LB 154 to Select File for the following specific amendment:
AM1460

(Amendments to Final Reading Copy)

1. On page 2, line 3, strike "There", show as stricken, and insert "For race meetings commencing on or after January 1, 1985, there"; and in line 15 strike "the first" and show as stricken.

Mrs. Nelson asked unanimous consent to withdraw her motion to return to Select File. No objections. So ordered.

**MOTION - Return LB 154 to Select File**

Mr. Chambers moved to return LB 154 to Select File for the following specific amendment:
To strike DeCamp amendment.

Mr. Hannibal asked unanimous consent to be excused until he

returns. No objections. So ordered.

The Chambers motion to return prevailed with 27 ayes, 7 nays, 13 present and not voting, and 2 excused and not voting.

## SELECT FILE

**LEGISLATIVE BILL 154.** The Chambers specific amendment found in this day's Journal was adopted with 32 ayes, 0 nays, 15 present and not voting, and 2 excused and not voting.

Advanced to E & R for Re-Engrossment.

### MOTION - Suspend Rules on LB 154

Mr. DeCamp moved to suspend the rules and read LB 154 without further amendment.

Mr. DeCamp asked unanimous consent to withdraw his motion to suspend the rules. No objections. So ordered.

### MOTION - Return LB 154 to Select File

Messrs. Wesely and Warner moved to return LB 154 to Select File for the Wesely-Warner reoffered specific amendment, AM1446, found in the Journal on page 2336.

Mr. Wesely requested a roll call vote on the motion to return.

Voting in the affirmative, 24:

| | | | | |
|---|---|---|---|---|
| Beutler | Goll | Hefner | Lynch | Rogers |
| Carsten | Goodrich | Johnson, L. | Marsh | Sieck |
| Chronister | Haberman | Labedz | Miller | Warner |
| DeCamp | Hannibal | Lamb | Morehead | Wesely |
| Eret | Harris | Landis | Remmers | |

Voting in the negative, 22:

| | | | | |
|---|---|---|---|---|
| Abboud | Conway | Johnson, R. | Pappas | Scofield |
| Baack | Hall | Lundy | Peterson | Smith |
| Barrett | Hartnett | Nelson | Pirsch | Vickers |
| Beyer | Higgins | Nichol | Rupp | Withem |
| Chizek | Hoagland | | | |

Present and not voting, 2:

Chambers Schmit

Excused and not voting, 1:

Johnson, V.

The Wesely-Warner motion to return lost with 24 ayes, 22 nays, 2 present and not voting, and 1 excused and not voting.

**MOTION - Return LB 154 to Select File**

Mr. Warner moved to return LB 154 to Select File for the following specific amendment:
Strike the enacting clause.

Mrs. Labedz moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

Mr. Warner asked unanimous consent to withdraw his pending motion to return. No objections. So ordered.

**MOTION - Reconsider Action on LB 154**

Mr. Conway moved to reconsider the Warner amendment.

The Conway motion to reconsider prevailed with 27 ayes, 14 nays, 7 present and not voting, and 1 excused and not voting.

**MOTION - Return LB 154 to Select File**

Mr. Warner moved to return LB 154 to Select File for the reconsidered Wesely-Warner amendment, AM1446, found in the Journal on page 2336.

Mr. R. Johnson asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Lundy moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Mr. Wesely requested a roll call vote on the Warner motion to return.

Voting in the affirmative, 27:

| | | | | |
|---|---|---|---|---|
| Baack | Eret | Hefner | Landis | Rogers |
| Beutler | Goll | Hoagland | Marsh | Schmit |
| Carsten | Goodrich | Johnson, L. | Miller | Sieck |
| Chronister | Haberman | Labedz | Morehead | Warner |
| Conway | Hannibal | Lamb | Remmers | Wesely |
| DeCamp | Harris | | | |

Voting in the negative, 16:

| | | | | |
|---|---|---|---|---|
| Abboud | Hartnett | Lynch | Pappas | Scofield |
| Beyer | Higgins | Nelson | Pirsch | Smith |
| Chizek | Lundy | Nichol | Rupp | Withem |
| Hall | | | | |

Present and not voting, 4:

| | | | |
|---|---|---|---|
| Barrett | Chambers | Peterson | Vickers |

Excused and not voting, 2:

Johnson, R. Johnson, V.

The Warner motion to return prevailed with 27 ayes, 16 nays, 4 present and not voting, and 2 excused and not voting.

Mr. Schmit asked unanimous consent to be excused until he returns. No objections. So ordered.

## SELECT FILE

**LEGISLATIVE BILL 154.** The Warner-Wesely specific amendment, AM1446, found in the Journal on page 2336 was considered.

Pending.

## BILL ON FIRST READING

The following bill was read for the first time by title:

**LEGISLATIVE BILL 284A.** By R. Johnson, 34th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out

the provisions of Legislative Bill 284, Eighty-ninth Legislature, First Session, 1985.

## VISITORS

Visitors to the Chamber were Paul Badji from Senegal, West Africa and Portia Franklin, Interpreter, State Department; 24 fourth grade students and teacher from Hitchcock Elementary School, Omaha; 18 seventh and eighth grade students and sponsors from Hastings; 60 fourth grade students and teachers from Alcott Elementary School, Hastings; 90 students and teacher from Dundee Elementary School, Omaha; 30 fifth grade students and teacher from Hamburg Elementary School in Iowa; 24 fourth grade students and teacher from Starr Elementary School, Grand Island; Mr. and Mrs. Clint Walenz from Bellevue; and 40 members of Senior Companions Program and sponsor from Omaha.

## RECESS

At 11:55 a.m., on a motion by Mr. Haberman, the Legislature recessed until 1:30 p.m.

## AFTER RECESS

The Legislature reconvened at 1:34 p.m., Speaker Nichol presiding.

## ROLL CALL

The roll was called and all members were present except Mr. V. Johnson who was excused; and Messrs. Chambers and Schmit who were excused until they arrive.

## SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills and resolution: LBs 356, 447, 553, 196, 197, 213, and LR 271.

## RESOLUTION

**LEGISLATIVE RESOLUTION 281.**

Introduced by Haberman, 44th District.

WHEREAS, track and field is essentially a sport comprising of

contests in foot racing, hurdling, jumping for height or distance, and throwing assorted implements of specific design and are engaged in as an activity of total physical well-being; and

WHEREAS, the Hayes Center Cardinals topped off another excellent season by winning their second straight Class D Girls Track and Field Team title; and

WHEREAS, Deb and Donna Spickelmier now have 31 state-meet medals between them, and in their final appearance at Omaha Burke Stadium May 18, 1985 they each won a gold medal, awarded for the best performance in an event regardless of class; and

WHEREAS, the winning of a state high school championship in track and field demonstrates the willingness of a team and its coach to work, concentrate and cooperate as a team; and

WHEREAS, their dedicated efforts, as well as the efforts of their coach, Rick May, are deserving of special recognition;

NOW, THEREFORE, BE IT RESOLVED by the members of the Eighty-ninth Legislature of Nebraska, First Session:

1) That the members of the Legislature commend and extend their congratulations to the Hayes Center Girls Track Team and their coach, Rick May.

2) That a copy of this resolution be sent to the Hayes Center Girls Track Team and their coach, Rick May.

Laid over.

## GENERAL FILE

**LEGISLATIVE BILL 539.** Title read. Considered.

Standing Committee amendment, AM1493, found in the Journal on page 2389 for the Eighty-First Day was considered.

Mr. Beutler moved to bracket LB 539 until Tuesday, May 28, 1985.

Mr. Beutler asked unanimous consent to withdraw his pending motion to bracket. No objections. So ordered.

Messrs. Landis and Hefner asked unanimous consent to withdraw their pending amendment, AM1510, found in the Journal on page 2416. No objections. So ordered.

The Standing Committee amendment lost with 3 ayes, 24 nays, 20 present and not voting, and 2 excused and not voting.

Mr. Warner asked unanimous consent to withdraw his pending

amendment, AM1513, found in the Journal on page 2416. No objections. So ordered.

Advanced to E & R for Review with 28 ayes, 9 nays, 10 present and not voting, and 2 excused and not voting.

## PRESENTED TO THE GOVERNOR

Presented to the Governor on May 21, 1985, at 2:15 p.m., were the following bills: 356, 447, 553, 196, 197, and 213.

(Signed) Pam Moravec, Enrolling Clerk

## SELECT COMMITTEE REPORTS
### Enrollment and Review

**LEGISLATIVE BILL 247.** Placed on Select File as amended.
E & R amendments to LB 247:
AM5177

1. In lieu of the second Pirsch amendment adopted May 20, 1985, found beginning on page 2298 of the Journal, and amendments 2 and 3 of the first Pirsch amendment adopted May 20, 1985, found on page 1626 of the Journal, insert the following new sections and renumber the remaining section accordingly:

"Sec. 4. For purposes of section 3 of this act, drug enforcement purposes shall include, but not be limited to, the following when used or expended by law enforcement agencies or their agents in discharging their responsibilities concerning traffic in controlled substances and in suppressing the abuse of controlled substances:

(1) Salaries for informants and any expenses of all agents and informants;

(2) Flash money for drug purchases; and

(3) Money for drug purchases.

Sec. 5. The Legislature hereby finds and declares that it is the intent of section 3 of this act to foster cooperation among the boards in the state by encouraging those boards which have no use for the funds to disburse the funds to boards in other counties.

Sec. 6. Notwithstanding any other provision of the laws of the State of Nebraska, any state or local law enforcement agency which participated directly with federal law enforcement agencies in any of the acts

which led to the seizure or forfeiture of property being held by federal law enforcement agencies shall be authorized to receive such property directly from the federal government.".

2. In lieu of the Chambers amendment adopted May 15, 1985, found on page 2252 of the Journal, in the Standing Committee amendment 1, on page 1, strike beginning with "line" in line 1 through the semicolon in line 2; and strike beginning with "and" in line 5 through the quotation marks in line 6.

3. In the first Standing Committee amendment adopted May 20, 1985, found on page 2252 of the Journal, on page 1, line 3, strike "all" and insert "All".

4. In the second Standing Committee amendment adopted May 20, 1985, found on page 2392 of the Journal, on page 1, strike beginning with "strike" in line 7 through "and" in line 8 and insert "after 'of' ".

5. On page 1, line 6, after the semicolon insert "to define a term; to state intent; to authorize the receipt of certain property;".

6. On page 3, line 24, strike "shall prove were" and insert "proves was".

7. On page 5, line 11, after "filed" insert an underscored comma; and in line 13 after "made" insert an underscored comma.

8. On page 9, line 11, strike both commas.

9. On page 10, line 23, after "the" insert "Nebraska".

**LEGISLATIVE BILL 445.** Placed on Select File as amended.
E & R amendment to LB 445:
AM5174

1. On page 1, line 2, strike "sections 28-101 and" and insert "section"; strike beginning with "to" in line 4 through the semicolon in line 6; and in line 7 strike "sections" and insert "section".

**LEGISLATIVE BILL 668.** Placed on Select File as amended.
E & R amendment to LB 668:
AM5175

1. In the Standing Committee amendments, AM0967, adopted May 20, 1985:

a. On page 2, line 19, strike "person's" and insert "persons"; in line 20 strike "visual" and insert "Visual"; in line 22 after "28-1463" insert ", Reissue";

and in line 24 after the stricken matter insert a stricken period; and

b. On page 3, line 21, after "control" insert "of a child"; and in line 25 after "Sec" insert a period.

**LEGISLATIVE BILL 60.** Placed on Select File as amended.
E & R amendments to LB 60:
AM5176

1. In the Schmit amendment adopted May 20, 1985, insert the following new amendment:

"3. Renumber remaining sections accordingly.".

2. On page 1, line 2, strike ", 2-3311," and insert "and" and strike "2-4011, and 54-2112,".

3. On page 2, line 1, after "Revised" insert "Statutes".

**LEGISLATIVE BILL 284.** Placed on Select File as amended.
E & R amendments to LB 284:
AM5178

1. In the Standing Committee amendments, AM0933, adopted May 20, 1985:

a. On page 1, line 13, strike "is" and insert "shall be";

b. On page 2, line 14, insert paragraphing before "All"; and

c. On page 4, line 5, strike "department proposed"; in line 6 after "regulations" insert "proposed by the department"; in line 11 strike "Director of Environmental Control" and insert "director"; in line 20 insert paragraphing before "Any"; in line 24 strike "sections 23-2401 to" and insert "the Political Subdivisions Tort Claims Act."; and in line 25 strike "23-2409.".

2. On page 4, line 24, strike the comma.

3. On page 6, line 2, strike "12" and insert "15".

4. On page 8, line 17, strike "involved".

5. On page 11, line 23, insert paragraphing before "In".

6. On page 13, line 20, strike "(1)".

(Signed) Timothy Hall, Chairperson

## UNANIMOUS CONSENT - Print in Journal

Mr. Wesely asked unanimous consent to print the following amendment to LB 60 in the Journal. No objections. So ordered.

AM1508

1. On page 2, line 5, strike the new matter and reinstate the stricken matter and after "influence" insert "state".

2. On page 5, in lines 8 and 9 strike the new matter and reinstate the stricken matter; and in line 9 after "influence" insert "state".

3. In the Standing Committee Amendments on page 1, line 1, strike "underscored"; in line 5 strike "8" and insert "9"; and in line 6 strike "office" and insert "legislation".

## UNANIMOUS CONSENT - Member Excused

Mr. Abboud asked unanimous consent to be excused until he returns. No objections. So ordered.

## SELECT FILE

**LEGISLATIVE BILL 722.** Mr. Harris renewed his pending motion found in the Journal on page 2387 and 2416 to reconsider the Lynch-DeCamp amendment (AM1392).

Mr. Lynch moved for a call of the house. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

Mr. Haberman requested a roll call vote on the Harris motion to reconsider.

Voting in the affirmative, 22:

| | | | | |
|---|---|---|---|---|
| Beyer | Hall | Lynch | Nichol | Rogers |
| Chambers | Hartnett | Marsh | Pappas | Schmit |
| DeCamp | Hefner | Miller | Pirsch | Sieck |
| Eret | Labedz | Nelson | Remmers | Wesely |
| Goodrich | Lamb | | | |

Voting in the negative, 18:

| | | | | |
|---|---|---|---|---|
| Baack | Barrett | Carsten | Chizek | Conway |

| | | | | |
|---|---|---|---|---|
| Goll | Hoagland | Peterson | Smith | Warner |
| Haberman | Johnson, L. | Rupp | Vickers | Withem |
| Hannibal | Landis | Scofield | | |

Present and not voting, 7:

| | | | | |
|---|---|---|---|---|
| Beutler | Harris | Johnson, R. | Lundy | Morehead |
| Chronister | Higgins | | | |

Excused and not voting, 2:

| | |
|---|---|
| Abboud | Johnson, V. |

The Harris motion to reconsider the Lynch-DeCamp amendment lost with 22 ayes, 18 nays, 7 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Mr. DeCamp offered the following amendment:
1. PURPOSE: Reduce the state employee salary increase (including the University of Nebraska and State Colleges) from 3% to 1 1/2%.
AMENDMENT:
On page 115, lines 6 and 13, strike "three" and insert "one and one-half". The Bill Drafter's Office, with assistance from the Legislative Fiscal Analyst, shall, as part of the regular engrossing process, prepare the changes mandated by the 1 1/2% reduction in the state employee salary increase as provided in this amendment.

Mr. Sieck 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 DeCamp amendment lost with 11 ayes, 27 nays, 10 present and not voting, and 1 excused and not voting.

Mr. DeCamp offered the following amendment:
2. PURPOSE: Delete funding for the Municipal Court takeover.
AMENDMENT:
On page 5, line 7, reduce the General Fund appropriation by $728,164 and strike lines 26 and 27; on page 6, strike lines 1 through 4 and lines 20 through 24.

Mr. Vickers asked unanimous consent to be excused until he returns.

No objections. So ordered.

Mr. DeCamp moved for a call of the house. The motion prevailed with 11 ayes, 0 nays, and 38 not voting.

Mr. Pappas requested a roll call vote on the DeCamp amendment.

Voting in the affirmative, 23:

| | | | | |
|---|---|---|---|---|
| Abboud | DeCamp | Labedz | Nichol | Rogers |
| Baack | Haberman | Lamb | Pappas | Sieck |
| Barrett | Hefner | Lynch | Peterson | Smith |
| Beyer | Higgins | Morehead | Remmers | Withem |
| Chronister | Johnson, R. | Nelson | | |

Voting in the negative, 21:

| | | | | |
|---|---|---|---|---|
| Beutler | Goll | Harris | Marsh | Scofield |
| Carsten | Goodrich | Hoagland | Pirsch | Vickers |
| Chambers | Hall | Johnson, L. | Rupp | Warner |
| Chizek | Hannibal | Landis | Schmit | Wesely |
| Conway | | | | |

Present and not voting, 4:

| | | | |
|---|---|---|---|
| Eret | Hartnett | Lundy | Miller |

Excused and not voting, 1:

Johnson, V.

The DeCamp amendment lost with 23 ayes, 21 nays, 4 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Mr. DeCamp asked unanimous consent to withdraw his pending amendments, AM1221, found in the Journal on page 1938 and AM1309, found in the Journal on page 2074. No objections. So ordered.

Mr. Goodrich asked unanimous consent to withdraw his pending amendment, AM1255, found in the Journal on page 1988. No objections. So ordered.

Mr. Vickers asked unanimous consent to withdraw his pending amendments, AM1370 and AM1356, found in the Journal on page 2205. No objections. So ordered.

Mr. Lynch asked unanimous consent to be excused. No objections. So ordered.

Messrs. Beutler, Landis, V. Johnson, Withem, Vickers, Harris, Lynch, and Mrs. Morehead offered the following amendment:

1. PURPOSE: To fund the General Fund portion of state aid to public transportation systems from the Highway Trust Fund.

AMENDMENT:

On page 55, line 7, strike "1,839,210" and insert "20,000"; in line 8 strike "1,006,500" and insert "2,825,710"; in line 12, strike "1,819,210" and insert "0" and strike "1,000,000" and insert "2,819,210"; after line 14, insert "There is included in the Cash Fund amount shown $1,819,210 to be transferred by the State Treasurer from the Highway Trust Fund to the Department of Road's Operation Cash Fund which fund is hereby appropriated."; and in lines 21 and 22, strike "220,135,685" and insert "219,165,440".

On page 56, in line 11, strike "133,915,293" and insert "132,945,048"; in line 20, strike "1,839,210" and insert "20,000"; in line 21, strike 288,116,546" and insert "288,965,511"; and in line 23, strike "290,090,923" and insert "289,120,678".

2. PURPOSE: To reduce the General Fund appropriation to the University of Nebraska by $1,316,357 due to projected enrollment decline.

AMENDMENT:

On page 82, lines 26 and 27, strike "90,795,773" and insert "89,997,316".

On page 83, lines 15 and 16, strike "30,842,378" and insert "30,747,647"; lines 26 and 27, strike "23,095,863" and insert "22,699,983".

On page 84, lines 9 and 10, strike "47,161,481" and insert "47,039,461".

3. PURPOSE: Decrease the General Fund appropriation ($1,000,000) to the University of Nebraska Medical Center and increase cash funds ($1,000,000) to reflect an increase in tuition rates to the average of peer institutions.

AMENDMENT:

On page 79, line 27, strike "106,061,618" and insert "107,061,618".

On page 80, line 3, strike "287,438,928" and insert "288,438,928".

On page 82, line 18, strike "106,520,965" and insert "107,520,965"; line 21, strike "293,410,571" and insert "294,410,571".

On page 84, lines 9 and 10, strike "47,161,481" and insert

"48,161,481".

4. PURPOSE: Reduce various state aid to political subdivisions by 2% across the board in addition to the 1% reduction in AM1422.

AMENDMENT:

Reduce the General Fund appropriation and General Fund state aid earmarking by the amounts shown in the respective agencies and programs:

| | |
|---|---|
| Agency 12, Program 119 | $ 13,720 |
| Agency 12, Program 120 | 341,374 |
| Agency 12, Program 149 | 333,200 |
| Agency 13, Program 143 | 2,674,322 |
| Agency 13, Program 143 | 16,000 |
| Agency 13, Program 143 | 108 |
| Agency 13, Program 293 | 104 |
| Agency 13, Program 294 | 2,474 |
| Agency 20, Program 177 | 1,000 |
| Agency 25, Program 033 | 76,316 |
| Agency 25, Program 365 | 101,412 |
| Agency 25, Program 424 | 420,968 |
| Agency 27, Program 305 | 36,384 |
| Agency 34, Program 302 | 11,492 |
| Agency 55, Program 304 | 38,912 |
| Agency 55, Program 307 | 25,036 |
| Agency 71, Program 571 | 28,588 |
| Agency 72, Program 604 | 2,338 |
| Agency 78, Program 196 | 3,276 |
| Agency 83, Program 51 | 472,268 |
| Agency 84, Program 518 | 36,000 |

Mr. Chronister asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Hefner moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 8 nays, and 16 not voting.

Mr. Beutler requested a record vote on the Beutler et al. amendment.

Voting in the affirmative, 17:

| | | | | |
|---|---|---|---|---|
| Abboud | Eret | Johnson, R. | Miller | Smith |
| Baack | Harris | Labedz | Morehead | Vickers |
| Beutler | Hartnett | Landis | Pappas | Withem |
| Chizek | Hoagland | | | |

Voting in the negative, 26:

| | | | | |
|---|---|---|---|---|
| Barrett | Goodrich | Higgins | Nelson | Rogers |
| Beyer | Haberman | Johnson, L. | Nichol | Rupp |
| Carsten | Hall | Lamb | Peterson | Scofield |
| Conway | Hannibal | Lundy | Pirsch | Sieck |
| DeCamp | Hefner | Marsh | Remmers | Warner |
| Goll | | | | |

Present and not voting, 3:

| | | |
|---|---|---|
| Chambers | Schmit | Wesely |

Excused and not voting, 3:

| | | |
|---|---|---|
| Chronister | Johnson, V. | Lynch |

The Beutler et al. amendment lost with 17 ayes, 26 nays, 3 present and not voting, and 3 excused and not voting.

## REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of the Governor's appointments.

**Public Works**

Rich Watson - Motor Vehicle Industry Licensing Board
James Pattee (R) - Motor Vehicle Industry Licensing Board
Lloyd Soukup - Motor Vehicle Industry Licensing Board

(R) Reappointment

(Signed) Chris Beutler, Chairperson
Legislative Council
Executive Board

## UNANIMOUS CONSENT - Print in Journal

Messrs. Warner and Wesely asked unanimous consent to print the following amendment to LB 154 in the Journal. No objections. So ordered.

AM1521

(Amendments to Final Reading Copy)

1. On page 2, line 5, strike the new matter and reinstate the stricken matter and after the reinstated "meets" insert "conducted"; reinstate the stricken matter beginning with the first "on" in line 11 through "first" in line 12; in line 12 after the reinstated "first" insert "seven"; reinstate the stricken matter beginning with "million" in line 13 through the first "of" in line 14"; in line 14 after the stricken "one" insert "seven" and reinstate the stricken matter beginning with "million" through the second "of"; in line 15 after the stricken "three" insert "four and one half", reinstate "per cent; and", after the reinstated "and" insert "(2) for", reinstate "other", strike the underscored comma, and reinstate "(a)"; and in line 16 reinstate "(b)".

Messrs. Barrett and Beyer asked unanimous consent to print the following amendment to LB 157 in the Journal. No objections. So ordered.

AM1505

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. (1) Prejudgment interest on all decrees and judgments for the payment of money, except as provided in subsections (2) to (6) of this section, may be awarded by the judge in any action at law or suit in equity on all or any part of the decree or judgment, commencing no earlier than one hundred twenty days following the date the summons is served, at a rate equal to one percentage point above the bond equivalent yield, as published by the Secretary of the Treasury, of the average accepted auction price for the last auction of fifty-two-week United States Treasury bills settled immediately prior to the date of judgment. In determining whether to award prejudgment interest, the judge shall take into consideration (a) whether any party or any party's counsel unreasonably or unnecessarily delayed the progression of the action to trial, (b) whether liability was certain or genuinely controverted, (c) whether any portion of the judgment was for special damages and was actually incurred prior to judgment, (d) whether the parties engaged in good faith settlement negotiations, and (e) such other

circumstances as may affect the fairness of awarding such interest.

(2) The interest provided for in subsection (1) of this section shall not accrue on any payment made prior to judgment by or on behalf of the defendant.

(3) If a plaintiff has refused to accept an offer by the defendant to confess judgment pursuant to section 25-906 or 25-907 or sections 25-1309 to 25-1312 and if the judgment is for an amount equal to or less than the amount confessed, no interest shall accrue between the time of the offer to confess judgment and the time of rendition of the judgment.

(4) Subsection (1) of this section shall not apply to any action arising under Chapter 42, and this section shall not apply to any action arising under Nebraska law in which judgment interest rates are otherwise specifically provided.

(5) Subsection (1) of this section shall not apply to any action against the state or any of its political subdivisions.

(6) Subsection (1) of this section shall not apply to any cause of action under any theory of recovery arising out of a contractual relationship, agreement, or policy of insurance which provides for the payment of benefits for hospital, surgical, medical, dental, psychological, or other health care services written, issued, or administered by any third party including, but not limited to, a health and accident insurance company, a hospital service corporation, or a health maintenance organization.

Sec. 2. Prejudgment interest authorized under section 1 of this act shall be paid directly to the plaintiff. Payment shall be made by issuing a check directly for such interest in the plaintiff's name only. Such interest shall not be included in computing fees for attorneys.

Sec. 3. That section 45-103, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

45-103. Interest on all decrees and judgments for the payment of money shall be from the date of the rendition thereof at ~~the~~ a rate equal to one percentage point above the bond equivalent yield, as published by the Secretary of the Treasury of the average accepted auction price for the last auction of the fifty-two-week

United States Treasury bills settled immediately prior to the date of judgment. ~~specified in section 45-104.01, as such rate may from time to time be adjusted by the Legislature until the same shall be paid; PROVIDED, if~~

If such judgment or decree shall be founded upon any contract, either verbal or written, by the terms of which a greater rate of interest, not exceeding the amount allowed by law, than the rate specified pursuant to this section ~~in section 45-104.01, as such rate may from time to time be adjusted by the Legislature~~, shall have been agreed upon, the rate of interest upon such judgment or decree shall be the same as provided for by the terms of the contract upon which the same was founded. Interest on a judgment appealed to the district court shall be determined in accordance with subsection (3) of section 24-541.06.

Sec. 4. This act shall be operative for all causes of action accruing on or after January 1, 1986.

Sec. 5. If any section in this act or any part of any section shall be declared invalid or unconstitutional, such declaration shall not affect the validity or constitutionality of the remaining portions thereof.

Sec. 6. That original section 45-103, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

## SELECT FILE

**LEGISLATIVE BILL 722.** Mr. Haberman offered the following amendment:

Purpose: To eliminate $25,000 in General Funds for the purpose of legislative television coverage

Amendment: On page 72 line 5, reduce the General Fund appropriation by $25,000.

Mr. Haberman moved for a call of the house. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

Mr. Haberman requested a roll call vote on his amendment.

Voting in the affirmative, 19:

| | | | | |
|---|---|---|---|---|
| Baack | Haberman | Hartnett | Labedz | Miller |
| Beyer | Hall | Hefner | Lamb | Morehead |

| | | | | |
|---|---|---|---|---|
| Nelson | Peterson | Remmers | Rupp | Smith |
| Nichol | Pirsch | Rogers | Schmit | |

Voting in the negative, 26:

| | | | | |
|---|---|---|---|---|
| Abboud | Conway | Harris | Landis | Sieck |
| Barrett | DeCamp | Higgins | Lundy | Vickers |
| Beutler | Goll | Hoagland | Marsh | Warner |
| Carsten | Goodrich | Johnson, L. | Pappas | Wesely |
| Chambers | Hannibal | Johnson, R. | Scofield | Withem |
| Chizek | | | | |

Present and not voting, 1:

Eret

Excused and not voting, 3:

Chronister Johnson, V. Lynch

The Haberman amendment lost with 19 ayes, 26 nays, 1 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Mrs. Labedz asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Chambers renewed his pending amendment found in the Journal on page 2320.

Messrs. Rupp, Schmit, Hoagland, Miller, Sieck, and Mrs. Marsh asked unanimous consent to be excused. No objections. So ordered.

Mr. DeCamp 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. Hannibal moved to suspend the rules, Rule 6, Section 5 and Rule 7, Section 3, and vote without further debate or amendment on the amendment to LB 722.

Mr. Chambers requested a ruling of the Chair on whether the Hannibal motion to suspend the rules was timely filed.

The Chair ruled that the Hannibal motion was not timely filed so consequently was out of order.

Mr. Chambers offered the following amendment to the pending Chambers amendment:

AMEND CHAMBERS AMENDMENT TO LB 722

STRIKE intent language after "providing" , and insert:

"a monthly allowance to each member of the University of Nebraska at Lincoln varsity football team, retroactive to January 30, 1985. The amount of such allowance shall be determined by dividing $720,000 by 12, divided by the total number of varsity team members."

Mr. Beyer asked unanimous consent to be excused. No objections. So ordered.

Mr. Chambers asked unanimous consent to withdraw his amendment to the Chambers amendment. No objections. So ordered.

Mr. Chambers asked unanimous consent to withdraw his pending amendment found in the Journal on page 2320. No objections. So ordered.

Mr. Warner renewed his pending amendment found in the Journal on page 2324.

The Warner amendment was adopted with 29 ayes, 0 nays, 11 present and not voting, and 9 excused and not voting.

Mr. Carsten asked unanimous consent to withdraw his pending amendment, AM1476, found in the Journal on page 2329. No objections. So ordered.

## UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendment to LB 653 in the Journal. No objections. So ordered.

Page 1 Line 10 insert 21-2079. after 21-17,11704, and before 45-101.02.

Page 99 L.B. 653 Line 22 insert new section 129 as follows and renumber the following sections.

Section 129. That section 21-2079, Reissue Revised Statutes of Nebraska, 1984 be amended to read as follows:

21-2079. Shareholders; right to dissent; payment; when. (1) Any shareholders of a corporation shall have the right to dissent from, and obtain payment for their share in the event of, any of the following corporate actions:

(a) Any plan of merger or consolidation to which the corporation is a party, except as provided in subsection (3) of this section;

(b) Any sale or exchange of all or substantially all of the property and assets of the corporation, otherwise than in the usual and regular course of its business and other than a sale for cash where the shareholders' approval thereof is conditional upon the distribution of all or substantially all of the net proceeds of the sale to the shareholders in accordance with their respective interests within one year after the date of sale:

(c) Any plan of exchange to which the corporation is a party as the corporation the share of which are to be acquired;

(d) Any amendment of the articles of incorporation which materially and adversely affects the rights appurtenant to the shares of the dissenting shareholder of such shares;

(i) Alters or abolishes a preferential right of such shares;

(ii) Creates, alters, or abolishes a right in respect of the redemption of such shares, including a provision respecting a sinking fund for the redemption or repurchase of such shares;

(iii) Alters or abolishes a preemptive right of the holder of such shares to acquire shares or other securities; or

(iv) Excludes or limits the right of the holder of such shares to vote on any matter, or to cumulate his or her votes, except as such right may be limited by dilution through the issuance of shares or other securities with similar voting rights; or

(e) Any other corporate action taken pursuant to a shareholder vote with respect to which the articles of incorporation, the bylaws, or a resolution of the board of directors directs that dissenting shareholders shall have a right to obtain payment for their shares.

(2)(a) A record holder of shares may assert dissenters' rights as to less than all of the shares registered in his or her name. In that event, his or her right shall be determined as if the shares as to which he or she has dissented and his or her other shares were registered in the names of different shareholders.

(b) A beneficial owners of shares who is not the record holder may assert dissenters' rights with respect to shares held on his or her behalf, and shall be treated as a dissenting shareholder under the terms of this section and section 21-2030 if he or she submits to the

corporation at the time of or before the assertion of these rights a written consent of the record holder.

(3) The right to obtain payment under the provisions of this section shall not apply to the shareholders of the surviving corporation in a merger if a vote of the shareholders of such corporation is not necessary to authorize such merger. or to the shareholders of any depository institution or depository institution holding company defined in sections 5 and 6 of L.B. 653, Eighty-Ninth Legislature.

(4) A shareholder of a corporation who has a right under this section to obtain payment for his or her shares shall have no right at law or in equity to attack the validity of the corporate action that vies rise to his or her right to obtain payment, nor to have the action set aside or rescinded, except for mergers unauthorized under section 21-2074 or when the corporation action is unlawful or fraudulent with regard to the complaining shareholder or to the corporation.

P. 142 Line 10 insert 21-2079, after 21-17, 117.04, and before and.

## RESOLUTION

**LEGISLATIVE RESOLUTION 282.**

Introduced by L. Johnson, 15th District.

WHEREAS, on May 17, 1985, the Fremont High School Girls' Tennis Team won the Number One singles, the Number One Doubles, and the Number Two Doubles crowns in the Girls' Class A State Tennis Tournament to be named Champion of the statewide competition for the first time since the beginning of the Fremont High School Program in 1974; and

WHEREAS, on May 18, 1985, the Fremont High School Boys' Track Team won the Class A State High School Track and Field Championships with one hundred six points over the second place team with seventy-six points; and

WHEREAS, the Fremont High School Girls' Track Team also excelled on May 18 as the team took second place in the Class A statewide competition just twelve points away from the first place title; and

WHEREAS, Carolyn Dilley, Magali Heller, and Julie Callahan of the Girls' Tennis Team took first place crowns in the statewide competition; and

WHEREAS, Dan Hodge of the Fremont Track Team pole-vaulted to a first place finish of fifteen feet to break an established state track meet record and Gerry Gdowski was the first four-event gold medal winner since 1941; and

WHEREAS, the boys' track team from Fremont was presented with the Omaha World-Herald's Gregg McBride Grand Champion Award, based on best state performance regardless of class for the second year in a row; and

WHEREAS, the dedication and encouragement of Boys' Track Coach Jon Appleget and Assistant Coaches Pat Murphy, Mike Reis, and Gerry Gdowski and Girls' Tennis Coach Hope Taylor and Assistant Coach Russ Homa and Girls' Track Coach Sue Sokoll and Assistant Coaches Diane Hento and Linda Rolfsmeyer led the teams to the first and second place titles in statewide competition; and

WHEREAS, these accomplishments deserve special recognition.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature commends and congratulates the coaches and members of the 1985 Fremont Boys' and Girls' Track Teams and the Girls' Tennis Team for their wins in the State Track and Field and Tennis Championships.

2. That a copy of this resolution be sent to Fremont High School for dissemination to the coaches and members of the 1985 Fremont Boys' and Girls' Track Teams and Girls' Tennis Team.

Laid over.

## UNANIMOUS CONSENT - Print in Journal

Mr. Barrett asked unanimous consent to print the following amendment to LB 342 in the Journal. No objections. So ordered.

AM1519

(Amendments to Final Reading Copy)

1. On page 2, line 3, strike "(1)"; and in line 5 strike "(2)".

2. On page 3, line 8, strike the new matter and insert "unless there is a further appeal."; in line 15 after "filed" insert "(1) in proceedings involving the rate of contributions applicable to such employer"; in line 16 after "County" insert "and (2) in proceedings involving whether services performed by an individual were employment or for an employer (a) in the district court of the county in which (i) the services were performed or (ii) the employer is situated or has his or her principle office or place of business or (b) in any district court of this state upon which the parties may agree"; and in lines 19 and 20 strike "of Lancaster

15 County" and show as stricken.

Mr. Wesely asked unanimous consent to print the following amendment to LB 722 in the Journal. No objections. So ordered.

PURPOSE: To reduce all General Fund appropriations by .us 1 1/2%
AMENDMENT:
1. Strike each General Fund appropriation as shown in the green copy of LB 722 and insert an amount 1 1/2 percent less than such appropriation, except that the percent reduction shall not apply to Agency No. 85, Program 515 and Agency No. 89, Program 538.
2. As part of the regular engrossing process, adjustments to Program Totals and Agency Totals shall be made to reflect changes made by this amendment.

## BILL ON FIRST READING

The following bill was read for the first time by title:

**LEGISLATIVE BILL 600A.** By Hoagland, 6th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 600, Eighty-ninth Legislature, First Session, 1985.

## VISITORS

Visitors to the Chamber were Ervin and Pearl Bergt and Gertrude Bergt from Schuyler; Mr. Oka Mahendra, member of Parliament, Bali Jakarta from Indonesia, and Dan Fietkiewicz, Interpreter, U.S. State Department; 16 fourth grade students and teacher from St. Joseph's School, Beatrice; and 100 fourth grade students and teacher from Neihardt Elementary School, Millard.

## ADJOURNMENT

At 5:50 p.m., on a motion by Mr. Baack, the Legislature adjourned until 9:00 a.m., Wednesday, May 22, 1985.

Patrick J. O'Donnell
Clerk of the Legislature

# EIGHTY-FOURTH DAY - MAY 22, 1985

# LEGISLATIVE JOURNAL

# EIGHTY-FOURTH DAY - MAY 22, 1985

## LEGISLATIVE JOURNAL

## EIGHTY-NINTH LEGISLATURE
## FIRST SESSION

## EIGHTY-FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, May 22, 1985

Pursuant to adjournment, the Legislature met at 9:02 a.m., Speaker Nichol presiding.

## PRAYER

The prayer was offered by Pastor Gene Loftis, Ralston United Church of Christ, Ralston, Nebraska.

## ROLL CALL

The roll was called and all members were present except Mr. V. Johnson who was excused; and Mr. Sieck who was excused until he arrives.

## CORRECTIONS FOR THE JOURNAL

The Journal for the Eighty-Third Day was approved.

## MESSAGE FROM THE GOVERNOR

May 22, 1985

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 126, 406 and 633 were received in my

office on May 17, 1985.

These bills were signed by me on May 22, 1985 and delivered to the Secretary of State.

Sincerely,
(Signed) ROBERT KERREY
Governor

RK/jm

## RESOLUTION

**LEGISLATIVE RESOLUTION 283.**

Introduced by Carsten, 2nd District.

WHEREAS, the Syracuse Girls' Track Team is the 1985 Class B State High School Track and Field Champion; and

WHEREAS, the young women on this team have shown great dedication and athletic prowess by achieving the first state championship for the Syracuse Girls' Track Team; and

WHEREAS, the coaching of Jan Brandt and the effort of the entire team are deserving of recognition.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the members of the Legislature commend the Syracuse Girls' Track Team and their coach, Jan Brandt.

2. That a copy of this resolution be sent to Coach Brandt and the Syracuse Girls Track Team.

Laid over.

## UNANIMOUS CONSENT - Member Excused

Mr. Rogers asked unanimous consent to be excused until he returns. No objections. So ordered.

## SELECT COMMITTEE REPORT
### Enrollment and Review

**LEGISLATIVE BILL 539.** Placed on Select File.

(Signed) Timothy Hall, Chairperson

## SELECT FILE

**LEGISLATIVE BILL 722.** Considered.

Mr. Hannibal asked unanimous consent to withdraw his pending amendment found in the Journal on page 2347. No objections. So ordered.

Messrs. Beutler and Vickers offered the following amendment:
PURPOSE: To reduce all General Fund appropriations by 2%
AMENDMENT:
1. Strike each General Fund appropriation as shown in the green copy of LB 722 and insert an amount 2 percent less than such appropriation.
2. As part of the regular engrossing process, adjustments to Program Totals and Agency Totals shall be made to reflect changes made by this amendment.

Mr. Beutler offered the following amendment to the Beutler-Vickers amendment:
PURPOSE: To reduce all General Fund appropriations by 2% excluding those amounts stated.
AMENDMENT:
1. Strike each General Fund appropriation as shown in the green copy of LB 722 and insert an amount 2 percent less than such appropriation, except that the percent reduction shall not apply to the following agencies and programs in the amounts shown:

| Agency Number | Program Number | Dollar Amount Excluded |
|---|---|---|
| 13 | 401 | 2,435,994 |
| 13 | 402 | 997,611 |
| 25 | 355 | 294,523 |
| 25 | 365 | 20,057,356 |
| 25 | 421 | 7,819,493 |
| 25 | 424 | 21,048,373 |
| 25 | 519 | 4,756,731 |
| 26 | 524 | 3,554,564 |
| 37 | 526 | 333,869 |
| 85 | 515 | 8,116,385 |
| 89 | 538 | 998,099 |

2. As part of the regular engrossing process, adjustments to Program Totals and Agency Totals shall be made to reflect changes made by this amendment.

**MR. LAMB PRESIDING**

Mr. Hefner moved the previous question. The question is, "Shall the

debate now close?" The motion prevailed with 26 ayes, 3 nays, and 20 not voting.

The Beutler amendment was adopted with 29 ayes, 14 nays, 5 present and not voting, and 1 excused and not voting.

Messrs. DeCamp and Hefner reoffered the DeCamp amendment found in the Journal on page 2412 to the Beutler-Vickers amendment.

**PRESIDENT MCGINLEY PRESIDING**

Mr. Hoagland moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 10 nays, and 14 not voting.

Mr. Haberman moved for a call of the house. The motion prevailed with 19 ayes, 1 nay, and 29 not voting.

Mr. DeCamp requested a roll call vote on his amendment.

Voting in the affirmative, 24:

| | | | | |
|---|---|---|---|---|
| Barrett | Eret | Johnson, L. | Marsh | Rogers |
| Beyer | Goll | Johnson, R. | Nichol | Rupp |
| Carsten | Goodrich | Lamb | Peterson | Sieck |
| Chronister | Haberman | Lundy | Pirsch | Warner |
| DeCamp | Hefner | Lynch | Remmers | |

Voting in the negative, 23:

| | | | | |
|---|---|---|---|---|
| Abboud | Conway | Hoagland | Nelson | Smith |
| Baack | Hall | Labedz | Pappas | Vickers |
| Beutler | Hannibal | Landis | Schmit | Wesely |
| Chambers | Harris | Miller | Scofield | Withem |
| Chizek | Higgins | Morehead | | |

Present and not voting, 1:

Hartnett

Excused and not voting, 1:

Johnson, V.

The DeCamp-Hefner amendment lost with 24 ayes, 23 nays, 1 present

and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Mr. Wesely offered the following amendment to the Beutler-Vickers amendment:

Strike the Exemptions in the Beutler amendment & add the following exceptions:

Agency No. 85 Program 515 and Agency No. 89, Program 538.

Mr. Sieck 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 amendment lost with 17 ayes, 21 nays, 10 present and not voting, and 1 excused and not voting.

Mr. Lamb moved to reconsider the Beutler amendment to the Beutler-Vickers amendment found in this day's Journal.

Mr. Vickers moved the previous question. The question is, "Shall the debate now close?"

Mr. Beutler moved for a call of the house. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

The motion to cease debate prevailed with 25 ayes, 18 nays, and 6 not voting.

The Lamb motion to reconsider lost with 17 ayes, 27 nays, 4 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Mr. Withem moved to suspend the rules & vote immediately without further debate or amendment on the Beutler amendment to LB 722.

Mr. DeCamp raised a point of order on whether the Withem motion to suspend the rules can be amended.

The Chair ruled the motion to suspend the rules cannot be amended.

Mr. Haberman moved to recess until 1:30 p.m. The motion lost with 14 ayes, 24 nays, and 11 not voting.

Mr. Chambers challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

Mr. Withem asked unanimous consent to withdraw his pending motion to suspend the rules. No objections. So ordered.

Pending.

## RESOLUTION

**LEGISLATIVE RESOLUTION 284.**

Introduced by Carsten, 2nd District.

WHEREAS, the Nebraska City Boys' Track Team is the 1985 Class B State High School Track and Field Champion; and

WHEREAS, the young men on this team have shown great dedication and athletic prowess through the significant achievement of becoming state champions; and

WHEREAS, the coaching of John Barton and the effort of the entire team are deserving of recognition.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the members of the Legislature commend Nebraska City Boys' Track Team and their coach, John Barton.

2. That a copy of this resolution be sent to Coach Barton and the Nebraska City Boys' Track Team.

Laid over.

## VISITORS

Visitors to the Chamber were 47 fourth grade students and teachers from Hartman Elementary School, Omaha; Don and Nancy DeSelms from Chadron; 40 fourth grade students and teacher from Howard School, Fremont; Mr. and Mrs. Freymuller and daughter, Cyndi, 1985 Nebraska Junior Miss from Blair; and 24 fourth grade students and teacher from Lincoln Christian School.

## RECESS

At 11:59 a.m., on a motion by Mr. DeCamp, the Legislature recessed until 1:30 p.m.

## AFTER RECESS

The Legislature reconvened at 1:35 p.m., President McGinley presiding.

## ROLL CALL

The roll was called and all members were present except Mr. V. Johnson who was excused.

### MOTION - Appropriations Committee Recommendation

Mr. Warner moved the adoption of the Appropriations Committee recommendation that the body be in adjournment until May 29, 1985, in order to allow a review of programs and/or agencies which could be reduced or eliminated to address the state's budgetary issues.

The Warner motion prevailed with 42 ayes, 0 nays, 6 present and not voting, and 1 excused and not voting.

## GENERAL FILE

**LEGISLATIVE BILL 556.** Title read. Considered.

Pending.

Messrs. Beutler, Haberman, and Abboud asked unanimous consent to be excused until they return. No objections. So ordered.

## EASE

The Legislature was at ease from 2:47 p.m. until 2:57 p.m.

### UNANIMOUS CONSENT - Member Excused

Mr. Chambers asked unanimous consent to be excused until he returns. No objections. So ordered.

## GENERAL FILE

**LEGISLATIVE BILL 556.** Considered.

Speaker Nichol moved for a call of the house. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

The Chair declared the call raised.

Mr. Baack asked unanimous consent to be excused. No objections. So ordered.

Mr. R. Johnson asked unanimous consent to be excused until he returns. No objections. So ordered.

Mrs. Labedz moved for a call of the house. The motion prevailed with 8 ayes, 0 nays, and 41 not voting.

Advanced to E & R for Review with 26 ayes, 8 nays, 10 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Mr. Beutler asked unanimous consent to be excused until he returns. No objections. So ordered.

**LEGISLATIVE BILL 556A.** Title read. Considered.

Advanced to E & R for Review with 25 ayes, 8 nays, 10 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.

## STANDING COMMITTEE REPORT
### Public Works

The Committee on Public Works desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

Motor Vehicle Industry Licensing Board
James C. Pattee
Lloyd Soukup

Vote: Aye: Senators Schmit, Beyer, DeCamp, Harris, Lynch, Lamb, and Nelson. Absent and Not Voting: Senator Smith.

(Signed) Loran Schmit, Chairperson

## REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of May 21, 1985. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Bauer, Rosemary - Omaha, Horsemen's Benevolent Protective Association
Erickson & Sederstrom
Thone, Charles - Lincoln, Financial Consulting Services, Inc.

## ANNOUNCEMENT

Mr. V. Johnson announced the May 28, 1985, joint meeting with the Revenue Committee and the Department of Revenue will be cancelled and rescheduled for Wednesday, May 29, 1985, at 12:00 noon in Room 1520 of the State Capitol.

## UNANIMOUS CONSENT - Print in Journal

Mr. Lamb asked unanimous consent to print the following amendment to LB 653A in the Journal. No objections. So ordered.

AM1518

1. Strike the original sections and all amendments thereto and insert new sections as follows:

"Section 1. That section 74-594, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

74-594. No railroad company or employee or agent of a railroad company shall cause a train or passenger, freight, or other car to occupy, obstruct, or block any street, road, or highway crossing-at-grade for a period of more than ten minutes. Any person violating this section shall be guilty of a Class IV misdemeanor, except that no ~~No~~ member of a train crew, yard crew, or engine crew of a railroad, which is a common carrier, shall be held personally responsible or found guilty of violating any state laws or any municipal ordinances regulating or intended to regulate the occupying or blocking of any street, road, or highway crossing-at-grade by trains or passenger, ~~or~~ freight, or

other cars upon reasonable proof that the occupying or blocking of the street, road, or highway crossing-at-grade was necessary to comply with orders or instructions either written or oral of his or her employer or its officers or supervisory officials. This ~~; PROVIDED, that the provisions of this~~ section shall not relieve the employer or railroad from any responsibility placed upon the employer or railroad by any such state laws or by such municipal ordinances. This section shall be supplemental to any other law.

Sec. 2. That original section 74-594, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

Messrs. Lamb, Hefner, and Abboud asked unanimous consent to print the following motion in the Journal. No objections. So ordered.

We move to indefinitely postpone LB 539.

## GENERAL FILE

**LEGISLATIVE BILL 127.** Title read. Considered.

Standing Committee amendment, AM0630, found in the Journal on page 1048 for the Forty-Second Day was considered.

Mr. Rupp offered the following amendment to the Standing Committee amendment:

Pg. 2, line 6 strike 1992 and insert 1985

Mr. Hall asked unanimous consent to be excused. No objections. So ordered.

Mr. Rupp asked unanimous consent to withdraw his pending amendment. No objections. So ordered.

The Standing Committee amendment was adopted with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Mr. Sieck asked unanimous consent to withdraw his pending amendment, AM0704, found in the Journal on page 1110. No objections. So ordered.

Mr. Wesely asked unanimous consent to withdraw his pending amendment, AM1117, found in the Journal on page 2057. No objections. So ordered.

Mr. DeCamp requested a record vote on the advancement of the bill.

Voting in the affirmative, 30:

| | | | | |
|---|---|---|---|---|
| Beyer | Eret | Hefner | Marsh | Rogers |
| Carsten | Goll | Higgins | Morehead | Schmit |
| Chizek | Goodrich | Johnson, L. | Nelson | Sieck |
| Chronister | Hannibal | Johnson, R. | Nichol | Warner |
| Conway | Harris | Labedz | Pappas | Wesely |
| DeCamp | Hartnett | Lynch | Remmers | Withem |

Voting in the negative, 6:

| | | | | |
|---|---|---|---|---|
| Hoagland | Landis | Peterson | Rupp | Scofield |
| Lamb | | | | |

Present and not voting, 7:

| | | | | |
|---|---|---|---|---|
| Barrett | Lundy | Pirsch | Smith | Vickers |
| Chambers | Miller | | | |

Excused and not voting, 6:

| | | | | |
|---|---|---|---|---|
| Abboud | Beutler | Haberman | Hall | Johnson, V. |
| Baack | | | | |

Advanced to E & R for Review with 30 ayes, 6 nays, 7 present and not voting, and 6 excused and not voting.

Mr. R. Johnson asked unanimous consent to be excused. No objections. So ordered.

**LEGISLATIVE BILL 663.** Title read. Considered.

Standing Committee amendments, AM0617, found in the Journal on page 1072 for the Forty-Third Day were adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

Mr. Landis renewed his pending amendment, AM1418, found in the Journal on page 2320.

The Landis amendment was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Advanced to E & R for Review with 27 ayes, 2 nays, 13 present and not voting, and 7 excused and not voting.

## UNANIMOUS CONSENT - Print in Journal

Mr. Schmit asked unanimous consent to print the following amendment to LB 127 in the Journal. No objections. So ordered.

AM1365

1. Insert the following new section:

"Section 1. That section 81-1560, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-1560. The fee imposed by section 81-1559 shall be calculated only on the value of products or the gross proceeds of sales of products which directly contribute to litter as defined in section 81-1541 and which fall into the following categories: (1) Food for human or pet consumption; (2) groceries; (3) cigarettes and other tobacco products; (4) soft drinks and carbonated waters; (5) liquor, wine, and beer and other malt beverages; (6) household paper and paper products, excluding magazines, periodicals, ~~newspapers,~~ and literary works; (7) glass containers; (8) metal containers; (9) plastic or fiber containers made of synthetic material; and (10) cleaning agents and toiletries.".

2. On page 2, line 20, strike "section" and insert "sections 81-1560 and "; and in line 21 strike "is" and insert "are".

3. Renumber the remaining sections accordingly.

## ANNOUNCEMENT

To: All State Senators
From: Jerome Warner, Chairperson
Re: Appropriations Committee
Date: May 22, 1985

The Appropriations Committee will begin deliberation on a second round of budget reductions at 9 A.M. Thursday, May 23, in the Education Committee Hearing Room, (Rm. 1517).

The initial discussions will be to more firmly establish the criteria for evaluating specific programs and services for elimination, i.e.;

what general "yardsticks" will be used in determining budget cut potentials.

The Appropriations Committee would appreciate Senator's viewpoints as to what constitutes a low priority state government service; not necessarily the specific program but criteria such as "A service duplicated by other public private agencies," or "A service exhibiting declines in client demand," are examples of criteria that may point out a low priority service.

Please submit your suggestions in writing to the Legislative Fiscal Office, Rm. 1007 during the morning of Thursday, May 23rd.

Thereafter, the Committee will meet and using the "Appropriations Committee Budget Recommendations" booklet, review Agency/Program budgets according to the established criteria.

Senators or Senator's staff are encouraged to attend and observe the Committee during these work sessions.

## UNANIMOUS CONSENT - Members Excused

Messrs. DeCamp and Withem asked unanimous consent to be excused. No objections. So ordered.

## GENERAL FILE

**LEGISLATIVE BILL 600.** Title read. Considered.

Standing Committee amendments, AM1489, found in the Journal on page 2372 for the Eighty-First Day were considered.

## SPEAKER NICHOL PRESIDING

Mr. Pappas asked unanimous consent to be excused. No objections. So ordered.

Mr. Hoagland asked unanimous consent to withdraw his pending amendment found in the Journal on page 2415. No objections. So ordered.

Mr. Hoagland offered the following amendment to the Standing Committee amendments:

(a) on pg 1, line 3, strike beginning with "strike" in line 3 through the semicolon in line 5;

(b) insert the following new amendments

15. on pg. 52, line 25, before "The" insert "(1)";

16. on pg. 53, strike beginning with "that" in line 2, through the period in line 6 and insert "In any county in which the county

attorney has established an efficient and effective child support program, the federal incentive funds generated from the collection of child support and attributable to enforcement activities in such county shall be provided to the county for development and administration of the child support enforcement program.

(c) Renumber paragraphs 15 & 16 to 17 & 18.

The Hoagland amendment was adopted with 11 ayes, 0 nays, 28 present and not voting, and 10 excused and not voting.

Mr. Chambers offered the following amendment to the Standing Committee amendments:

Page 2, Strike section 76

Mr. Harris asked unanimous consent to be excused. No objections. So ordered.

The Chambers amendment lost with 2 ayes, 14 nays, 23 present and not voting, and 10 excused and not voting.

Mr. Chambers offered the following amendment to the Standing Committee amendments:

page 2, Strike lines 16-20

Messrs. Hefner and Rupp asked unanimous consent to be excused. No objections. So ordered.

Mrs. Labedz moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The Chambers amendment lost with 5 ayes, 14 nays, 17 present and not voting, and 13 excused and not voting.

Mr. Beyer asked unanimous consent to be excused. No objections. So ordered.

Mr. Chambers offered the following amendment to the Standing Committee amendments:

Strike "September 1, 1986"; insert October 1, 1986.

Messrs. Vickers and Lamb asked unanimous consent to be excused until they return. No objections. So ordered.

Mrs. Labedz moved the previous question. The question is, "Shall the

debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Chambers 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, 10:

| | | | | |
|---|---|---|---|---|
| Abboud | Chambers | Eret | Labedz | Schmit |
| Carsten | Conway | Hannibal | Morehead | Warner |

Voting in the negative, 20:

| | | | | |
|---|---|---|---|---|
| Barrett | Hartnett | Lundy | Nelson | Scofield |
| Chizek | Higgins | Lynch | Nichol | Sieck |
| Chronister | Hoagland | Marsh | Remmers | Smith |
| Goodrich | Johnson, L. | Miller | Rogers | Wesely |

Present and not voting, 1:

Goll

Absent and not voting, 2:

Landis Pirsch

Excused and not voting, 16:

| | | | | |
|---|---|---|---|---|
| Baack | Haberman | Hefner | Lamb | Rupp |
| Beutler | Hall | Johnson, R. | Pappas | Vickers |
| Beyer | Harris | Johnson, V. | Peterson | Withem |
| DeCamp | | | | |

The Chambers amendment lost with 10 ayes, 20 nays, 1 present and not voting, 2 absent and not voting, and 16 excused and not voting.

The Chair declared the call raised.

Mr. Barrett asked unanimous consent to be excused. No objections. So ordered.

The Standing Committee amendments, as amended, were adopted with 25 ayes, 2 nays, 5 present and not voting, and 17 excused and

not voting.

Advanced to E & R for Review with 28 ayes, 1 nay, 3 present and not voting, and 17 excused and not voting.

## UNANIMOUS CONSENT - Print in Journal

Mr. Hannibal asked unanimous consent to print the following amendment to LB 722 in the Journal. No objections. So ordered.

PURPOSE: To create a new program and provide for distribution of the additional funds appropriated in Fiscal Year 1985-86 to the Technical Community Colleges (consistent with aid levels authorized by amendment #1422) according to the Vocational Education formula provided.

AMENDMENT:

1. On page 109, lines 12 and 13, strike "23,613,418" and insert "23,088,850"; in line 15, strike "$23,613,418" and insert "$23,088,850"; and in line 16 after the period, insert the following:

"Program No. (50) - Vocational Education Aid and Assistance

| | |
|---|---|
| General Fund | 288,434 |
| Program Total | 288,434 |

Such funds so appropriated by the Legislature shall be distributed to the area boards by the Department of Administrative Services in ten as nearly as possible equal monthly payments between the fifth and twentieth day of each month beginning September 1985.

Such funds shall be divided among the areas in the following ratios:

Metropolitan Technical Community College Area, .2023;
Southeast Technical Community College Area, .3948;
Central Technical Community College Area, .1969;
Northeast Technical Community College Area, .0990;
Midplains Technical Community College Area, .0586; and
Western Technical Community College Area, .0484.

Such ratios are in accord with and to carry out the purpose of section 2.1-4 of the Nebraska State Plan for Vocational Education in effect and applicable for fiscal year 1983-84, which plan was approved and adopted by the State Board of Vocation Education pursuant to sections 79-1419 to 79-1429, particularly section 79-1422, and in cooperation with the United States Office of Education in the administration of the acts of Congress, particularly, 20 USCS, section 2310(c), in effect for fiscal year 1983-84.

Funding for this program shall only be for fiscal year 1985-86.

Mr. DeCamp asked unanimous consent to print the following amendments to LB 722 in the Journal. No objections. So ordered.

AM1533

1. On page 112, in lines 11 and 12 strike "202,139" and insert "102,139"; in line 14 strike "$132,242" and insert "$92,242"; and after line 14 insert:

"It is the intent of the Legislature that the Nebraska Accountability and Disclosure Commission and the Nebraska Political Accountability and Disclosure Act be phased out by January 1, 1987. Necessary legislation shall be drafted to transfer the responsibilities of the commission to the Legislative Council.".

AM1532

1. Insert the following new section:

"Sec. 84. Any political subdivision which receives state aid shall not increase the salary of any employee during fiscal year 1985-86 by more than one and one half per cent. If a political subdivision violates this section, the State Treasurer shall withhold twenty per cent of the state aid appropriation to such political subdivision made pursuant to this act.".

2. Renumber remaining sections accordingly.

AM1535

1. On page 3, in lines 18 and 19 strike "1,271,544" and insert "847,696"; in line 21 strike "$861,143" and insert "$574,095"; and after line 21 insert:

"It is the intent of the Legislature that the Legislature's research office be phased out over a three-year period.".

AM1540

1. On page 77, line 25, strike "3,370,341" and insert "2,696,273".

2. On page 78, line 2, strike "5,381,133" and insert "4,707,065"; and after line 13 insert:

"It is the intent of the Legislature that Peru State College be phased out over a five-year period.".

AM1534

1. On page 4, in lines 8 and 9 strike "216,922" and insert "144,615"; in line 11 strike "$161,348" and insert "$107,565"; and after line 11 insert:

"It is the intent of the Legislature that the office of Public Counsel (Ombudsman) be phased out over a three-year period.".

Mr. Beutler asked unanimous consent to print the following amendment to LB 284 in the Journal. No objections. So ordered.

(Amendment printed separate from the Journal and on file in the Clerk's Office - Room 1102 - AM1509.)

## ANNOUNCEMENT

Mrs. Morehead announced a meeting Wednesday, May 29, 1985, in Room 2102 at 1 p.m. of the Executive Board and Rules Committee.

## VISITORS

Visitors to the Chamber were 45 fourth through sixth grade students and teachers from Dawson-Verdon School, Dawson; 37 sixth grade students and teacher from St. Isadore School, Columbus; members of the Foster Grandparent Program from all areas of the state; 18 fifth grade students and teacher from Mead Elementary School; and 41 fourth grade students and teachers from Ackerman School, Omaha.

## ADJOURNMENT

At 6:35 p.m., on a motion by Mr. Miller, the Legislature adjourned until 9:00 a.m., Wednesday, May 29, 1985.

Patrick J. O'Donnell
Clerk of the Legislature

# EIGHTY-FIFTH DAY - MAY 29, 1985

# LEGISLATIVE JOURNAL

# EIGHTY-FIFTH DAY - MAY 29, 1985

## LEGISLATIVE JOURNAL

## EIGHTY-NINTH LEGISLATURE
## FIRST SESSION

## EIGHTY-FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, May 29, 1985

Pursuant to adjournment, the Legislature met at 9:03 a.m., President McGinley presiding.

## PRAYER

The prayer was offered by Bharat Surender, Ebenezer United Church of Christ, Lincoln, Nebraska.

## ROLL CALL

The roll was called and all members were present except Messrs. Chambers, Goodrich, R. Johnson, Rupp, Sieck, Warner, and Withem who were excused until they arrive.

## CORRECTIONS FOR THE JOURNAL

The Journal for the Eighty-Fourth Day was approved.

## MESSAGE FROM THE GOVERNOR

May 24, 1985

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 356, 447, 553, 196, 197 and 213 were

received in my office on May 21, 1985.

These bills were signed by me on May 24, 1985 and delivered to the Secretary of State.

Sincerely,
(Signed) ROBERT KERREY
Governor

RK/jm

## SELECT COMMITTEE REPORTS
### Enrollment and Review

**LEGISLATIVE BILL 556.** Placed on Select File.
**LEGISLATIVE BILL 556A.** Placed on Select File.
**LEGISLATIVE BILL 127.** Placed on Select File.
**LEGISLATIVE BILL 663.** Placed on Select File.

**LEGISLATIVE BILL 600.** Placed on Select File as amended.
E & R amendments to LB 600:
AM5179

1. In the Hoagland amendment adopted May 22, 1985, found beginning on page 2468 of the Journal, on page 1, line 4, underscore "(1)"; in line 5 strike "that" and insert "That"; in line 6 insert paragraphing before the quotation marks and after the quotation marks insert "(2)"; and underscore beginning with "In" in line 6 through line 11.

2. In the Standing Committee amendments, AM1489, adopted May 22, 1985:

a. On page 1, line 16, strike "Nebraska Rules of Discovery" and insert "rules of discovery promulgated by the Supreme Court pursuant to section 25-1273.01"; in line 19 strike ", except" and insert ". A master"; and in line 20 strike "strike" and insert "after", strike "have", and strike "the" and insert "not"; and

b. On page 3, line 3, strike "76" and insert "75" and strike "Supreme" and insert "State"; in line 9 strike "77" and insert "76" and strike "effective" and insert "operative"; in line 10 strike "act" and insert "section"; in line 11 strike "the legislation" and insert "this legislative bill"; and in line 16 strike "78" and insert "77" and strike "76 and 79" and insert "75 and 78".

3. On page 2, line 6, after the semicolon insert "to require the appointment of a committee;"; and

in line 8 after the semicolon insert "to provide operative dates;".

4. On page 3, line 20, after "attorneys" insert an underscored comma; and in line 21 after "bar" insert an underscored comma.

5. On page 4, line 10, strike "a" and insert "such support is".

6. On page 12, line 15, strike "payments" and insert "cases".

7. On page 14, line 19, after "determination" insert an underscored comma.

8. On page 16, line 6, strike "attorney", show as stricken, and insert "attorney's"; and in line 8 after "hearing" insert an underscored comma.

9. On page 17, line 7, strike the first "such" and show as stricken, reinstate "child", and after the reinstated "child" insert "or spousal".

10. On page 20, line 16, strike "reconciliation", show as stricken, and insert "conciliation".

11. On page 23, line 27, strike "73" and insert "72".

12. On page 24, line 6, strike the second comma and after the last "or" insert "for"; in line 7 strike the comma; and in line 9 strike "effective" and insert "operative" and strike "act" and insert "section".

13. On page 26, line 1, after "permitted" insert "to be withheld"; and in line 2 strike "section".

14. On page 31, strike beginning with "for" in line 20 through "enforcement" in line 21.

15. On page 34, line 21, after the first "state" insert an underscored comma.

16. On page 36, line 9, strike "entered" and insert "foreign".

17. On page 38, line 15, strike "effective" and insert "operative" and strike "act" and insert "section".

18. Renumber original sections 69 to 75 and 76 as sections 68 to 74 and 78, respectively.

(Signed) Timothy Hall, Chairperson

## ATTORNEY GENERAL'S OPINIONS

Opinion No. 85
May 23, 1985

Dear Senator Vickers:

This is in response to your letter of May 13, 1985, concerning your proposed amendments to LB 516.

Specifically, you ask the question whether Article V, Section 10, of the Nebraska Constitution requires that there be more than one judicial district. Article V, Section 10, provides as follows:

> The state shall be divided into district court judicial districts. Until otherwise provided by law, the boundaries of the judicial districts and the number of judges of the district courts shall remain as now fixed. The judges of the district courts shall be selected from the respective districts as provided in this Article V.

It seems apparent that the language of this provision contemplates more than one judicial district since the term is used in the plural. In addition, this section provides that the state shall be "divided" into judicial districts. One judicial district would not constitute a division of the state. That being the case, any legislation which would attempt to change the number of judicial districts in the state to only one district would be in contravention of this section.

In your letter you also ask other questions pertaining to the committee amendments. It is our understanding from discussions with your staff that those committee amendments were not adopted and because of that fact these questions are no longer pertinent and do not require a response from this office.

Very truly yours,
ROBERT M. SPIRE
Attorney General
(Signed) John Boehm
Assistant Attorney General

JB:ejg
cc: Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 86
May 22, 1985

Dear Senator Beutler:

This is in response to your inquiry of May 14, 1985, concerning Legislative Bill 516 and our previous opinion in regard thereto.

For our answer, you asked that we assume that the Lamb

Amendment to this bill has been stricken and that the Commission on judicial workloads is empowered as set out in Amendment No. 1408 to change the number of election districts, boundaries of the election districts, and the number of judges who will serve in each election district.

Nebraska Supreme Court cases discussed in Opinion No. 51 of 1985 have stated that it is elementary in an interpretation of Article II, Section 1 of the Constitution that the Legislature may not delegate legislative power to the courts nor impose upon them non-judicial duties.

Also, as pointed out in that opinion, the law is well established that the establishment of boundaries of political subdivisions is purely a legislative function.

While we discussed cases which have held that this legislative function may be delegated to a subordinate agency, providing the Legislature prescribes the manner and standards under which the power of the designated agency may be exercised, it is apparent with your amendments that this authority needs to be clarified.

One of the landmark cases in this area is a Nebraska case decided in 1929, Searle v. Yensen, 118 Neb. 835, 226 N.W. 464, 69 A.L.R. 257. As you will note above, this case is reported and discussed with cases from other states in 69 A.L.R.

As that case points out, the delegation of legislative power must be distinguished as to whether the governmental subdivision, commissions, etc. to which it is delegated is also of a type possessing legislative functions. Thus, the Legislature may not impose upon the judiciary or the executive the performance of acts or duties not properly belonging to those departments respectively. This does not mean that the Legislature may not impose upon other departments the performance of new and additional duties, but the duties so imposed upon either must be of the character and quality which such departments are authorized or may be required to perform.

Thus, it has been held uniformly in Nebraska that the Legislature may pass a law or delegate a function, to a court, which hinges upon the ascertainment of certain facts. The ascertainment of the facts is considered to be a judicial function, but if there is imposed upon the court a political or policy question to also be determined, that is considered a legislative function, and cannot be done. Later cases to the same effect are Neeman v. Nebraska Natural Resources Commission, 191 Neb. 672; CRT Corp. v. Board of Equalization, 172 Neb. 540.

In Searle v. Yensen, discussed above, the court analyzed the statute in part as follows:

> Let us then inquire of the nature of some of the duties imposed upon the district court by the sections under attack. They are set

forth in §4 and are as follows:

(1) To determine from the testimony adduced at the hearing whether or not the district should be incorporated;

(2) Whether the suggested boundaries are reasonable and proper for the public convenience and welfare;

(3) Change, alter and fix the boundary lines of such district with the end in view of promoting the interest thereof and its units; and

. . .

These questions are all political and legislative in their nature. The duty of courts is to declare the law as established by the Legislature, not to make it. That the Legislature may condition the operation of the law upon the existence of certain facts, and may submit to the courts the determination of those facts, is well established. Barnes v. Minor, 80 Neb. 189, 114 N.W. 146.

The present bill provides in §6, subsection (2) the criteria which the Commission must consider before determining the number of election districts, the boundaries of the election districts, and the number of judges who will serve in each election district. These guidelines are as follows:

(a) The caseload in each election district, taking into consideration the (i) number of cases filed, (ii) number of reopened cases, (iii) number of cases tried to the court, (iv) number of cases tried to a jury, (v) number of dissolution of marriage cases, (vi) number of criminal cases with guilty pleas, (vii) number of judges in the election district, and (viii) number of counties served in each election district;

(b) The population in each election district, in order to promote equal access to the courts by all Nebraska citizens;

(c) The geographic area of each election district, in order to promote accountability and equal access to the courts by the traveling public;

(d) The nature and extent of facilities and staff to assist the court in performing its duties at the various service locations; and

(e) Other factors necessary to assure efficiency, service, and the most effective use of existing judges.

While the above guidelines would be very helpful in determining what should be done, they do not set forth specific facts which must be ascertained before certain action may be taken, but, on the contrary, leave the action to be taken largely in the discretion of the Commission. This is, then, clearly the delegation of a legislative function.

The more difficult question as to this amendment, then, is whether the recipient of this delegation is a subordinate body to the Legislature, as discussed in previous Nebraska cases, see McDonald v. Rentfrow, 176 Neb. 796 and cases there cited, or whether the

legislation would attempt to impose upon members of the judiciary duties not properly belonging to that department. The Nebraska cases which have authorized the delegation of legislative functions to a subordinate body of the Legislature have involved school boards, county boards and other governing boards of governmental subdivisions, all of which by nature have legislative functions. See also, Schutte v. Schmitt, 162 Neb. 162, and cases there cited. We have been unable to find any Nebraska case involving a parallel situation to that here in question where legislative duties are imposed upon a body created by the Legislature composed in part by members of the judiciary.

Extensive research as to the rest of the United States has revealed one similar case decided by the Supreme Court of Michigan. In Dearborn Township v. Dearborn Township Clerk, 334 Mich. 673, 55 N.W.2d 201, a statute provided that the township board in townships under 5,000 in population was to be composed of two justices of the peace of said township and three other persons, and in townships over 5,000 in population, the township board was to be composed of four justices of the peace and three other persons. Michigan contains a constitutional provision almost identical to the Nebraska Constitution, Article II, Section 1.

The Michigan Supreme Court, after determining that the township board must exercise legislative and administrative powers, stated as follows:

> On its face, therefore, section 70, supra, to the extent that it constitutes justices of the peace members of the township board is a violation of article 4, §2, which provides that no persons belonging to one department shall exercise the powers properly belonging to another.
>
> . . . From the time of the Federalist papers, the United States supreme court and other United States jurisdictions have reaffirmed that keeping the 3 great branches of government separate and distinct from each other is essential to the maintenance of a republican form of government. This principal has become axiomatic.

The Michigan court then went on to explain how it was reluctant to declare it unconstitutional, since it had a strong presumption of validity and especially since the statute had been on the books for over 100 years. However, the court concluded by stating: "As a minority on the township board, the justices would be exercising part of the legislative power on the board and thus are sitting unconstitutionally, but as a majority they might usurp all of the legislative power of the board . . . in accordance with the main current of Michigan authority, the instant statute, insofar as it provides that justices of the peace be made members of township

boards, is unconstitutional."

The Michigan Constitution, as indicated above, contained the following words identical to the Nebraska Constitution: "no person or collection of persons being one of these departments, shall exercise any power properly belonging to either of the others". The court stated that this was clear and unambiguous and left no room for argument.

In principle, we can see no difference from the situation in that case from that in your proposed amendment in that persons who are members of the judiciary would be called upon to exercise legislative functions, although, in neither case, would they be acting as judges of their courts at the time of doing so.

In light of the constitutional provision and the foregoing decision, we are of the opinion that we would have difficulty defending the constitutionality of members of the judiciary being called upon to exercise legislative functions as provided by Amendment 1408 to LB 516.

Sincerely,
ROBERT M. SPIRE
Attorney General
(Signed) Mel Kammerlohr
Senior Assistant
Attorney General

MK:dr
cc: Patrick J. O'Donnell
Clerk of the Legislature

**UNANIMOUS CONSENT - Print in Journal**

Mr. DeCamp asked unanimous consent to print the following amendment to LB 653A in the Journal. No objections. So ordered.

AM1545

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. That section 48-801, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

48-801. As used in sections 48-801 to 48-823, unless the context otherwise requires:

(1) Person shall include an individual, partnership, association, corporation, business trust, or any other organized group of persons;

(2) Governmental service shall mean all services performed under employment by the State of Nebraska, any political or governmental subdivision thereof, any municipal corporation, or any public power district or public power and irrigation district;

(3) Public utility shall include any individual, partnership, association, corporation, business trust, or any other organized group of persons, any political or governmental subdivision of the State of Nebraska, any public corporation, or any public power district or public power and irrigation district, which carries on an intrastate business in this state and over which the government of the United States has not assumed exclusive regulation and control, that furnishes transportation for hire, telephone service, telegraph service, electric light, heat and power service, gas for heating or illuminating, whether natural or artificial, or water service, or any one or more thereof;

(4) Employer shall mean the State of Nebraska or any political or governmental subdivision of the State of Nebraska, except the Nebraska National Guard or state militia, any municipal corporation, or any public power district or public power and irrigation district. It shall also include any public utility as defined in sections 48-801 to 48-823;

(5) Employee shall include any person employed by any employer as defined in sections 48-801 to 48-823;

(6) Labor organization shall mean any organization of any kind, or any agency or employee representation committee or plan, in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work;

(7) Industrial dispute shall include any controversy concerning terms, tenure, or conditions of employment, or concerning the association or representation of persons in negotiating, fixing, maintaining, changing, or seeking to arrange terms or conditions of employment, or refusal to discuss terms or conditions of employment; Industrial dispute shall not include a controversy over wages or rates of compensation; and

(8) Commission shall mean the Commission of Industrial Relations.

Sec. 2. That section 48-818, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

48-818. The findings and order or orders may establish or alter ~~the scale of wages,~~ hours of labor~~,~~ or conditions of employment, or ~~any one or more of the same~~ both. In making such findings and order or orders, the Commission of Industrial Relations shall establish ~~rates of pay and~~ conditions of employment which are comparable to the prevalent ~~wage rates paid and~~ conditions of employment maintained for the same or similar work of workers exhibiting like or similar skills under the same or similar working conditions. ~~In establishing wage rates the commission shall take into consideration the overall compensation presently received by the employees, having regard not only to wages for time actually worked but also to wages for time not worked, including vacations, holidays, and other excused time, and all benefits received, including insurance and pensions, and the continuity and stability of employment enjoyed by the employees.~~ Any order or orders entered may be modified on the commission's own motion or on application by any of the parties affected, but only upon a showing of a change in the conditions from those prevailing at the time the original order was entered.

The Commission of Industrial Relations shall not establish or alter the wages or rate of compensation of any employee.

Sec. 3. That original sections 48-801 and 48-818, Reissue Revised Statutes of Nebraska, 1943, are repealed.".

## SELECT FILE

**LEGISLATIVE BILL 713.** E & R amendments, AM5166, found in the Journal on page 2212 for the Seventy-Seventh Day were adopted.

Mr. DeCamp renewed his pending amendment found in the Journal on page 2202.

Mr. DeCamp asked unanimous consent to withdraw his pending amendment found in the Journal on page 2202. No objections. So ordered.

Mr. DeCamp requested a record vote on the advancement of the bill.

Mr. Beutler moved for a call of the house. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

Mr. Beutler requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 14:

| | | | | |
|---|---|---|---|---|
| Carsten | Hall | Johnson, V. | Marsh | Vickers |
| Chizek | Harris | Landis | Morehead | Wesely |
| Eret | Hoagland | Lynch | Nichol | |

Voting in the negative, 21:

| | | | | |
|---|---|---|---|---|
| Abboud | Conway | Hannibal | Lundy | Pirsch |
| Baack | DeCamp | Hefner | Nelson | Remmers |
| Barrett | Goll | Johnson, L. | Pappas | Rogers |
| Beyer | Haberman | Lamb | Peterson | Smith |
| Chronister | | | | |

Present and not voting, 8:

| | | | | |
|---|---|---|---|---|
| Beutler | Hartnett | Labedz | Schmit | Scofield |
| Chambers | Higgins | Miller | | |

Excused and not voting, 6:

| | | | | |
|---|---|---|---|---|
| Goodrich | Rupp | Sieck | Warner | Withem |
| Johnson, R. | | | | |

Failed to advance to E & R for Engrossment with 14 ayes, 21 nays, 8 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

## ATTORNEY GENERAL'S OPINION

Opinion No. 87
May 24, 1985

Dear Senator DeCamp:

This is in response to your letter of May 13, 1985, concerning LB 713. In that letter you ask whether the provisions of LB 713

which provide for the payment of 12 million dollars on the basis of the purported contract or miscellaneous claim are constitutional.

In our Opinion No. 26, dated February 20, 1985, to Senator William Barrett (a copy of which is attached), we concluded that payment of such a claim would be constitutionally suspect. This opinion dealt with the original version of LB 713, however, we do not find anything in the amended version of LB 713 which changes that opinion, particularly in view of the decision of the Nebraska Supreme Court in Weaver v. Koehn, 120 Neb. 114, 231 N.W. 703 (1930), as discussed therein. Because of the great factual similarity to the situation at hand, it appears to be dispositive of this issue. Opinion No. 26 also concluded that there was no legal basis or merit to the so-called contract claim. See also, Opinions No. 164, December 5, 1983; No. 243, December 24, 1984; No. 16, February 5, 1985; and No. 17, February 7, 1985.

We thus have no basis for any change in our previous opinions on this issue and continue to maintain that the payment of the so-called contract claim provided in LB 713 is constitutionally suspect.

Very truly yours,
ROBERT M. SPIRE
Attorney General
(Signed) John Boehm
Assistant Attorney General

JB:ejg
enc.
cc: Patrick J. O'Donnell
Clerk of the Legislature

## SELECT FILE

**LEGISLATIVE BILL 717.** E & R amendments, AM5153, found in the Journal on page 1968 for the Sixty-Ninth Day were adopted.

Mr. V. Johnson offered the following amendment:
AM1515

1. Strike the original sections and all amendments thereto and insert new sections as follows:

"Section 1. That section 77-2716, Revised Statutes Supplement, 1984, be amended to read as follows:

77-2716. (1) There shall be subtracted from federal taxable income interest or dividends on obligations of the United States and its territories and possessions or of any authority, commission, or

instrumentality of the United States to the extent includable in gross income for federal income tax purposes but exempt from state income taxes under the laws of the United States. The amount subtracted under ~~the provisions of~~ this subsection shall, except as provided in subsections (2) to (6) of this section, be reduced by any interest on indebtedness incurred to carry the obligations or securities described in this subsection and by any expenses incurred in the production of interest or dividend income described in this subsection to the extent that such expenses, including amortizable bond premiums, are deductible in determining federal taxable income.

(2) For corporations subject to the tax under section 77-2734.02, with income from exempt securities, in lieu of the reduction for expenses contained in subsection (1) of this section, there shall be added to federal taxable income the investment interest expense incurred by the corporation to purchase and maintain exempt securities as determined under subsection (3) of this section.

(3)(a) Except as provided in subdivision (b) of this subsection, the ~~The~~ investment interest expense provided in subsection (2) of this section shall be determined by ~~(a)~~ (i) dividing the corporation's average investment in exempt securities by the corporation's average total assets and multiplying such ratio by the corporation's total interest expense and ~~(b)~~ (ii) subtracting any interest disallowed under 26 U.S.C. sections 265 and 291.

(b) For the taxable years beginning on or after January 1, 1985, the investment expense provided in subsection (2) of this section for financial institutions, as defined in section 77-2734.02, shall be determined by (i) dividing the corporation's average investment in exempt securities by the corporation's average total assets and (ii) subtracting any interest disallowed under 26 U.S.C. sections 265 and 291. For the taxable years beginning on or after January 1, 1985, through taxable years beginning in 1990, the investment expense provided in subsection (2) of this section shall not exceed ninety per cent of the amount of income received from exempt securities. For taxable years beginning on or after January 1, 1991, the investment expense provided in subsection (2) of this section shall

not exceed seventy-five per cent of the amount of the income received from exempt securities.

(4) As used in this section, unless the context otherwise requires:

(a) Exempt securities shall mean the obligations that earn income exempt from taxation under subsection (1) of this section or under 26 U.S.C. section 103;

(b) Average investment in exempt securities shall mean the average of the aggregate tax basis in exempt securities at the beginning and the end of the taxable year;

(c) Average total assets shall mean the average of the aggregate tax basis in total assets at the beginning and end of the taxable year; ~~and~~

(d) Total interest expense shall mean the total interest expense allowed as a deduction in computing federal taxable income plus any interest disallowed under 26 U.S.C. sections 265 and 291;~~.~~

(e) Total expenses shall mean the amount subtracted from gross income in order to determine taxable income from federal income tax purposes plus any interest disallowed under 26 U.S.C. sections 265 and 291, but not including net operating loss deductions, deductions for dividends paid, or special deductions for dividends received;

(f) Corporation shall mean the entity which owns the obligations; and

(g) Corporate taxpayer shall mean the unitary group, or a corporation that is not a member of a unitary group, that is required to file a return under section 77-2734.02.

(5) Whenever it is necessary to properly reflect the ratio of investment in exempt securities to total assets, the Tax Commissioner may permit or require the computation of the average provided for in subsection (3) of this section using amounts from interim balance sheets.

(6) The corporation may use, in lieu of the tax basis for the computation in subsection (3) of this section, the amounts from a balance sheet included with the federal return or as required to be reported to federal or state regulatory agencies if (a) such amounts are not materially different from tax basis, (b) the amounts are prepared consistently from year to year, and

(c) absent a change in circumstances, the amounts are consistently used by the corporation from year to year. The Tax Commissioner may require a corporation to use the alternative amounts in order to maintain consistency or may require the corporation to show that the amounts used do not materially differ from the tax basis.

(7) There shall be subtracted from federal taxable income dividends received or deemed to be received from corporations which are not subject to the Internal Revenue Code.

Sec. 2. That section 77-2734.02, Revised Statutes Supplement, 1984, be amended to read as follows:

77-2734.02. (1) A tax is hereby imposed for each taxable year on the taxable income of every corporate taxpayer that is doing business in this state at a rate equal to twenty-five per cent of the rate imposed on individuals under section 77-2715 on the first fifty thousand dollars of taxable income and at the rate of thirty-five per cent of such rate on all taxable income in excess of fifty thousand dollars.

(a) For corporate taxpayers with a fiscal year that does not coincide with the calendar year, the individual rate used for subsection (1) of this section shall be the rate in effect on the first day, or the day deemed to be the first day, of the taxable year.

(b) For fiscal years beginning before January 1, 1968, the rate initially set shall apply for the period from January 1, 1968, to the end of that fiscal year.

(2) For a corporate taxpayer that is subject to tax in another state, its taxable income shall be the portion of the taxpayer's federal taxable income, as adjusted, that is determined to be connected with the taxpayer's operations in this state pursuant to sections 77-2734.05 to 77-2734.15.

(3) Each corporate taxpayer shall file only one income tax return for each taxable year.

(4) The Nebraska income tax imposed upon corporate taxpayers which are financial institutions with income from exempt securities for the taxable year beginning in 1985 shall not, for the taxable year beginning in 1985, exceed the greater of (a) the Nebraska income tax imposed upon such corporate taxpayer for the taxable year beginning in 1984 as shown on line

18 18 of Form 1120 N Nebraska Corporation Income Tax Return
19 or (b) an amount equal to seventy-five cents times each
20 one thousand dollars, or multiple thereof, of average
21 deposits held by such institution for the calendar year
22 1985.
23 As used in this section and section 77-2716:
24 (i) Financial institution shall mean any bank,
25 building and loan association, industrial loan and
26 investment company, savings and loan association,
1 savings bank, or trust company chartered to do business
2 in the state;
3 (ii) Deposit shall mean the amount of money
4 placed in the custody of a financial institution in
5 Nebraska for safety or convenience that may be withdrawn
6 at the will of the depositor or under the rules or
7 regulations agreed upon by the financial institution and
8 the depositor. Deposits shall include amounts for which
9 a certificate may be issued and which are payable on
10 demand, on certain notice, or at a fixed future date or
11 time; and
12 (iii) Average deposits shall mean the total of
13 the deposits in Nebraska held by a financial institution
14 on the last day of the preceding year and the last day
15 of each calendar quarter divided by five. Whenever the
16 amount of deposits at the end of a quarter is reported
17 to a state or federal regulatory agency, the reported
18 amounts shall be used to determine average deposits.
19 Sec. 3. That original sections 77-2716 and
20 77-2734.02, Revised Statutes Supplement, 1984, are
21 repealed.".

The V. Johnson amendment was adopted with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

Mr. DeCamp asked unanimous consent to withdraw his pending amendment found in the Journal on page 1896. No objections. So ordered.

Mr. DeCamp offered the following amendment:

Section 1. (1) In lieu of the tax imposed under section 77-2734.02, a franchise tax is hereby imposed for each taxable year beginning on or after January 1, 1985 on every financial institution, or every financial group, at the rate of five percent of the financial taxable income of such financial institution or financial group.

(2) For a financial group that is subject to tax in another state, its

financial taxable income shall be the portion of its income that is determined to be connected with its operations in this state under section 4 of this act.

(3) The amount of the tax imposed under this section shall not exceed forty cents per thousand dollars of average deposits of the financial group.

(4) Each financial group shall file only one franchise tax return for each taxable year.

Section 2. As used in this act, unless the context otherwise requires:

(1) All terms shall have the same meaning as provided in the Nebraska Revenue Act of 1967;

(2) Average deposits shall mean the total of the deposits in Nebraska held by a financial institution on the last day of the preceding year and the last day of each calendar quarter divided by five. Whenever the amount of deposits at the end of a quarter is reported to a state or federal regulatory agency, the reported amount shall be used to determine average deposits.

(3) Deposits shall mean the amount of money placed in the custody of a financial institution in Nebraska for safety or convenience that may be withdrawn at the will of the depositor or under the rules or regulations agreed upon by the financial institution and the depositor. Deposits shall include amounts for which a certificate may be issued and which are payable on demand, on certain notice, or at a fixed future date or time;

(4) Financial group shall mean the unitary group of corporations that contains a financial institution that is chartered to do business in this state and includes a financial institution that is not a member of any unitary group.

(5) Financial institution shall mean any bank, building and loan association, cooperative credit association, industrial loan and investment company, savings and loan association, or trust company that is chartered to do business in this state;

(6) Financial net income shall mean the income before taxes and extraordinary items of the financial institution for the calendar year as reported to a federal or state regulatory agency;

(7) Financial taxable income shall mean the financial net income of a financial group as adjusted in the following manner:

(a) The financial net income of a financial group shall include the federal taxable income and the income from obligations exempt under 26 U.S.C. 103 of any member of the group that is not a financial institution:

(b) The financial net income shall be reduced by any Nebraska net operating loss carry forward of the financial group;

(c) The financial net income of the financial group shall be adjusted to eliminate intercompany transactions;

Section 3. (1) There shall be allowed a credit against the tax imposed by section 1 of this act for the holding of exempt securities as defined in section 77-2716. The credit is nonrefundable and shall only be used in the year for which it is allowed. It shall be applied before any other credits.

The amount of the credit shall be determined based on the percentage of average assets that is invested in exempt securities. If more than one member of a financial group holds exempt securities, the computation shall use the total investments and total assets for those members of the financial group holding such securities. Average assets and average investment shall be determined by adding the amounts at the beginning and the end of the taxable year and dividing by two.

(2) The amount of the credit shall be equal to one half of one percent times the financial taxable income if the average investment in such securities does not exceed twelve percent.

(3) The amount of the credit shall be equal to one percent of the financial taxable income if the average investment in such securities exceeds twelve percent.

Section 4. A financial group that is subject to tax in another state will apportion its income in the manner provided in section 77-2734.10 to 77-2734.15.

Section 5. A financial institution that has a fiscal year shall use for its financial net income, the amount that would have been reported to the state or federal regulatory agency if a report on an annual basis was required as of the end of the fiscal year.

Section 6. The taxes imposed by this act shall be due on the fifteenth day of the third month following the end of the taxable year.

Section 7. (1) The provisions of section 77-2714 to 77-27,135 relating to estimated payments, the determination of deficiencies, penalties, interest, the collection of delinquent amounts, and appeal procedures for the tax imposed by section 77-2734.02 shall apply to the taxes imposed under this act.

(2) The Tax Commissioner shall prescribe the necessary forms and the supporting documentation to be filed for the reporting and payment of the taxes.

(3) The Tax Commissioner shall promulgate such rules and regulations as may be necessary to enforce the provisions of this act.

Section 8. A credit, action, or claim for refund or franchise taxes voluntarily paid shall not be allowed to the extent that the credit, action, or claim for refund is based upon an alleged mistake of law regarding the validity or legality under the laws or constitution of the United States or under the constitution of the state of Nebraska of the tax imposed by this act. This section prevails over any other statutes authorizing franchise tax refunds or claims.

Mr. Pappas moved the previous question. The question is, "Shall the debate now close?" The motion lost with 5 ayes, 8 nays, and 36 not voting.

Mr. DeCamp 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 DeCamp amendment was adopted with 26 ayes, 8 nays, 13 present and not voting, and 2 excused and not voting.

Mr. Goodrich asked unanimous consent to withdraw his pending amendment, AM1041, found in the Journal on page 1704. No objections. So ordered.

Mr. Lundy moved to reconsider the DeCamp amendment found in this day's Journal.

Mr. DeCamp moved to bracket LB 717 until January, 1986.

Mr. DeCamp asked unanimous consent to withdraw his motion to bracket. No objections. So ordered.

Mr. Lundy moved for a call of the house. The motion prevailed with 19 ayes, 0 nays, and 30 not voting.

Mr. Lundy requested a roll call vote on his motion to reconsider the DeCamp amendment.

Voting in the affirmative, 24:

| | | | | |
|---|---|---|---|---|
| Beutler | Harris | Johnson, V. | Marsh | Scofield |
| Chambers | Hartnett | Labedz | Miller | Vickers |
| Chizek | Higgins | Landis | Morehead | Warner |
| Eret | Hoagland | Lundy | Nelson | Wesely |
| Hannibal | Johnson, L. | Lynch | Schmit | |

Voting in the negative, 20:

| | | | | |
|---|---|---|---|---|
| Baack | Chronister | Haberman | Lamb | Pirsch |
| Barrett | Conway | Hall | Nichol | Remmers |
| Beyer | DeCamp | Hefner | Pappas | Rogers |
| Carsten | Goodrich | Johnson, R. | Peterson | Rupp |

Present and not voting, 3:

Abboud Goll Smith

Excused and not voting, 2:

Sieck Withem

The Lundy motion to reconsider lost with 24 ayes, 20 nays, 3 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Advanced to E & R for Engrossment with 27 ayes, 0 nays, 20 present and not voting, and 2 excused and not voting.

## EXPLANATION OF VOTE

Had I not been excused to work on Appropriations measures, I would have voted "aye" on the advancement of LB 713.

(Signed) Jerome Warner

## UNANIMOUS CONSENT - Member Excused

Mr. V. Johnson asked unanimous consent to be excused May 30 and May 31, 1985. No objections. So ordered.

## ANNOUNCEMENT

Mr. V. Johnson announced the meeting with the Revenue Committee and the Department of Revenue scheduled for noon today will be rescheduled for 12:00 noon on Monday, June 3, 1985, in Room 1520.

## RESOLUTION

**LEGISLATIVE RESOLUTION 285.**

Introduced by Vickers, 38th District; Harris, 27th District.

To request that the President, the U.S. Office of Management and Budget, the U.S. Senate, and the House of Representatives reject the currently proposed extreme cuts for the nonpower programs of the Tennessee Valley Authority for fiscal year 1986.

WHEREAS, the U.S. Office of Management and Budget has

recommended to President Reagan and the U.S. Senate has concurred that less than $40 million be appropriated for the nonpower programs of the Tennessee Valley Authority (TVA) in fiscal year 1986, which is a decrease of seventy percent (70%) from TVA's fiscal year 1985 nonpower funding level of $129.5 million; and

WHEREAS, such proposed funding reductions would effectively destroy TVA's highly successful fertilizer and agricultural development program, which has aided in the development of the technologies currently responsible for three-fourth's (3/4) of the fertilizer used today by farmers of the Nation; and

WHEREAS, TVA's National Fertilizer Development Center (NFDC) is recognized as the world's leading fertilizer research facility, holding about 250 patents and granting over 660 nonexclusive licenses to 390 companies in 39 states for use of processes and equipment to assist the fertilizer industry in adopting research in a practical way; and

WHEREAS, the TVA cooperative projects at the University of Nebraska are designed to enhance efficiency of fertilizer use on Nebraska farms; and

WHEREAS, the continuation of the economic, community, agricultural and natural resources development efforts of the Tennessee Valley Authority would play an essential role in the continued well-being of Nebraska and the remainder of the Nation.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE 89th LEGISLATURE, FIRST SESSION, OF THE STATE OF NEBRASKA: That we request President Reagan, the U.S. Office of Management and Budget, the U.S. Senate, and the House of Representatives to fund the nonpower programs of the Tennessee Valley Authority for fiscal year 1986 at the level that has been proposed by the House of Representatives which is a 10% reduction of the $129.5 million requested for fiscal year 1985.

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded to each member of the NEBRASKA CONGRESSIONAL DELEGATION.

Laid over.

## ATTORNEY GENERAL'S OPINION

Opinion No. 88
May 29, 1985

Dear Senator DeCamp:

You have requested our opinion on two questions regarding the

constitutionality of the amended version of LB 717. Generally, LB 717, as amended, would modify the income tax base of corporations with income from exempt securities by adding back to taxable income a portion of a corporation's total deductible expenses. The amount of the add back is determined by dividing the corporation's average investment in exempt securities by the corporation's average total assets, and multiplying this ratio by the corporation's total expenses. The amendment limits the add back to an amount not to exceed 90 percent of the corporation's income received from exempt securities until 1991, at which time the limitation will be reduced to an amount not exceeding 75 percent of the corporation's income from exempt securities. In addition, a further limitation is provided on the amount of tax imposed upon corporate taxpayers which are financial institutions. For the taxable year beginning in 1985 only, the tax imposed upon financial institutions would be limited to the greater of either the amount of tax imposed on the institution in 1984, or an amount equal to 75 cents times each $1,000.00 of average deposits held by the institution during 1985.

You have requested us to consider whether LB 717, as amended, would operate as an unconstitutional impairment of contractual obligations with respect to the tax-exempt status of interest income received from investment in municipal or other political subdivision bonds. In addition, you have asked us to determine whether the expense add back formula would unconstitutionally discriminate against municipal bond issues.

As was noted, the amendment proposes to modify the income tax base of corporations with income from exempt securities by adding back to taxable income a portion of a corporation's total deductible expenses. Presently, under Neb.Rev.Stat. §77-2716(2) (Supp. 1984), the amount of expense added back to taxable income is based solely on the interest expense incurred by the corporation in purchasing and maintaining exempt securities. Pursuant to subsection (3) of §77-2716, the amount of the add back is determined by dividing the corporation's average investment in exempt securities by the corporation's average total assets, and multiplying this ratio by the corporation's total interest expense. The amendment to LB 717 would alter this formula by using as a multiplier the corporation's total expenses, rather than utilizing only interest expense.

With respect to your first question, we believe the add back formula contained in the amendment would not operate to unconstitutionally impair contractual obligations regarding the tax-exempt status of interest income received from investment in municipal or other political subdivision bonds. The amendment does not subject interest earned on such obligations to taxation as income.

The add back formula provided in the amendment is identical to that presently employed under §77-2716(3), except the multiplier utilized is a corporation's total expenses, rather than interest expense alone. The amendment thus employs an approximation using a formula approach based on total expenses to apportion the amount of the add back. In essence, the formula recognized that, to the extent corporations are allowed to earn exempt income, there is no requirement that a deduction for expenses not incurred to generate taxable income be provided as well.

The United States Supreme Court has consistently recognized the distinction between a permissible exclusion from deductions of expenses relating to exempt income, and an impermissible tax on exempt income or property. In Denman v. Slayton, 282 U.S. 514 (1931), the Court upheld provisions of the Revenue Act of 1921 which permitted the deduction of interest generally, except interest paid on indebtedness incurred or continued to purchase or carry tax-exempt securities. In rejecting the taxpayer's contention that both an exemption for interest received on tax-free obligations and a deduction for interest expense incurred was required, the Court in Denman stated: "While guaranteed exemption must be strictly observed, this obligation is not inconsistent with reasonable classification designed to subject all to the payment of their just share of a burden fairly imposed." Id. at 519.

Subsequently, in Helvering v. Independent Life Ins. Co., 292 U.S. 371 (1934), the Court upheld provisions of the Revenue Act of 1921 and 1924 permitting the deduction of depreciation and expenses of buildings owned by life insurance companies only if the companies included in their gross income the otherwise exempt rental value of the space occupied. The Court held the provisions constituted a "valid apportionment of expenses." Id. at 381.

In United States v. Atlas Life Ins. Co., 381 U.S. 233 (1965), the Court, upholding the pro rata deduction provision of the Life Insurance Company Income Tax Act of 1959, reaffirmed its adherence to the principle announced in Denman and Independent Life of "charging exempt income with a fair share of the burden properly allocable to it." 318 U.S. at 251. Recently, in First National Bank of Atlanta v. Bartow County Board of Tax Assessors, 470 U.S. ___, 106 S.Ct. ___, 84 L.Ed.2d 535 (1985), the Court held valid the exclusion from net worth, in the computation of a state property tax on bank shares, of only that percentage of federal obligations attributable to assets rather than to liabilities. Discussing the tax exemption granted for government obligations, the Court in Bartow County stated:

> In sum, ever since Gehner, each time this Court has addressed the scope of the tax exemption for government obligations, it has

> concluded that the exemption need not be a total exclusion, but, instead, may be limited by charging tax-exempt obligations and interest their fair share of related expenses or burdens.

Id. at ___, 106 S.Ct. ___, 84 L.Ed.2d at 543.

We conclude that LB 717, as amended, does not unconstitutionally impair contractual obligations relating to municipal bond issues. The bill does not tax interest earned on such obligations as income. Rather, the add back formula establishes a method to apportion a permissible exclusion or disallowance of expense deductions pertaining to the generation of nontaxable income.

Your second question concerns whether the expense add back formula would unconstitutionally discriminate against municipal bond issues. Specifically, your question addresses the propriety of utilizing total expenses as a multiplier in the formula to apportion the amount added back to taxable income, rather than using interest expense alone as a multiplier.

Formulas employed by states to apportion the income of interstate businesses for corporate income tax purposes have consistently been upheld against constitutional attack. In Moorman Manufacturing Company v. Bair, 437 U.S. 267 (1978), the U.S. Supreme Court upheld the constitutionality of Iowa's statutory single-factor sales formula for apportioning an interstate business income for Iowa income tax purposes. The Court in Moorman, noting "the States have wide latitude in the selection of apportionment formulas," stated:

> {A} formula-produced assessment will only be disturbed when the taxpayer has proved by "clear and cogent evidence" that the income attributed to the State is in fact "out of all appropriate proportion to the business transacted . . . in that State," . . . or has "led to a grossly distorted result," . . . .

Id. at 274 (citations omitted).

By analogy, this principle may be applied to assess the constitutional validity of apportionment accomplished by the expense add back formula. We cannot conclude the use of total expenses to apportion the amount of expenses added back to taxable income would, on its face, be inappropriate or lead "to a grossly distorted result." It is therefore our opinion that the use of total expenses in the add back formula would not be held unconstitutional on this ground.

Very truly yours,
ROBERT M. SPIRE
Attorney General
(Signed) L. Jay Bartel
Assistant Attorney General

LJB:ejg
cc: Patrick J. O'Donnell
Clerk of the Legislature

## SELECT FILE

**LEGISLATIVE BILL 717A.** Mr. V. Johnson offered the following amendment:
Strike $38,812 in line 2 and insert $500,000 and strike $40,070 in line 3 and insert $500,000.

The V. Johnson amendment lost with 16 ayes, 21 nays, 10 present and not voting, and 2 excused and not voting.

Advanced to E & R for Engrossment with 29 ayes, 0 nays, 18 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 154.** The pending Warner-Wesely specific amendment, AM1446, found in the Journal on page 2336 and reoffered on page 2435 was considered.

The Warner-Wesely amendment was adopted with 25 ayes, 8 nays, 14 present and not voting, and 2 excused and not voting.

Speaker Nichol requested a machine vote on the advancement of the bill.

Advanced to E & R for Re-Engrossment with 28 ayes, 4 nays, 15 present and not voting, and 2 excused and not voting.

## UNANIMOUS CONSENT - Withdraw Amendment to LB 154

Messrs. Warner and Wesely asked unanimous consent to withdraw their pending amendment, AM1521, found in the Journal on page 2446 to LB 154. No objections. So ordered.

## MOTION - Return LB 154 to Select File

Mr. Warner moved to return LB 154 to Select File for the following specific amendment:
Strike "4%" insert "3%" in Warner-Wesely amendment

## SPEAKER NICHOL PRESIDING

Mr. Warner moved for a call of the house. The motion prevailed

with 17 ayes, 0 nays, and 32 not voting.

Mr. Warner requested a roll call vote on his motion to return.

Voting in the affirmative, 18:

| | | | | |
|---|---|---|---|---|
| Beutler | Goodrich | Hefner | Morehead | Scofield |
| Carsten | Haberman | Johnson, L. | Remmers | Warner |
| Chambers | Hannibal | Lamb | Schmit | Wesely |
| Chronister | Harris | Marsh | | |

Voting in the negative, 24:

| | | | | |
|---|---|---|---|---|
| Abboud | Eret | Johnson, R. | Miller | Rogers |
| Baack | Goll | Johnson, V. | Nelson | Rupp |
| Chizek | Hall | Labedz | Nichol | Smith |
| Conway | Higgins | Landis | Pappas | Vickers |
| DeCamp | Hoagland | Lynch | Pirsch | |

Present and not voting, 5:

| | | | | |
|---|---|---|---|---|
| Barrett | Beyer | Hartnett | Lundy | Peterson |

Excused and not voting, 2:

| | |
|---|---|
| Sieck | Withem |

The Warner motion to return lost with 18 ayes, 24 nays, 5 present and not voting, and 2 excused and not voting.

## RESOLUTION

**LEGISLATIVE RESOLUTION 286.**

Introduced by Chambers, 11th District.

WHEREAS, on March 1, 1985, UNL opened the Hewit Center for Student Athletes; and

WHEREAS, the Hewit Center was funded partly with private donations and partly with University money; and

WHEREAS, the Hewit Center is an integral part of the UNL intercollegiate athletic program; and

WHEREAS, the Hewit Center is a combination restaurant-library for student athletes, open and available to male athletes in all sports; and

WHEREAS, the Hewit Center will be used as a recruiting tool, being open to prospective recruits and their parents; and

WHEREAS, the Hewit Center is equipped with top of the line kitchen facilities and a highly competent culinary staff capable of preparing delicacies to delight the palate to a far greater degree than the poor quality, greasy fare available to female athletes in the dormitory dining halls; and

WHEREAS, a bank of personal computers will be available to assist athletes with math skills and vocabulary; and

WHEREAS, UNL Athletic Department Academic Counselor Ursula Walsh described the Hewit Center as a "warm, pleasant, homey, quiet place where people would want to come and eat and study" (Omaha World-Herald, 4/8/85); and

WHEREAS, female athletes at UNL, being excluded from the definition of "people" and "student athlete", have been barred from use of the Hewit Center; and

WHEREAS, female athletes at UNL devote much time and effort to their respective sports and would benefit as much as male athletes from the "warm, homey" environment of the Hewit Center; and

WHEREAS, female athletes at UNL have brought national renown to the State of Nebraska and the University as a result of stellar achievements in softball, volleyball and track; and

WHEREAS, the only valid justification for an intercollegiate athletic program is its existence as a meaningful component of the University's overall educational program; and

WHEREAS, every University controlled program of whatever kind and variety should be inclusive rather than exclusive; and

WHEREAS, the granting and withholding of privileges and benefits based on gender alone are divisive, discriminatory practices which cannot be justified in a University setting; and

WHEREAS, barring female athletes from use of the Hewit Center consigns them to a status of inferiority within the UNL community; and

WHEREAS, athletic programs are a micorocosm of the total University structure within which they operate; and

WHEREAS, no program or its method of operation would be allowed to exist at the University if it fails to reflect the value orientation of the University Administration; and

WHEREAS, the gender-discriminatory policy of the UNL Hewit Center contravenes State and University policies against such discrimination; and

WHEREAS, the University Administration, despite wide-spread public discussion and criticism, has eschewed terminating the discriminatory operation of the UNL Hewit Center, creating, thereby, a negative moral reflection on UNL.

NOW, THEREFORE BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature expresses strong disapproval of the gender-discriminatory operation of the UNL Hewit Center.

2. That the Legislature calls on the University to terminate such gender-discriminatory policy immediately.

3. That in all areas and aspects of the UNL athletic program, no gender or other type of discrimination be practiced or tolerated.

That a certified copy of this Resolution be delivered to President Ronald Roskens; Chancellor Martin Massengale, Athletic Director Bob Devaney, Coach Tom Osborne, each Member of the Board of Regents.

Laid over.

## VISITORS

Visitors to the Chamber were Walter and Mary Crump from Bronx, New York, and Khalid, Linda, Kathy, and Eric Crump; Betty Potter from David City; and Jodi Voss, Susan Krupicka, Micky Edzards, Kim Kerwood, and Marlys Voss from Bruning.

## RECESS

At 12:07 p.m., on a motion by Mr. Eret, the Legislature recessed until 1:30 p.m.

## AFTER RECESS

The Legislature reconvened at 1:33 p.m., President McGinley presiding.

## ROLL CALL

The roll was called and all members were present except Mr. R. Johnson who was excused until he arrives.

## SELECT FILE

**LEGISLATIVE BILL 722.** The pending Beutler-Vickers amendment, as amended, found in the Journal on page 2458 was considered.

Mr. Warner moved to suspend the rules, Rule 7, Section 3 (e), to

permit consideration of the Appropriations Committee amendment to the pending Beutler-Vickers amendment to LB 722 without the question being divided.

Mr. Landis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 8 nays, and 15 not voting.

Mr. DeCamp requested a record vote on the Warner motion to suspend the rules.

Voting in the affirmative, 25:

| | | | | |
|---|---|---|---|---|
| Barrett | Goll | Johnson, L. | Miller | Rogers |
| Beyer | Goodrich | Johnson, R. | Nichol | Rupp |
| Carsten | Haberman | Lamb | Pappas | Scofield |
| Chronister | Hannibal | Lundy | Peterson | Sieck |
| DeCamp | Hefner | Marsh | Remmers | Warner |

Voting in the negative, 22:

| | | | | |
|---|---|---|---|---|
| Abboud | Conway | Hoagland | Lynch | Smith |
| Baack | Eret | Johnson, V. | Morehead | Vickers |
| Beutler | Hall | Labedz | Nelson | Wesely |
| Chambers | Harris | Landis | Pirsch | Withem |
| Chizek | Higgins | | | |

Present and not voting, 2:

Hartnett Schmit

The Warner motion to suspend the rules lost with 25 ayes, 22 nays, and 2 present and not voting.

Mr. Warner offered the following amendment to the pending Beutler-Vickers amendment:
Amendment:
Strike the contents of the Beutler amendment and insert the following:
Reduce the General Fund appropriation:

| Agency | Program | |
|---|---|---|
| 1. 03 | 122 | $284,000 |
| Merge Programs 122 and 126 into a new program | | |
| 2. 10 | 506 | 450,000 |

| | | | |
|---|---|---|---|
| 3. | 13 | 294 | 184,906 |
| 4. | 13 | 508 | 225,000 |
| 5. | 16 | 102 | 200,000 |
| 6. | 18 | 027 | 112,898 |
| 7. | 18 | 027 | 50,370 |
| 8. | 18 | 056, 061, 057, 333 | 100,000 |

The total General Fund reduction shall be in proportion to the additional cash funds generated from the passage of LB 460. If LB 460 fails to be enacted into law, General Funds appropriation in total among the four programs listed shall be increased $100,000

| | | | |
|---|---|---|---|
| 9. | 20 | 175 | 35,000 |
| 10. | 20 | 177 | 49,500 |
| 11. | 20 | 514 | 83,375 |
| 12. | 20 | 589 | 38,962 |
| 13. | 21 | 193 | 70,000 |

Increase Cash funds appropriation in program 193 $70,000.

| | | | |
|---|---|---|---|
| 14. | 25 | 365 | 441,000 |
| 15. | 26 | 348 | 663,000 |

Increase Cash funds appropriation in program 348 $663,000

| | | | |
|---|---|---|---|
| 16. | 26 | 348 | |

Reappropriate $200,000 of the General Fund unexpended balance.

| | | | |
|---|---|---|---|
| 17. | 26 | 347 | 466,000 |

The General Fund appropriation shall be increased $466,000 if LB 31 fails to be enacted into law.

| | | | |
|---|---|---|---|
| 18. | 27 | 305 | 1,801,018 |
| 19. | 38 | 577 | 195,700 |
| 20. | 46 | 360 | 41,600 |
| 21. | 52 | 042 | 96,534 |

The General Fund appropriation shall be increased $96,534 if LB 154 fails to be enacted into law.

| | | | |
|---|---|---|---|
| 22. | 52 | 539 | 12,000 |

The General Fund appropriation shall be increased 12,000 if LB 154 fails to be enacted into law.

| | | | |
|---|---|---|---|
| 23. | 53 | All | 12,917 |

Eliminate all General Fund appropriations in all programs.

| | | | |
|---|---|---|---|
| 24. | 54 | 532 | 20,000 |
| 24a. | 54 | 541 | 45,000 |
| 25. | 68 | 537 | 204,611 |
| 26. | 69 | 649 | 60,000 |
| 27. | 72 | 584 | 158,954 |
| 28. | 72 | 604 | 116,875 |
| 29. | 78 | 198 | 10,800 |
| 30. | 78 | 202 | 53,500 |
| 30a. | 78 | 198 | 7,000 |
| 31. | 51 | | |

Reduce the General Fund appropriation to the University of Nebraska - Lincoln 683,071.
32. 51
Reduce the General Fund appropriation to the University of Nebraska - Omaha 366,500.
33. 50
Reduce the General Fund appropriation to the State Colleges 303,000 proportionate to each campus support of intercollegiate athletics
34. Reduce General Fund aid programs as follows:

| Agency | Program No. | Aid Program | One Percent Reduction |
|---|---|---|---|
| 12 | 119 | Aid to NRD's | $ 6,860 |
| 12 | 120 | Aid to Municipalities | 170,687 |
| 12 | 149 | Aid to Counties | 166,600 |
| 13 | 143 | Aid to Education | 1,337,161 |
| 13 | 143 | School Lunch | 8,000 |
| 13 | 143 | High School Tuition Reimbursement | 54 |
| 13 | 292 | Special Education | |
| 13 | 293 | Adult Education | 52 |
| 13 | 294 | Vocational Education | 1,237 |
| 16 | 108 | Homestead Exemption | |
| 20 | 177 | Local Health Departments | * |
| 25 | 033 | Alcohol and Drug Aid | |
| 25 | 365 | Mental Health | |
| 25 | 424 | Mental Retardation | |
| 26 | 347 | Wards of the Court | |
| 27 | 305 | Local Transit Authorities | * |
| 34 | 302 | Aid to Libraries | 5,746 |
| 55 | 304 | Soil & Water Conservation Fund | 19,456 |
| 55 | 307 | Resources Development Fund | 12,518 |
| 71 | 571 | Area Agencies on Aging | 14,294 |
| 72 | 604 | Council of Government | * |
| 78 | 196 | Law Enforcement-Indian Affairs | 1,638 |
| 83 | 51 | Technical Community Colleges | 236,134 |
| 84 | 518 | Wastewater Treatment | 18,000 |
| TOTAL | | | $1,998,437 |

35. As part of the regular engrossing process, adjustments to Program totals and Agency totals shall be made to reflect changes made by the amendment.

Mr. Beutler requested a ruling from the Chair on whether the Warner amendment is germane to the Beutler-Vickers amendment.

The Chair ruled the Warner amendment not germane to the Beutler-Vickers amendment.

Messrs. Vickers and Schmit offered the following amendment to the pending Beutler-Vickers amendment:

AM1571

1. In the first Beutler-Vickers amendment on page 2458 of the Journal:

(a) On page 1, line 1, after "appropriations" insert "for each agency"; in line 3 strike "as" and after "shown" insert "at the program level"; in line 4 after "722" insert ", as amended,", after "insert" insert "a single General Fund appropriation to the agency which is", and strike "such" and insert "the agency General Fund"; and in line 5 after "appropriation" insert "as it existed prior to this amendment";

(b) Insert the following new amendments:

"2. Insert the following new section:

'Sec. 100. It is the intent of the Legislature that:

(1) Each agency director allocate the agency General Fund appropriation among the various programs of the agency;

(2) Each agency shall absorb the reduction to the General Fund appropriation made for fiscal year 1985-86 by the Beutler-Vickers amendment with the least possible adverse effect on direct services to the public; and

(3) The governing boards of institutions of higher education shall, to the extent possible, absorb any such reduction to the General Fund appropriation for fiscal year 1985-86 internally and shall not increase tuition rates in an effort to compensate for such reduction.'.".

3. Renumber the remaining sections

accordingly.'."; and

(c) Renumber the remaining amendment accordingly.

Mr. DeCamp 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. R. Johnson asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Vickers moved for a call of the house. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

Mr. Vickers requested a roll call vote on the Vickers-Schmit amendment.

Voting in the affirmative, 22:

| | | | | |
|---|---|---|---|---|
| Abboud | Conway | Hoagland | Nelson | Schmit |
| Baack | Eret | Labedz | Pappas | Smith |
| Beutler | Hall | Miller | Pirsch | Vickers |
| Chambers | Hartnett | Morehead | Rupp | Withem |
| Chizek | Higgins | | | |

Voting in the negative, 26:

| | | | | |
|---|---|---|---|---|
| Barrett | Goodrich | Johnson, L. | Lynch | Rogers |
| Beyer | Haberman | Johnson, V. | Marsh | Scofield |
| Carsten | Hannibal | Lamb | Nichol | Sieck |
| Chronister | Harris | Landis | Peterson | Warner |
| DeCamp | Hefner | Lundy | Remmers | Wesely |
| Goll | | | | |

Excused and not voting, 1:

Johnson, R.

The Vickers-Schmit amendment lost with 22 ayes, 26 nays, and 1 excused and not voting.

The Chair declared the call raised.

Mr. Chambers offered the following amendment to the Beutler-Vickers amendment to LB 722:

Amendment to include all of Agency 26 Program 347 as an excluded agency.

Mr. Chronister asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chambers moved for a call of the house. The motion prevailed with 17 ayes, 0 nays, and 32 not voting.

Mr. Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 21:

| | | | | |
|---|---|---|---|---|
| Chambers | Hannibal | Hoagland | Lynch | Scofield |
| Chizek | Harris | Johnson, V. | Marsh | Sieck |
| Conway | Hartnett | Labedz | Pappas | Warner |
| DeCamp | Higgins | Landis | Schmit | Wesely |
| Hall | | | | |

Voting in the negative, 23:

| | | | | |
|---|---|---|---|---|
| Abboud | Chronister | Johnson, L. | Peterson | Rupp |
| Baack | Goll | Lamb | Pirsch | Smith |
| Barrett | Goodrich | Lundy | Remmers | Vickers |
| Beutler | Haberman | Nelson | Rogers | Withem |
| Carsten | Hefner | Nichol | | |

Present and not voting, 4:

| | | | |
|---|---|---|---|
| Beyer | Eret | Miller | Morehead |

Excused and not voting, 1:

Johnson, R.

The Chambers amendment lost with 21 ayes, 23 nays, 4 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Mr. Beutler offered the following amendment to the Beutler-Vickers amendment to LB 722 by adding the following new language:

Reduce the General Fund appropriation:

| Agency | Program | |
|---|---|---|
| 1. 03 | 122 | $284,000 |
| Merge Programs 122 and 126 into a new program | | |
| 2. 10 | 506 | 450,000 |
| 3. 13 | 294 | 184,906 |
| 4. 13 | 508 | 225,000 |
| 5. 16 | 102 | 200,000 |
| 6. 18 | 027 | 112,898 |
| 7. 18 | 027 | 50,370 |
| 8. 18 | 056, 061, 057, 333 | 100,000 |
| The total General Fund reduction shall be in proportion to the additional cash funds generated from the passage of LB 460. If LB 460 fails to be enacted into law, General Funds appropriation in total among the four programs listed shall be increased $100,000 | | |
| 9. 20 | 175 | 35,000 |
| 10. 20 | 177 | 49,500 |
| 11. 20 | 514 | 83,375 |
| 12. 20 | 589 | 38,962 |
| 13. 21 | 193 | 70,000 |
| Increase Cash funds appropriation in program 193 $70,000. | | |
| 14. 25 | 365 | 441,000 |
| 15. 26 | 348 | 663,000 |
| Increase Cash funds appropriation in program 348 $663,000 | | |
| 16. 26 | 348 | |
| Reappropriate $200,000 of the General Fund unexpended balance. | | |
| 17. 26 | 347 | 466,000 |
| The General Fund appropriation shall be increased $466,000 if LB 31 fails to be enacted into law. | | |
| 18. 27 | 305 | 1,801,018 |
| 19. 38 | 577 | 195,700 |
| 20. 46 | 360 | 41,600 |
| 21. 52 | 042 | 96,534 |
| The General Fund appropriation shall be increased $96,534 if LB 154 fails to be enacted into law. | | |
| 22. 52 | 539 | 12,000 |
| The General Fund appropriation shall be increased 12,000 if LB 154 fails to be enacted into law. | | |
| 23. 53 | All | 12,917 |
| Eliminate all General Fund appropriations in all programs. | | |
| 24. 54 | 532 | 20,000 |
| 24a. 54 | 541 | 45,000 |
| 25. 68 | 537 | 204,611 |
| 26. 69 | 649 | 60,000 |
| 27. 72 | 584 | 158,954 |
| 28. 72 | 604 | 116,875 |
| 29. 78 | 198 | 10,800 |

30. 78 202 53,500
30a. 78 198 7,000
31. 51
Reduce the General Fund appropriation to the University of Nebraska - Lincoln 683,071.
32. 51
Reduce the General Fund appropriation to the University of Nebraska - Omaha 366,500.
33. 50
Reduce the General Fund appropriation to the State Colleges 303,000 proportionate to each campus support of intercollegiate athletics
34. Reduce General Fund aid programs as follows:

| Agency | Program No. | Aid Program | One Percent Reduction |
|---|---|---|---|
| 12 | 119 | Aid to NRD's | $ 6,860 |
| 12 | 120 | Aid to Municipalities | 170,687 |
| 12 | 149 | Aid to Counties | 166,600 |
| 13 | 143 | Aid to Education | 1,337,161 |
| 13 | 143 | School Lunch | 8,000 |
| 13 | 143 | High School Tuition Reimbursement | 54 |
| 13 | 292 | Special Education | |
| 13 | 293 | Adult Education | 52 |
| 13 | 294 | Vocational Education | 1,237 |
| 16 | 108 | Homestead Exemption | |
| 20 | 177 | Local Health Departments | * |
| 25 | 033 | Alcohol and Drug Aid | |
| 25 | 365 | Mental Health | |
| 25 | 424 | Mental Retardation | |
| 26 | 347 | Wards of the Court | |
| 27 | 305 | Local Transit Authorities | * |
| 34 | 302 | Aid to Libraries | 5,746 |
| 55 | 304 | Soil & Water Conservation Fund | 19,456 |
| 55 | 307 | Resources Development Fund | 12,518 |
| 71 | 571 | Area Agencies on Aging | 14,294 |
| 72 | 604 | Council of Government | * |
| 78 | 196 | Law Enforcement-Indian Affairs | 1,638 |

| | | | |
|---|---|---|---|
| 83 | 51 | Technical Community Colleges | 236,134 |
| 84 | 518 | Wastewater Treatment | 18,000 |
| TOTAL | | | $1,998,437 |

35. As part of the regular engrossing process, adjustments to Program totals and Agency totals shall be made to reflect changes made by the amendment.

**SPEAKER NICHOL PRESIDING**

Mr. Beutler asked unanimous consent to withdraw his pending amendment. No objections. So ordered.

Mr. Beutler moved to suspend the rules, Rule 7, Section 3(e) to permit consideration of the Beutler amendment to the Beutler-Vickers amendment without the question being divided.

Mr. Abboud asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Haberman moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The Beutler motion to suspend the rules lost with 17 ayes, 20 nays, 11 present and not voting, and 1 excused and not voting.

Pending.

**UNANIMOUS CONSENT - Print in Journal**

Mr. Wesely asked unanimous consent to print the following amendment to LB 127 in the Journal. No objections. So ordered.

AM1569

1. Insert the following new sections:

"Section 1. As used in sections 1 to 6 of this act, unless the context otherwise requires, office wastepaper shall mean those papers that are discarded in a business office including, but not limited to, forms, envelopes, copy paper, stationery, and other papers that are normally associated with desk work activity that are collected from an office building as waste paper.

Sec. 2. It is the intent of sections 1 to 6 of this act, and the public policy of this state, to recognize the importance of limited natural resources, to prevent waste, and to promote the most energy and resource saving use of the state's office wastepaper and the most efficient and economical method of recycling and disposing of office wastepaper products of the state.

Sec. 3. A program for the recycling and sale of office wastepaper shall be designed and implemented by the Department of Administrative Services in such state-operated buildings as is determined to be practicable by the Department of Administrative Services.

Sec. 4. The Department of Administrative Services shall obtain pricing information and shall contract to sell the recyclable office wastepaper products for the best terms available in the market place. If the department is unable to locate a purchaser for the office wastepaper or such sale would not be in the best economic interests of the state and the department is unable to locate a nonpaying contractee to recycle the office wastepaper, the department shall make such other disposition of the wastepaper as is most practical and which is in the best interests of the state.

Sec. 5. All proceeds from the sale of wastepaper, as authorized by section 3 of this act, and any equipment related to such program, shall be placed in the Resource Recovery Fund, which is hereby created. Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1269. Such fund shall be used for the administration and implementation of this program. Any excess funds, as determined by the Director of Administrative Services, not necessary for implementation of the wastepaper recovery and sale program shall be paid to the General Fund.

Sec. 6. The Department of Administrative Services may adopt and promulgate all rules and regulations necessary to carry out sections 1 to 6 of this act.".

2. On page 2, line 21, strike "is" and insert "and also sections 81-1140 to 81-1161, Reissue Revised Statutes of Nebraska, 1943, are".

3. Renumber the remaining sections accordingly.

Messrs. Barrett and Beyer asked unanimous consent to print the following amendment to LB 157 in the Journal. No objections. So ordered.

AM1558

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. (1) Prejudgment interest on all decrees and judgments for the payment of money, except as provided in subsections (2) to (8) of this section, may be awarded by the judge in any action at law or suit in equity on all or any part of the decree or judgment, commencing no earlier than one hundred twenty days following the date the summons is served, at a rate provided by the State Court Administrator. Such rate shall be equal to one percentage point above the bond equivalent yield, as published by the Secretary of the Treasury, of the average accepted auction price for the last auction of fifty-two-week United States Treasury bills. The State Court Administrator shall distribute notice of such rate and any changes to it to all Nebraska judges to be in effect two weeks after the date each new bond equivalent yield is published by the Secretary of the Treasury. In determining whether to award prejudgment interest, the judge shall take into consideration (a) whether any party or any party's counsel unreasonably or unnecessarily delayed the progression of the action to trial, (b) whether liability was certain or genuinely controverted, (c) whether any portion of the judgment was for special damages and was actually incurred prior to judgment, (d) whether the parties engaged in good faith settlement negotiations, and (e) such other circumstances as may affect the fairness of awarding such interest.

(2) The interest provided for in subsection (1) of this section shall not accrue on any payment made prior to judgment by or on behalf of the defendant.

(3) If a plaintiff has refused to accept an offer by the defendant to confess judgment pursuant to section 25-906 or 25-907 or sections 25-1309 to 25-1312 and if the judgment is for an amount equal to or less

than the amount confessed, no interest shall accrue between the time of the offer to confess judgment and the time of rendition of the judgment.

(4) Subsection (1) of this section shall not apply to any action arising under Chapter 42.

(5) Subsection (1) of this section shall not apply to any action by or against the state or any of its political subdivisions.

(6) Subsection (1) of this section shall not apply to any cause of action under any theory of recovery arising out of a contractual relationship, agreement, or policy of insurance which provides for the payment of benefits for hospital, surgical, medical, dental, psychological, or other health care services written, issued, or administered by any third party including, but not limited to, a health and accident insurance company, a hospital service corporation, or a health maintenance organization.

(7) If a judgment or decree is founded upon a contract, either verbal or written, which by its terms provides a higher rate of interest than the rate specified in subsection (1) of this section, but not higher than the rate allowed by law, the rate of interest upon such judgment or decree shall be the rate provided by the contract upon which the judgment or decree is founded.

(8) The rate of interest provided in subsection (1) of this section shall not apply to any action arising under Nebraska law in which judgment interest rates are otherwise specifically provided.

Sec. 2. Prejudgment interest authorized under section 1 of this act shall be paid directly to the plaintiff. Payment shall be made by issuing a check directly for such interest in the plaintiff's name only. Such interest shall not be included in computing fees for attorneys.

Sec. 3. That section 45-103, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

45-103. Interest on all decrees and judgments for the payment of money shall be from the date of the rendition thereof at the rate provided by the State Court Administrator. Such rate shall be equal to one percentage point above the bond equivalent yield, as published by the Secretary of the Treasury of the

average accepted auction price for the last auction of the fifty-two-week United States Treasury bills. The State Court Administrator shall distribute notice of such rate and any changes to it to all Nebraska judges to be in effect two weeks after the date each new bond equivalent yield is published by the Secretary of the Treasury. The rate of interest provided in this section shall not apply to any action arising under Nebraska law in which judgment interest rates are otherwise specifically provided. ~~specified in section 45-104.01, as such rate may from time to time be adjusted by the Legislature until the same shall be paid; PROVIDED, if~~

If such judgment or decree shall be founded upon any contract, either verbal or written, by the terms of which a greater rate of interest, not exceeding the amount allowed by law, than the rate specified pursuant to this section ~~in section 45-104.01, as such rate may from time to time be adjusted by the Legislature,~~ shall have been agreed upon, the rate of interest upon such judgment or decree shall be the same as provided for by the terms of the contract upon which the same was founded. Interest on a judgment appealed to the district court shall be determined in accordance with subsection (3) of section 24-541.06.

Sec. 4. This act shall be operative for all causes of action accruing on or after January 1, 1986.

Sec. 5. If any section in this act or any part of any section shall be declared invalid or unconstitutional, such declaration shall not affect the validity or constitutionality of the remaining portions thereof.

Sec. 6. That original section 45-103, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

## STANDING COMMITTEE REPORT
### Public Works

The Committee on Public Works desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Richard E. Watson--Motor Vehicle Industry Licensing Board

Voting Aye: Senators Schmit, Beyer, DeCamp, Harris, and Smith
Absent and Not Voting: Senators Lamb, Lynch, and Nelson

(Signed) Loran Schmit, Chairperson

## SELECT FILE

**LEGISLATIVE BILL 722.** Mr. Chambers offered the following amendment to the Beutler-Vickers pending amendment:
Strike "Agency 26, Program #524"

Mr. Hoagland 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. Abboud asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chambers moved for a call of the house. The motion prevailed with 7 ayes, 0 nays, and 42 not voting.

Mr. Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 24:

| | | | | |
|---|---|---|---|---|
| Beyer | Hall | Johnson, V. | Nichol | Smith |
| Chambers | Hannibal | Labedz | Pirsch | Vickers |
| Chizek | Hartnett | Lynch | Rogers | Warner |
| Conway | Higgins | Marsh | Schmit | Wesely |
| Eret | Hoagland | Miller | Sieck | |

Voting in the negative, 16:

| | | | | |
|---|---|---|---|---|
| Baack | Goodrich | Johnson, L. | Landis | Remmers |
| Carsten | Haberman | Johnson, R. | Lundy | Rupp |
| DeCamp | Hefner | Lamb | Nelson | Scofield |
| Goll | | | | |

Present and not voting, 8:

| | | | | |
|---|---|---|---|---|
| Barrett | Chronister | Morehead | Peterson | Withem |
| Beutler | Harris | Pappas | | |

Excused and not voting, 1:

Abboud

The Chambers amendment lost with 24 ayes, 16 nays, 8 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Mr. V. Johnson moved to reconsider Senator Warner's motion to suspend rules.

Mr. Hoagland 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 V. Johnson motion to reconsider prevailed with 29 ayes, 8 nays, 11 present and not voting, and 1 excused and not voting.

The Warner motion was reconsidered to suspend the rules, Rule 7, Section 3 (e), to permit consideration of the Appropriations Committee amendment to the pending Beutler-Vickers amendment to LB 722 without the question being divided.

Mr. R. Johnson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

The Warner motion to suspend the rules prevailed with 31 ayes, 6 nays, 11 present and not voting, and 1 excused and not voting.

Mr. Chambers offered the following amendment to the Beutler-Vickers amendment:

Strike all Agency and Program exemptions listed in the Beutler amendment.

Mr. Barrett asked unanimous consent to be excused. No objections. So ordered.

Mrs. Labedz moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 1 nay, and 21 not voting.

Mr. Chambers requested a record vote on his amendment.

Voting in the affirmative, 13:

| | | | | |
|---|---|---|---|---|
| Beyer | Hall | Hartnett | Labedz | Pappas |
| Chizek | Harris | Higgins | Marsh | Pirsch |

| | | |
|---|---|---|
| Smith | Vickers | Wesely |

Voting in the negative, 25:

| | | | | |
|---|---|---|---|---|
| Baack | DeCamp | Hefner | Landis | Rogers |
| Beutler | Goll | Hoagland | Lundy | Rupp |
| Carsten | Goodrich | Johnson, L. | Nelson | Scofield |
| Chronister | Haberman | Johnson, V. | Peterson | Sieck |
| Conway | Hannibal | Lamb | Remmers | Warner |

Present and not voting, 9:

| | | | | |
|---|---|---|---|---|
| Chambers | Johnson, R. | Miller | Nichol | Withem |
| Eret | Lynch | Morehead | Schmit | |

Excused and not voting, 2:

| | |
|---|---|
| Abboud | Barrett |

The Chambers amendment lost with 13 ayes, 25 nays, 9 present and not voting, and 2 excused and not voting.

Pending.

## SELECT COMMITTEE REPORTS
### Enrollment and Review

### Correctly Re-Engrossed

The following bill was correctly re-engrossed: 154.

### Correctly Engrossed

The following bills were correctly engrossed: 717 and 717A.

(Signed) Timothy Hall, Chairperson

### Enrollment and Review Change to LB 717

The following changes, required to be reported for publication in the Journal, have been made:
ER0094
1. The DeCamp amendment adopted May 29, 1985, has been treated as a replacement for the original sections and all amendments thereto. Punctuation, spelling, and grammar changes have been

made as necessary to conform to usual bill drafting style.

2. On page 1, strike beginning with "adopt" in line 1 through line 2 and insert "state intent; to define terms; to provide for a tax on financial institutions as prescribed; to provide for a credit; to provide for rules and regulations; and to prohibit certain credits, actions, and claims.".

(Signed) Mary Sommermeyer
E & R Attorney

**UNANIMOUS CONSENT - Print in Journal**

Mr. Lamb asked unanimous consent to print the following amendment to LB 284 in the Journal. No objections. So ordered.

AM1568

1. Strike original section 22 and all amendments thereto and insert a new section as follows:

"Sec. 22. In order to insure that applicators of chemicals have sufficient scientific and practical knowledge in the use of chemigation, the director shall contract with the Cooperative Extension Service of the University of Nebraska, through its county extension agents and specialists in the state, to conduct training sessions directed toward thorough comprehension and knowledge of the safe use of chemigation. The director shall issue a certificate acknowledging the satisfactory demonstration of competency to be determined by the director in a written examination prepared and administered by the department. Each applicator's certificate shall expire two years after the date of issuance and shall be renewed upon the satisfactory completion of training.".

Mr. Chambers asked unanimous consent to print the following amendment to LB 722 in the Journal. No objections. So ordered.

Page 82, lines 26 & 27, Strike "90,795,773"; insert "91,515,773".

"There is included in the appropriation for this program $720,000 General Funds to be used only for the purpose of providing a monthly allowance to each member of the University of Nebraska at Lincoln varsity football team, retroactive January 30, 1985. The amount of such allowance shall be determined by dividing $720,000 by 12, divided by the total number of varsity team members."

Mr. Eret asked unanimous consent to print the following amendment to LB 284 in the Journal. No objections. So ordered.

AM1574

1. Insert the following new sections:

"Sec. 7. Community water supply system shall mean a public water supply system which serves at least fifteen service connections used by year-round residents or regularly serves twenty-five year-round residents.

Sec. 16. Public water supply system shall mean a water supply system designed to provide the public piped water fit for human consumption, if such system has at least fifteen service connections or regularly serves at least twenty-five individuals. This definition shall include (1) any collection, treatment, storage, or distribution facilities under control of the operator of such system and used primarily in connection with such system and (2) any collection or pretreatment storage facilities not under such control which are used primarily in connection with such system.".

2. On page 4, line 18, after "act" insert ", except that no permit shall be issued if the chemigation supply well is located within eighteen hundred yards of a supply well for a community water supply system".

3. Renumber remaining sections accordingly and correct internal references.

## SELECT FILE

**LEGISLATIVE BILL 722.** Mr. Warner reoffered the following amendment to the Beutler-Vickers amendment:

Strike the contents of the Beutler amendment and insert the following:

Reduce the General Fund appropriation:

| Agency | Program | |
|---|---|---|
| 1. 03 | 122 | $284,000 |
| Merge Programs 122 and 126 into a new program | | |
| 2. 10 | 506 | 450,000 |
| 3. 13 | 294 | 184,906 |
| 4. 13 | 508 | 225,000 |
| 5. 16 | 102 | 200,000 |
| 6. 18 | 027 | 112,898 |
| 7. 18 | 027 | 50,370 |
| 8. 18 | 056, 061, 057, 333 | 100,000 |

The total General Fund reduction shall be in proportion to the additional cash funds generated from the passage of LB 460. If LB 460 fails to be enacted into law, General Funds appropriation in total among the four programs listed shall be increased $100,000

| | | | |
|---|---|---|---|
| 9. | 20 | 175 | 35,000 |
| 10. | 20 | 177 | 49,500 |
| 11. | 20 | 514 | 83,375 |
| 12. | 20 | 589 | 38,962 |
| 13. | 21 | 193 | 70,000 |

Increase Cash funds appropriation in program 193 $70,000.

| | | | |
|---|---|---|---|
| 14. | 25 | 365 | 441,000 |
| 15. | 26 | 348 | 663,000 |

Increase Cash funds appropriation in program 348 $663,000

| | | | |
|---|---|---|---|
| 16. | 26 | 348 | |

Reappropriate $200,000 of the General Fund unexpended balance.

| | | | |
|---|---|---|---|
| 17. | 26 | 347 | 466,000 |

The General Fund appropriation shall be increased $466,000 if LB 31 fails to be enacted into law.

| | | | |
|---|---|---|---|
| 18. | 27 | 305 | 1,801,018 |
| 19. | 38 | 577 | 195,700 |
| 20. | 46 | 360 | 41,600 |
| 21. | 52 | 042 | 96,534 |

The General Fund appropriation shall be increased $96,534 if LB 154 fails to be enacted into law.

| | | | |
|---|---|---|---|
| 22. | 52 | 539 | 12,000 |

The General Fund appropriation shall be increased 12,000 if LB 154 fails to be enacted into law.

| | | | |
|---|---|---|---|
| 23. | 53 | All | 12,917 |

Eliminate all General Fund appropriations in all programs.

| | | | |
|---|---|---|---|
| 24. | 54 | 532 | 20,000 |
| 24a. | 54 | 541 | 45,000 |
| 25. | 68 | 537 | 204,611 |
| 26. | 69 | 649 | 60,000 |
| 27. | 72 | 584 | 158,954 |
| 28. | 72 | 604 | 116,875 |
| 29. | 78 | 198 | 10,800 |
| 30. | 78 | 202 | 53,500 |
| 30a. | 78 | 198 | 7,000 |
| 31. | 51 | | |

Reduce the General Fund appropriation to the University of Nebraska - Lincoln 683,071.

32. 51

Reduce the General Fund appropriation to the University of Nebraska - Omaha 366,500.

33. 50

Reduce the General Fund appropriation to the State Colleges 303,000 proportionate to each campus support of intercollegiate athletics

34. Reduce General Fund aid programs as follows:

| Agency | Program No. | Aid Program | One Percent Reduction |
|---|---|---|---|
| 12 | 119 | Aid to NRD's | $ 6,860 |
| 12 | 120 | Aid to Municipalities | 170,687 |
| 12 | 149 | Aid to Counties | 166,600 |
| 13 | 143 | Aid to Education | 1,337,161 |
| 13 | 143 | School Lunch | 8,000 |
| 13 | 143 | High School Tuition Reimbursement | 54 |
| 13 | 292 | Special Education | |
| 13 | 293 | Adult Education | 52 |
| 13 | 294 | Vocational Education | 1,237 |
| 16 | 108 | Homestead Exemption | |
| 20 | 177 | Local Health Departments | * |
| 25 | 033 | Alcohol and Drug Aid | |
| 25 | 365 | Mental Health | |
| 25 | 424 | Mental Retardation | |
| 26 | 347 | Wards of the Court | |
| 27 | 305 | Local Transit Authorities | * |
| 34 | 302 | Aid to Libraries | 5,746 |
| 55 | 304 | Soil & Water Conservation Fund | 19,456 |
| 55 | 307 | Resources Development Fund | 12,518 |
| 71 | 571 | Area Agencies on Aging | 14,294 |
| 72 | 604 | Council of Government | * |
| 78 | 196 | Law Enforcement-Indian Affairs | 1,638 |
| 83 | 51 | Technical Community Colleges | 236,134 |
| 84 | 518 | Wastewater Treatment | 18,000 |
| TOTAL | | | $1,998,437 |

35. As part of the regular engrossing process, adjustments to Program totals and Agency totals shall be made to reflect changes made by the amendment.

Mr. Lamb moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 12 nays, and 12 not voting.

Mr. DeCamp requested a record vote on the Warner amendment.

Voting in the affirmative, 32:

| | | | | |
|---|---|---|---|---|
| Beyer | Goodrich | Landis | Nichol | Rupp |
| Carsten | Haberman | Lundy | Pappas | Scofield |
| Chronister | Hannibal | Lynch | Peterson | Sieck |
| Conway | Hefner | Miller | Pirsch | Warner |
| DeCamp | Johnson, L. | Morehead | Remmers | Wesely |
| Eret | Johnson, R. | Nelson | Rogers | Withem |
| Goll | Lamb | | | |

Voting in the negative, 15:

| | | | | |
|---|---|---|---|---|
| Baack | Chizek | Hartnett | Johnson, V. | Schmit |
| Beutler | Hall | Higgins | Labedz | Smith |
| Chambers | Harris | Hoagland | Marsh | Vickers |

Excused and not voting, 2:

Abboud Barrett

The Warner amendment was adopted with 32 ayes, 15 nays, and 2 excused and not voting.

## UNANIMOUS CONSENT - Print in Journal

Mr. Schmit asked unanimous consent to print the following amendment to LB 653 in the Journal. No objections. So ordered.

AM1531

(Amendments to AM1233)

1. On page 6, lines 19 and 25, reinstate the stricken matter and strike the new matter; in lines 20 and 21 strike the new matter; and in line 26 strike "unless", show as stricken, and insert an underscored period.

2. On page 7, strike beginning with "authority" in line 1 through the period in line 2 and show as stricken; and strike beginning with the period in line 14 through "department" in line 16.

Mr. Warner asked unanimous consent to print the following amendment to LB 722 in the Journal. No objections. So ordered.

On page 82, after line 7, insert the following: "(X) The Board of Regents of the University of Nebraska has the administrative flexibility to fund any programs/activities according to the priorities established by the Board within the amounts appropriated unless specifically prohibited by legislative intent."

On page 74, after line 13, insert the following: "It is the intent of the Legislature that the Board of Trustees of the Nebraska State Colleges has the administrative flexibility to fund any programs/activities according to the priorities established by the Board within the amounts appropriated to each college unless specifically prohibited by legislative intent."

## ADJOURNMENT

At 6:42 p.m., on a motion by Mr. Miller, the Legislature adjourned until 9:00 a.m., Thursday, May 30, 1985.

Patrick J. O'Donnell
Clerk of the Legislature

# EIGHTY-SIXTH DAY - MAY 30, 1985

# LEGISLATIVE JOURNAL

# EIGHTY-SIXTH DAY - MAY 30, 1985

## LEGISLATIVE JOURNAL

## EIGHTY-NINTH LEGISLATURE
## FIRST SESSION

## EIGHTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, May 30, 1985

Pursuant to adjournment, the Legislature met at 9:00 a.m., President McGinley presiding.

## PRAYER

The prayer was offered by Dr. Robert Palmer, Westminster Presbyterian Church, Lincoln, Nebraska.

## ROLL CALL

The roll was called and all members were present except Mr. V. Johnson who was excused.

## CORRECTIONS FOR THE JOURNAL

The Journal for the Eighty-Fifth Day was approved.

## RESOLUTION

**LEGISLATIVE RESOLUTION 287.**

Introduced by Eret, 32nd District.

WHEREAS, William B. Krejci was known and recognized as a prominent Exeter and Fairmont area farmer and livestockman; and

WHEREAS, Bill Krejci last December received The Distinguished Service To The Livestock Industry Award from the Nebraska Livestock Feeders Association; and

WHEREAS, he served in leadership roles in the Nebraska Livestock Feeders Association, the National Cattlemen's Association,

the Nebraska College of Veterinary Medicine Task Force, and the Federal Land Bank; and

WHEREAS, Bill Krejci was appointed to the Nebraska Environmental Control Council and served as its chairperson; and

WHEREAS, Bill Krejci's foresight, progressive thinking, goodness, and peacemaking allowed him to become an outstanding leader in all of his endeavors; and

WHEREAS, Bill will be greatly missed by all who knew him.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature extends its deepest sympathy to William B. Krejci's wife Jeannine and their family.

2. That a copy of this resolution be presented to the family of William B. Krejci as an expression of sorrow for his passing and as an acknowledgement of his many accomplishments.

Laid over.

## SELECT FILE

**LEGISLATIVE BILL 501.** E & R amendment, AM5173, found in the Journal on page 2397 for the Eighty-Second Day was adopted.

Mr. Warner offered the following amendment:
AM1573

1. Insert the following new section:

"Sec. 2. That section 84-612, Revised Statutes Supplement, 1984, be amended to read as follows:

84-612. (1) There is hereby created within the state treasury a fund known as the Cash Reserve Fund which shall be under the direction of the State Treasurer. The fund shall only be used pursuant to subsections (2) and (4) ~~subsection (2)~~ of 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) For the period July 1, 1985, to June 30, 1986, the State Treasurer shall transfer five million dollars from the Cash Reserve Fund to the General Fund. Such transfer shall be reversed after July 1, 1986, but before July 15, 1986.".

2. In the Warner amendment beginning on page 2347 of the Journal, on page 2, line 15, strike "is" and insert "and section 84-612, Revised Statutes Supplement, 1984, are".

3. Renumber remaining sections accordingly.

Mr. Lamb moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

The Warner amendment was adopted with 30 ayes, 7 nays, 11 present and not voting, and 1 excused and not voting.

Advanced to E & R for Engrossment.

## RESOLUTIONS

**LEGISLATIVE RESOLUTION 288.**

Introduced by Hefner, 19th District.

WHEREAS, Edward German served in the armed forces in World War I where he was wounded and decorated; and

WHEREAS, Mr. German has been active in veterans' affairs since 1920; and

WHEREAS, Edward German was instrumental in securing the construction of the Veteran's Hospital; and

WHEREAS, Mr. German has held a number of positions in the American Legion and has received a number of honors for his tireless efforts to help his fellow veterans.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature recognizes Edward German's outstanding achievements and extends its gratitude for his sacrifices.

2. That a copy of this resolution be presented to Mr. German with the best wishes of the Legislature.

Laid over.

**LEGISLATIVE RESOLUTION 289.**

Introduced by DeCamp, 40th District.

WHEREAS, estimated revenue receipts for fiscal year 1985-86 are estimated to have been understated by approximately $30 million thereby causing the Legislature to reduce government spending by that amount; and

WHEREAS, the Legislature, when setting the tax rates in accordance with section 77-2715.01, must set these rates to equal estimated funds available, plus estimated receipts, plus an amount "not less than three per cent nor more than seven per cent in excess of the appropriations and express obligations for the next two succeeding calendar years"; and

WHEREAS, at current estimated expenditure levels, this overlevy could total from $24.4 million at three per cent to $56.9 million at seven per cent; and

WHEREAS, the purpose of this overlevy, as stated in section 77-2715.01, is to "insure that there shall be maintained in the state treasury an adequate General Fund balance ... to meet the appropriations and express obligations" of the state; and

WHEREAS, the Legislature acted in 1983 to create a Cash Reserve Fund in the office of the State Treasurer; and

WHEREAS, the fund balance in the Cash Reserve Fund is approximately $35.6 million after authorized transfers; and

WHEREAS, since 1983, the General Fund balance has never been reduced to the point that interfund transfers from the Cash Reserve Fund to the General Fund have been necessary; and

WHEREAS, the Cash Reserve Fund represents an overlevy of approximately 4.4 per cent in excess of estimated General Fund expenditures; and

WHEREAS, the overlevy required by section 77-2715.01, when coupled with the balance in the Cash Reserve Fund, represents overcollections in amounts from $60 million at three per cent to $92.5 million at seven per cent; and

WHEREAS, when coupled with the Cash Reserve Fund, the overlevy required under section 77-2715.01 would be established at 7.3 per cent at a minimum and 11.4 per cent at the maximum.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the funds available in the Cash Reserve Fund constitute an overlevy for the purpose of ensuring that there shall be maintained in the state treasury an adequate General Fund balance.

2. That funds available in the Cash Reserve Fund fall within the meaning of "estimated funds available" as required in section 77-2715.01.

3. That the Legislature, when setting the sales and use tax and income tax rates, shall include those funds available in the Cash Reserve Fund as part of the estimated funds available as required for rate setting purposes.

Laid over.

## EXPLANATION OF VOTE

Had I been present, I would have voted yes on the Appropriations Committee amendments offered 5/29/85.

(Signed) Bill Barrett

## SELECT FILE

**LEGISLATIVE BILL 722.** The pending Beutler-Vickers amendment, as amended, found in the Journal on page 2458 and considered on page 2501 was renewed.

Mr. Chambers offered the following amendment to the Beutler-Vickers amendment:

Strike Agency 13 Program 294
"Displaced Homemakers Program"

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Mr. Chambers moved for a call of the house. The motion prevailed with 10 ayes, 0 nays, and 39 not voting.

Mr. Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 23:

| | | | | |
|---|---|---|---|---|
| Abboud | Chizek | Hoagland | Morehead | Pirsch |
| Baack | Eret | Labedz | Nelson | Schmit |
| Barrett | Goodrich | Landis | Nichol | Vickers |
| Beutler | Harris | Lynch | Pappas | Wesely |
| Chambers | Higgins | Marsh | | |

Voting in the negative, 25:

| | | | | |
|---|---|---|---|---|
| Beyer | Goll | Hefner | Miller | Scofield |
| Carsten | Haberman | Johnson, L. | Peterson | Sieck |
| Chronister | Hall | Johnson, R. | Remmers | Smith |
| Conway | Hannibal | Lamb | Rogers | Warner |
| DeCamp | Hartnett | Lundy | Rupp | Withem |

Excused and not voting, 1:

Johnson, V.

The Chambers amendment lost with 23 ayes, 25 nays, and 1 excused and not voting.

The Chair declared the call raised.

Mr. Chambers offered the following amendment to the Beutler-Vickers amendment:

Striking the elimination of Agency 68 - Program 537 Mexican American Commission

Mr. Hefner moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 5 nays, and 19 not voting.

Mr. Chambers moved for a call of the house. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

Mr. Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 22:

| | | | | |
|---|---|---|---|---|
| Baack | Eret | Higgins | Marsh | Schmit |
| Beutler | Goodrich | Labedz | Morehead | Vickers |
| Chambers | Hall | Landis | Nichol | Wesely |
| Chizek | Harris | Lynch | Pappas | Withem |
| Conway | Hartnett | | | |

Voting in the negative, 26:

| | | | | |
|---|---|---|---|---|
| Abboud | Chronister | Hannibal | Johnson, R. | Nelson |
| Barrett | DeCamp | Hefner | Lamb | Peterson |
| Beyer | Goll | Hoagland | Lundy | Pirsch |
| Carsten | Haberman | Johnson, L. | Miller | Remmers |

Rogers Scofield Sieck Smith Warner
Rupp

Excused and not voting, 1:

Johnson, V.

The Chambers amendment lost with 22 ayes, 26 nays, and 1 excused and not voting.

Pending.

The Chair declared the call raised.

## UNANIMOUS CONSENT - Print in Journal

Messrs. DeCamp and Chronister asked unanimous consent to print the following amendment to LB 653 in the Journal. No objections. So ordered.

AM1578

1. Insert the following new section:

"Sec. 11. That section 21-2079, Revised Statutes Supplement, 1984, be amended to read as follows:

21-2079. (1) Any shareholders of a corporation shall have the right to dissent from, and obtain payment for their shares in the event of, any of the following corporate actions:

(a) Any plan of merger or consolidation to which the corporation is a party, except as provided in subsection (3) of this section;

(b) Any sale or exchange of all or substantially all of the property and assets of the corporation, otherwise than in the usual and regular course of its business and other than a sale for cash ~~where~~ when the shareholders' approval thereof is conditional upon the distribution of all or substantially all of the net proceeds of the sale to the shareholders in accordance with their respective interests within one year after the date of sale;

(c) Any plan of exchange to which the corporation is a party as the corporation the shares of which are to be acquired;

(d) Any amendment of the articles of

incorporation which materially and adversely affects the rights appurtenant to the shares of the dissenting shareholder if such amendment:

(i) Alters or abolishes a preferential right of such shares;

(ii) Creates, alters, or abolishes a right in respect of the redemption of such shares, including a provision respecting a sinking fund for the redemption or repurchase of such shares;

(iii) Alters or abolishes a preemptive right of the holder of such shares to acquire shares or other securities; or

(iv) Excludes or limits the right of the holder of such shares to vote on any matter, or to cumulate his or her votes, except as such right may be limited by dilution through the issuance of shares or other securities with similar voting rights; or

(e) Any other corporate action taken pursuant to a shareholder vote with respect to which the articles of incorporation, the bylaws, or a resolution of the board of directors directs that dissenting shareholders shall have a right to obtain payment for their shares.

(2)(a) A record holder of shares may assert dissenters' rights as to less than all of the shares registered in his or her name. In that event, his or her right shall be determined as if the shares as to which he or she has dissented and his or her other shares were registered in the names of different shareholders.

(b) A beneficial owner of shares who is not the record holder may assert dissenters' rights with respect to shares held on his or her behalf~~,~~ and shall be treated as a dissenting shareholder under the terms of this section and section 21-2030 if he or she submits to the corporation at the time of or before the assertion of these rights a written consent of the record holder.

(3) The right to obtain payment under ~~the provisions of~~ this section shall not apply to the shareholders of the surviving corporation in a merger if a vote of the shareholders of such corporation is not necessary to authorize such merger or to the shareholders of a bank, trust company, stock-owned savings and loan association, industrial loan and investment company, or the holding company of any of

such financial institutions.

(4) A shareholder of a corporation who has a right under this section to obtain payment for his or her shares shall have no right at law or in equity to attack the validity of the corporate action that gives rise to his or her right to obtain payment, nor to have the action set aside or rescinded, except for mergers authorized under section 21-2074 or when the corporate action is unlawful or fraudulent with regard to the complaining shareholder or to the corporation.".

2. In the DeCamp amendment, AM1233, on page 10, line 25, after the second comma insert "and section 21-2079, Revised Statutes Supplement, 1984,".

3. Renumber remaining sections accordingly.

## SELECT FILE

**LEGISLATIVE BILL 722.** Mr. Chambers offered the following amendment to the Beutler-Vickers amendment:

Striking the elimination of Agency 72, Program 584 - Indian Commission.

Mr. Chronister asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Haberman moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

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, 21:

| | | | | |
|---|---|---|---|---|
| Baack | Eret | Hefner | Landis | Pappas |
| Beutler | Hall | Higgins | Lynch | Schmit |
| Chambers | Harris | Hoagland | Marsh | Vickers |
| Chizek | Hartnett | Labedz | Nichol | Wesely |
| Conway | | | | |

Voting in the negative, 27:

| | | | | |
|---|---|---|---|---|
| Abboud | Barrett | Beyer | Carsten | Chronister |

| | | | | |
|---|---|---|---|---|
| DeCamp | Johnson, L. | Morehead | Remmers | Sieck |
| Goll | Johnson, R. | Nelson | Rogers | Smith |
| Goodrich | Lamb | Peterson | Rupp | Warner |
| Haberman | Lundy | Pirsch | Scofield | Withem |
| Hannibal | Miller | | | |

Excused and not voting, 1:

Johnson, V.

The Chambers amendment lost with 21 ayes, 27 nays, and 1 excused and not voting.

The Chair declared the call raised.

Mr. Chambers offered the following amendment to the Beutler-Vickers amendment:

Amend Approp. Committee Proposal
Page 6
Strike: "UNO (1) intercollegiate athletics"
Strike "Agency 50 (4) General Fund support of intercollegiate athletics"

**SPEAKER NICHOL PRESIDING**

Mr. Harris asked unanimous consent to be excused until he returns. No objections. So ordered.

Pending.

## VISITORS

Visitors to the Chamber were Mrs. Ruth Dempsey from Alliance; and George and Ruby, Bob and Linda, and Brent Crandall.

## RECESS

At 12:00 noon, on a motion by Mr. Hall, the Legislature recessed until 1:30 p.m.

## AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Nichol presiding.

## ROLL CALL

The roll was called and all members were present except Mr. V. Johnson who was excused; and Messrs. R. Johnson, Landis, Sieck, and Ms. Scofield who were excused until they arrive.

## SELECT FILE

**LEGISLATIVE BILL 722.** The pending Chambers amendment to the pending Beutler-Vickers amendment found in this day's Journal was renewed.

Mr. Haberman moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 3 nays, and 21 not voting.

Mr. Chambers 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, 19:

| | | | | |
|---|---|---|---|---|
| Abboud | Chizek | Harris | Labedz | Schmit |
| Baack | Eret | Hartnett | Lynch | Vickers |
| Beutler | Goodrich | Higgins | Marsh | Withem |
| Chambers | Hall | Hoagland | Pirsch | |

Voting in the negative, 27:

| | | | | |
|---|---|---|---|---|
| Barrett | Goll | Lamb | Nichol | Rupp |
| Beyer | Haberman | Lundy | Pappas | Scofield |
| Carsten | Hannibal | Miller | Peterson | Smith |
| Chronister | Hefner | Morehead | Remmers | Warner |
| Conway | Johnson, L. | Nelson | Rogers | Wesely |
| DeCamp | Johnson, R. | | | |

Excused and not voting, 3:

| | | |
|---|---|---|
| Johnson, V. | Landis | Sieck |

The Chambers amendment lost with 19 ayes, 27 nays, and 3 excused and not voting.

The Chair declared the call raised.

Mr. Chambers offered the following amendment to the Beutler-Vickers amendment:

By eliminating from the 1% across-the-board reduction in aid to political subdivisions the amounts in Agency 13, program 143 as it relates to school lunches.

Mr. Haberman asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Lamb moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 1 nay, and 22 not voting.

Mr. R. Johnson asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 14:

| | | | | |
|---|---|---|---|---|
| Baack | Conway | Harris | Labedz | Schmit |
| Chambers | Goodrich | Hartnett | Marsh | Wesely |
| Chizek | Hall | Higgins | Pirsch | |

Voting in the negative, 27:

| | | | | |
|---|---|---|---|---|
| Abboud | Goll | Lundy | Peterson | Sieck |
| Barrett | Hannibal | Miller | Remmers | Smith |
| Beyer | Hoagland | Nelson | Rogers | Vickers |
| Carsten | Johnson, L. | Nichol | Rupp | Warner |
| Chronister | Lamb | Pappas | Scofield | Withem |
| DeCamp | Landis | | | |

Present and not voting, 5:

| | | | | |
|---|---|---|---|---|
| Beutler | Eret | Hefner | Lynch | Morehead |

Excused and not voting, 3:

| | | |
|---|---|---|
| Haberman | Johnson, R. | Johnson, V. |

The Chambers amendment lost with 14 ayes, 27 nays, 5 present and not voting, and 3 excused and not voting.

**MR. LAMB PRESIDING**

Mr. Chambers offered the following amendment to the Beutler-Vickers amendment:

By eliminating from the 1% across-the-board reduction in aid to political subdivisions the amounts in agency 34, program 302.

Mr. Abboud asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

The Chambers amendment lost with 3 ayes, 27 nays, 16 present and not voting, and 3 excused and not voting.

Mrs. Labedz offered the following amendment to the Beutler-Vickers amendment:

Strike paragraph 17 relating to Agency 26, Program 347, and strike the fifth Warner amendment to LB 722 on page 2389 of the Legislative Journal.

Mr. Haberman moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Mrs. Labedz moved for a call of the house. The motion prevailed with 12 ayes, 0 nays, and 37 not voting.

Mrs. Labedz requested a roll call vote on her amendment.

Voting in the affirmative, 25:

| | | | | |
|---|---|---|---|---|
| Baack | Conway | Harris | Lynch | Rupp |
| Beutler | DeCamp | Hartnett | Marsh | Schmit |
| Beyer | Eret | Higgins | Pappas | Sieck |
| Chambers | Goodrich | Hoagland | Pirsch | Smith |
| Chizek | Hall | Labedz | Rogers | Withem |

Voting in the negative, 19:

| | | | | |
|---|---|---|---|---|
| Abboud | Haberman | Johnson, R. | Morehead | Remmers |
| Barrett | Hannibal | Lamb | Nelson | Scofield |
| Carsten | Hefner | Landis | Nichol | Warner |
| Goll | Johnson, L. | Lundy | Peterson | |

Present and not voting, 4:

Chronister Miller Vickers Wesely

Excused and not voting, 1:

Johnson, V.

The Labedz amendment was adopted with 25 ayes, 19 nays, 4 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Mr. Wesely offered the following amendment to the Beutler-Vickers amendment:

To add back into LB 722 the Legislative Council budget cut of $284,000.

Mr. Wesely asked unanimous consent to withdraw his pending amendment. No objections. So ordered.

Mr. Wesely offered the following amendment to the Beutler-Vickers amendment:

To add back in the elimination of funding for: $195,700 the Commission on the Status of Women.

Mr. Barrett asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. DeCamp 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. Wesely requested a record vote on his amendment.

Voting in the affirmative, 19:

| | | | | |
|---|---|---|---|---|
| Baack | Conway | Higgins | Marsh | Schmit |
| Beutler | Eret | Hoagland | Morehead | Vickers |
| Chambers | Harris | Landis | Nelson | Wesely |
| Chizek | Hartnett | Lynch | Pappas | |

Voting in the negative, 21:

| | | | | |
|---|---|---|---|---|
| Abboud | Goll | Johnson, L. | Peterson | Sieck |
| Beyer | Haberman | Lamb | Remmers | Smith |
| Carsten | Hannibal | Lundy | Rupp | Warner |
| Chronister | Hefner | Nichol | Scofield | Withem |
| DeCamp | | | | |

Present and not voting, 7:

| | | | | |
|---|---|---|---|---|
| Goodrich | Johnson, R. | Miller | Pirsch | Rogers |
| Hall | Labedz | | | |

Excused and not voting, 2:

| | |
|---|---|
| Barrett | Johnson, V. |

The Wesely amendment lost with 19 ayes, 21 nays, 7 present and not voting, and 2 excused and not voting.

Mr. Abboud asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Wesely offered the following amendment to the Beutler-Vickers amendment:

To add back in $141,115 cut from support for Sheldon Art Gallery.

**SPEAKER NICHOL PRESIDING**

Mr. Haberman moved the previous question. The question is, "Shall the debate now close?"

Mr. Haberman moved for a call of the house. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

The motion to cease debate prevailed with 26 ayes, 1 nay, and 22 not voting.

The Chair declared the call raised.

Mr. Wesely requested a record vote on his amendment.

Voting in the affirmative, 14:

| | | | | |
|---|---|---|---|---|
| Baack | Chizek | Hoagland | Marsh | Smith |
| Beutler | Eret | Landis | Morehead | Wesely |
| Chambers | Harris | Lynch | Nelson | |

Voting in the negative, 27:

| | | | | |
|---|---|---|---|---|
| Abboud | Goodrich | Johnson, R. | Nichol | Rupp |
| Beyer | Haberman | Labedz | Pappas | Scofield |
| Carsten | Hall | Lamb | Peterson | Sieck |
| Conway | Hefner | Lundy | Remmers | Warner |
| DeCamp | Higgins | Miller | Rogers | Withem |
| Goll | Johnson, L. | | | |

Present and not voting, 6:

| | | | | |
|---|---|---|---|---|
| Chronister | Hartnett | Pirsch | Schmit | Vickers |
| Hannibal | | | | |

Excused and not voting, 2:

| | |
|---|---|
| Barrett | Johnson, V. |

The Wesely amendment lost with 14 ayes, 27 nays, 6 present and not voting, and 2 excused and not voting.

Pending.

## RESOLUTIONS

**LEGISLATIVE RESOLUTION 290.**

Introduced by Marsh, 29th District; Landis, 46th District; Nelson, 35th District; Pappas, 42nd District; Withem, 14th District.

WHEREAS, the federal administration has proposed to transfer the independent federal Railroad Unemployment Insurance System to the federal/state system; and

WHEREAS, such a transfer would result in increased cost and a heavier administrative burden for the State of Nebraska; and

WHEREAS, the Railroad Unemployment Compensation Committee, consisting of representatives of rail labor, rail management, the National Railway Labor Conference, and the public, unanimously oppose the administration's proposed transfer; and

WHEREAS, the Railroad Unemployment Compensation Committee unanimously favors the present independent federal Railroad Unemployment Insurance System with recommended revisions, which are described in the "consensus package" of the

committee's final report submitted to Congress on June 29, 1984; and

WHEREAS, the recommendations contained in the committee's "consensus package" are viewed by the committee as capable of making the present independent federal system financially viable, fair to all, and administratively workable.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That members of the Legislature of Nebraska hereby voice to Congress their opposition to the transfer of the independent federal Railroad Unemployment Insurance System to the federal/state system, as proposed by the administration.

2. That the members of the Legislature of Nebraska hereby urge enactment by Congress of a bill that embodies the recommendations contained in the "consensus package" of the Final Report of the Railroad Unemployment Compensation Committee submitted to Congress on June 29, 1984.

3. That copies of this Resolution be sent to the Honorable Edward Zorinsky, the Honorable J. James Exon, the Honorable Douglas K. Bereuter, the Honorable Hal Daub, and the Honorable Virginia D. Smith.

Laid over.

**LEGISLATIVE RESOLUTION 291.**

Introduced by Conway, 17th District; Hefner, 19th District.

WHEREAS, the renowned Ponca Chief Standing Bear, champion of native American rights, is installed in the Nebraska Hall of Fame; and

WHEREAS, Standing Bear's gravesite is known to exist in Knox County, Nebraska, but remains unidentified and unmarked; and

WHEREAS, it is desirable to identify Standing Bear's grave and preserve it as a historical site for future generations.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Nebraska State Historical Society, the Nebraska Indian Commission, and other appropriate state agencies be authorized to work toward the goal of preserving and marking the cemetery area in cooperation with members of the Standing Bear family and other members of the Ponca tribe.

2. That the State Historical Society or other appropriate state agency be authorized to enter into agreement to acquire and restore

at no cost to the state the immediate cemetery area located within Standing Bear's tribal allotment 146, more specifically identified as Part of the SW1/4, Section 31, T32N, R6W, described as Lots 4, 5, and 6, SE1/4 and E1/2 of the SW1/4, Section 36, T32N, R7W, Knox County, Nebraska.

3. That the Nebraska State Historical Society be authorized to accept any private or federal funds that may be available to achieve the goal of this resolution.

Laid over.

## UNANIMOUS CONSENT - Print in Journal

Mr. Landis asked unanimous consent to print the following amendment to LB 548 in the Journal. No objections. So ordered.

AM1596

(Amendments to Standing Committee amendments)

1. Strike section 12.
2. On page 5, line 20, strike "49-14,101,".

Mrs. Higgins asked unanimous consent to print the following amendment to LB 600 in the Journal. No objections. So ordered.

AM1550

(Amendments to AM1489)

1. On page 3, strike lines 9 through 15; and in line 16 strike "76 and 79" and insert "75 and 77".

## STANDING COMMITTEE REPORT
### Government, Military and Veterans Affairs

**LEGISLATIVE RESOLUTION 250.** Reported to the Legislature for further consideration with the following amendment:

AM1593

1. In the first Resolved, line 4, after "week," insert "the anniversaries of the days Nebraska servicemen were reported lost,".

(Signed) David Landis, Chairperson

## SELECT FILE

**LEGISLATIVE BILL 722.** Mr. Vickers offered the following amendment to the Beutler-Vickers amendment:

By striking that portion which reduces the appropriation for Agency 13 Program 508 regarding reduction of $225,000 for curriculum consultants and inserting a $225,000 General Fund reduction in Agency 13, Program 642.

Mr. Haberman moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

The Vickers amendment was adopted with 28 ayes, 12 nays, 7 present and not voting, and 2 excused and not voting.

Mr. Beutler asked unanimous consent to substitute an amendment offered by Senators Beutler, Schmit, and Vickers for the Beutler amendment filed next for consideration.

Mr. Lamb objected.

Mr. Beutler moved to substitute an amendment offered by Senators Beutler, Schmit, and Vickers for the Beutler amendment filed next for consideration.

**PRESIDENT MCGINLEY PRESIDING**

Mrs. Labedz moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 12 nays, and 11 not voting.

Mr. Beutler moved for a call of the house. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

Mr. Beutler requested a roll call vote on his motion to substitute his amendment.

Voting in the affirmative, 24:

| | | | | |
|---|---|---|---|---|
| Baack | Eret | Higgins | Marsh | Smith |
| Beutler | Goodrich | Hoagland | Miller | Vickers |
| Chambers | Hall | Labedz | Morehead | Wesely |
| Chizek | Harris | Landis | Nelson | Withem |
| Conway | Hartnett | Lynch | Schmit | |

Voting in the negative, 24:

| | | | | |
|---|---|---|---|---|
| Abboud | Barrett | Beyer | Carsten | Chronister |

| | | | | |
|---|---|---|---|---|
| DeCamp | Hefner | Lundy | Pirsch | Scofield |
| Goll | Johnson, L. | Nichol | Remmers | Sieck |
| Haberman | Johnson, R. | Pappas | Rogers | Warner |
| Hannibal | Lamb | Peterson | Rupp | |

Excused and not voting, 1:

Johnson, V.

The Beutler motion lost with 24 ayes, 24 nays, and 1 excused and not voting.

The Chair declared the call raised.

Mr. Hall moved to reconsider the vote on Agency 13-Department of Education, Program 294 {Elimination of Displaced Homemakers Program}

Mr. R. Johnson asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. DeCamp moved to suspend the rules and vote on the advancement of LB 722 to E & R for Engrossment without the adoption of any further amendments to the bill, including the Beutler-Vickers amendment as amended by the Warner amendment.

Mr. Barrett asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chambers raised a point of order on whether the DeCamp motion to suspend the rules is properly before the body, because a rule suspension is not a priority motion.

The Chair ruled the DeCamp motion to suspend the rules is out of order.

Mr. DeCamp challenged the ruling of the Chair on the basis that Rule 8, §4 requires the appropriation bills to be passed by the 80th legislative day, and that failure to comply with that rule authorizes the motion to suspend the rules to take priority.

Mr. Beutler moved to adjourn. The motion lost with 5 ayes, 17 nays, and 27 not voting.

The question is, "Shall the Chair be overruled?"

Mrs. Higgins moved for a call of the house. The motion prevailed with 11 ayes, 0 nays, and 38 not voting.

Mr. L. Johnson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 11 nays, and 13 not voting.

The DeCamp motion to overrule the Chair lost with 16 ayes, 25 nays, 5 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Mrs. Morehead asked unanimous consent to be excused until she returns. No objections. So ordered.

Mrs. Marsh moved for a call of the house. The motion prevailed with 9 ayes, 5 nays, and 35 not voting.

Mr. Hall requested a roll call vote on his pending motion to reconsider.

Voting in the affirmative, 22:

| | | | | |
|---|---|---|---|---|
| Abboud | Eret | Hoagland | Marsh | Schmit |
| Baack | Hall | Labedz | Miller | Vickers |
| Beutler | Harris | Landis | Nelson | Wesely |
| Chambers | Hartnett | Lynch | Pappas | Withem |
| Chizek | Higgins | | | |

Voting in the negative, 22:

| | | | | |
|---|---|---|---|---|
| Beyer | Goll | Johnson, L. | Peterson | Scofield |
| Carsten | Goodrich | Lamb | Remmers | Sieck |
| Chronister | Haberman | Lundy | Rogers | Smith |
| Conway | Hannibal | Nichol | Rupp | Warner |
| DeCamp | Hefner | | | |

Present and not voting, 1:

Pirsch

Excused and not voting, 4:

| | | | |
|---|---|---|---|
| Barrett | Johnson, R. | Johnson, V. | Morehead |

The Hall motion to reconsider lost with 22 ayes, 22 nays, 1 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Mr. Chambers moved to bracket LB 722 until June 10, 1985.

Mr. Schmit, Mesdames Nelson, and Higgins asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. DeCamp 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. Labedz asked unanimous consent to be excused until she returns. No objections. So ordered.

The Chambers motion to bracket lost with 3 ayes, 21 nays, 18 present and not voting, and 7 excused and not voting.

**EASE**

The Legislature was at ease from 7:06 p.m. until 7:14 p.m.

**UNANIMOUS CONSENT - Print in Journal**

Mr. Wesely asked unanimous consent to print the following amendment to LB 501 in the Journal. No objections. So ordered.

AM1594

(Amendments to the Final Reading Copy)

1. Insert the following new sections:

"Sec. 2. That section 77-2602, Revised Statutes Supplement, 1984, be amended to read as follows:

77-2602. Every person engaged in distributing or selling cigarettes at wholesale in this state shall pay to the Tax Commissioner of this state a special privilege tax. This shall be in addition to all other taxes. It shall be paid prior to or at the time of the sale, gift, or delivery to the retail dealer in the several amounts as follows: ~~On all~~ Beginning October 1, 1985, on each package of cigarettes~~, eighteen cents per package~~ containing not more than twenty cigarettes, an

amount equal to the difference between thirty-four cents and the federal excise tax on cigarettes as provided by the Tax Equity and Fiscal Responsibility Act of 1982, P.L. 97-248, Title II, Subtitle F, Part III, section 283(c), 96 Stat. 569, as amended, but in no case less than eighteen cents and beginning October 1, 1986, on each package of cigarettes containing not more than twenty cigarettes, eighteen cents per package, and on packages containing more than twenty cigarettes the same tax as provided on packages containing not more than twenty cigarettes ~~a tax of eighteen cents~~ for the first twenty cigarettes in each package and a tax of one-twentieth of the tax on the first twenty cigarettes on each cigarette in excess of twenty cigarettes in each package. Thirteen cents of such tax shall be placed in the General Fund. The remaining proceeds of such tax shall be distributed in the following order:

First, there shall be placed in the State Office Building Fund the sum of one million two hundred thousand dollars each year for fiscal years 1974-75, 1975-76, 1976-77, and 1977-78 and three million six hundred thousand dollars for each fiscal year beginning with 1978-79 through 1983-84. Such amounts are hereby appropriated and the unexpended balances existing in such fund at the end of each fiscal year through June 30, 1984, are hereby reappropriated. Money in the State Office Building Fund may be transferred to the General Fund at the direction of the Legislature;

Second, there shall be placed in the Downtown Education Center and Office Rental Fund the sum of nine hundred sixty thousand dollars each year for fiscal years 1976-77 through 1983-84 and two million two hundred eighty thousand dollars each year for fiscal years 1984-85 and 1985-86. Such amounts are hereby appropriated and the unexpended balances existing in such fund at the end of each fiscal year through June 30, 1986, are hereby reappropriated. Money in the Downtown Education Center and Office Rental Fund may be transferred to the General Fund at the direction of the Legislature;

Third, beginning July 1, 1980, the equivalent of one cent of such tax shall be placed in the Nebraska Outdoor Recreation Development Cash Fund. There shall be placed in such fund one million thirty thousand one hundred dollars for fiscal year 1979-80;

Fourth, beginning July 1, 1983, the equivalent of one cent of such tax shall be placed in the Nebraska Cancer Research Fund to carry out the provisions of sections 81-637 to 81-640;

Fifth, there shall be placed in the University Buildings Renovation and Land Acquisition Fund the sum of one million seven hundred sixty-five thousand one hundred fifty-three dollars and in the State College Buildings Renovation and Land Acquisition Fund the sum of three hundred sixty-one thousand two hundred twenty-two dollars each year for fiscal year 1984-85 through fiscal year 1994-95. Such amounts are hereby appropriated and the unexpended balances existing in such funds at the end of each fiscal year through June 30, 1995, are hereby reappropriated. The money in such funds shall be used for payment of the costs of building repair, remodeling, and renovation projects and land acquisition projects of the University of Nebraska and the Nebraska state colleges authorized by sections 85-1,111, 85-1,112, 85-322, and 85-323; ~~and~~

Sixth, from October 1, 1985, to September 30, 1986, an additional amount which shall be the equivalent of eight cents of such tax or the difference between the special privilege tax on cigarettes and eighteen cents, whichever is less, shall be placed (1) in the Cash Reserve Fund from October 1, 1985, through June 30, 1986, and (2) on and after July 1, 1986, in the General Fund; and

~~Sixth~~ Seventh, the balance of such proceeds shall be placed in a special fund to be known as the Nebraska Capital Construction Fund and disbursements from such fund shall be as the Legislature shall from time to time provide.

Sec. 3. That section 77-2602.03, Revised Statutes Supplement, 1984, be amended to read as follows:

77-2602.03. ~~Sections 77-2602 and 77-2616 shall become operative May 1, 1982.~~ The increase in the tax shall apply to all stamps, meter impressions, and packages of stamped cigarettes owned by cigarette wholesalers at 12:01 a.m. on the day the increase becomes operative. On the operative date of this section, each cigarette wholesaler shall take an inventory of stamps, meter impressions, and packages of stamped cigarettes owned by the cigarette wholesaler at

12:01 a.m. The ~~This~~ additional tax shall be remitted~~, without discount being allowed,~~ with the return for the last month preceding ~~May 1, 1982~~ the operative date of this section.

Sec. 4. That section 77-2608, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-2608. The Tax Commissioner shall prepare and have suitable stamps for use on each kind of piece or package of cigarettes, except ~~where~~ when cigarette tax meter impressions are affixed. Requisition for the preparation of such stamps shall be made through the office of the State Purchasing Agent as other state supplies are requisitioned, and the Tax Commissioner and his or her bondsman shall be liable for the value of all such stamps delivered to him or her. The Auditor of Public Accounts shall audit annually or as often as the auditor deems advisable the records of the Tax Commissioner with respect to the money received from the sale of stamps and as revenue from tax meter impressions for the purpose of determining the accuracy and correctness of the same. The Tax Commissioner shall sell the stamps only to licensed wholesale dealers, as defined in section 77-2601, and he or she shall keep an accurate record of all stamps coming into and leaving his or her hands. Such stamps shall be sold and accounted for at the face value thereof, except that the Tax Commissioner may, by regulation certified to the State Treasurer, authorize the sale thereof to wholesale dealers in this state or outside of this state at a discount of five per cent of such face value of the tax as a commission for affixing and canceling such stamps~~;~~ ~~PROVIDED, that any~~ for the first eighteen cents of the total tax per package of twenty cigarettes under section 77-2602 and for any additional tax, up to four cents, a discount of four per cent shall be allowed. A discount shall be allowed for affixing and canceling such stamp on each package containing more than twenty cigarettes, which shall be equal to the amount resulting from the discount allowed on a package of twenty cigarettes plus one-twentieth of such amount for each cigarette in excess of twenty cigarettes in each package. Any wholesale dealer using a tax meter machine shall be entitled to the same discount as allowed a wholesale dealer for affixing and canceling the stamps. The money

received by the Tax Commissioner from the sale of ~~said~~ the stamps and as revenue from such tax meter impressions shall be deposited by him or her daily with the State Treasurer, who shall credit such money as provided in section 77-2602. Upon proof by the Tax Commissioner that he or she can affix such stamps or meter impression, warehouse, and distribute such cigarettes and collect such revenue at a cost less than the five per cent discount allowed to wholesale dealers, he or she may then proceed to affix the stamps himself or herself, after giving the wholesale dealers sixty days' notice and purchasing all equipment used by them for the purpose of affixing such stamps or meter impressions at a fair market value.

Sec. 6. Sections 2, 3, 4, and 8 of this act shall become operative on October 1, 1985, or on the date the reduction in the federal excise tax on cigarettes takes effect as provided by the Tax Equity and Fiscal Responsibility Act of 1982, P.L. 97-248, Title II, Subtitle F, Part III, section 283(c), 96 Stat. 569, as amended, whichever is later. The remaining sections shall become operative on their effective date.

Sec. 7. If any section in this act or any part of any section shall be declared invalid or unconstitutional, such declaration shall not affect the validity or constitutionality of the remaining portions thereof.

Sec. 8. That original section 77-2608, Reissue Revised Statutes of Nebraska, 1943, and sections 77-2602 and 77-2602.03, Revised Statutes Supplement, 1984, are repealed.".

2. On page 3, line 9, strike "and" and insert an underscored comma and after "(4)" insert ", and (5)"; and after line 26 insert the following new subsection:

(5) The revenue placed in the Cash Reserve Fund pursuant to section 77-2602 shall, on July 1, 1986, be transferred to the General Fund.".

3. On page 1, line 1, strike "section" and insert "sections" and after "60-119" insert "and 77-2608"; in line 3 strike "section" and insert "sections 77-2602, 77-2602.03, and"; and in line 6 after the semicolon insert "to change provisions relating to the cigarette tax; to change provisions relating to the distribution of revenue received from the cigarette tax; to provide operative dates; to provide severability;".

4. Renumber the remaining sections accordingly.

## SELECT COMMITTEE REPORTS
### Enrollment and Review

### Correctly Engrossed

The following bill was correctly engrossed: 501.

(Signed) Timothy Hall, Chairperson

### Enrollment and Review Change to LB 501

The following changes, required to be reported for publication in the Journal, have been made:
ER0095
1. E & R Amendment 1 has been struck.
2. On page 1, the matter beginning with "overweight" in line 1 through line 7 has been struck and "funds; to amend section 60-119, Reissue Revised Statutes of Nebraska, 1943, and section 84-612, Revised Statutes Supplement, 1984; to provide for transfers from the Title Security and Vehicle Theft Prevention Fund and the Cash Reserve Fund; and to repeal the original sections." inserted.

(Signed) Mary Sommermeyer
E & R Attorney

## SELECT FILE

**LEGISLATIVE BILL 722.** Mr. Beutler offered the following amendment to the pending Beutler-Vickers amendment:

By striking the elimination of

| | | | | |
|---|---|---|---|---|
| Agency | 68 | Program | 537 | (Mex. Am.) |
| Agency | 72 | Program | 584 | (Indian) |
| Agency | 38 | Program | 577 | (Status of Women) |

Mr. Haberman moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 2 nays, and 18 not voting.

Mr. Beutler 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 his amendment.

Voting in the affirmative, 23:

| | | | | |
|---|---|---|---|---|
| Baack | Eret | Hoagland | Miller | Sieck |
| Beutler | Hall | Labedz | Morehead | Vickers |
| Chambers | Harris | Landis | Pappas | Wesely |
| Chizek | Hartnett | Lynch | Schmit | Withem |
| Conway | Higgins | Marsh | | |

Voting in the negative, 25:

| | | | | |
|---|---|---|---|---|
| Abboud | DeCamp | Hefner | Nelson | Rogers |
| Barrett | Goll | Johnson, L. | Nichol | Rupp |
| Beyer | Goodrich | Johnson, R. | Peterson | Scofield |
| Carsten | Haberman | Lamb | Pirsch | Smith |
| Chronister | Hannibal | Lundy | Remmers | Warner |

Excused and not voting, 1:

Johnson, V.

The Beutler amendment lost with 23 ayes, 25 nays, and 1 excused and not voting.

Mr. DeCamp moved to suspend the rules, Rule 6, Section 5 and Rule 7, Section 3, and vote without further debate or amendment on the Beutler-Vickers amendment to LB 722.

The Chair declared the call raised.

Mr. Haberman moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 2 nays, and 22 not voting.

Mr. Chambers requested a record vote on the DeCamp motion to suspend the rules.

Voting in the affirmative, 36:

| | | | | |
|---|---|---|---|---|
| Barrett | DeCamp | Hefner | Lamb | Nichol |
| Beutler | Goll | Higgins | Lundy | Pappas |
| Beyer | Goodrich | Hoagland | Lynch | Peterson |
| Carsten | Haberman | Johnson, L. | Miller | Pirsch |
| Chronister | Hannibal | Johnson, R. | Morehead | Remmers |
| Conway | Hartnett | Labedz | Nelson | Rogers |

| | | | | |
|---|---|---|---|---|
| Rupp | Sieck | Smith | Warner | Withem |
| Scofield | | | | |

Voting in the negative, 11:

| | | | | |
|---|---|---|---|---|
| Abboud | Chizek | Hall | Landis | Schmit |
| Baack | Eret | Harris | Marsh | Wesely |
| Chambers | | | | |

Present and not voting, 1:

Vickers

Excused and not voting, 1:

Johnson, V.

The DeCamp motion to suspend the rules prevailed with 36 ayes, 11 nays, 1 present and not voting, and 1 excused and not voting.

Mr. Chambers requested a record vote on the Beutler-Vickers amendment as amended.

Voting in the affirmative, 35:

| | | | | |
|---|---|---|---|---|
| Abboud | DeCamp | Hoagland | Miller | Rogers |
| Barrett | Goll | Johnson, L. | Morehead | Rupp |
| Beutler | Goodrich | Johnson, R. | Nelson | Scofield |
| Beyer | Haberman | Labedz | Nichol | Sieck |
| Carsten | Hannibal | Lamb | Pappas | Smith |
| Chronister | Hefner | Lundy | Peterson | Warner |
| Conway | Higgins | Lynch | Remmers | Withem |

Voting in the negative, 12:

| | | | | |
|---|---|---|---|---|
| Baack | Eret | Landis | Pirsch | Vickers |
| Chambers | Hall | Marsh | Schmit | Wesely |
| Chizek | Harris | | | |

Present and not voting, 1:

Hartnett

Excused and not voting, 1:

Johnson, V.

The Beutler-Vickers amendment was adopted with 35 ayes, 12 nays, 1 present and not voting, and 1 excused and not voting.

Pending.

**UNANIMOUS CONSENT - Print in Journal**

Mr. Hoagland asked unanimous consent to print the following amendment to LB 600A in the Journal. No objections. So ordered.

AM1599

1. Strike the original sections and insert the following:

"Section 1. There is hereby appropriated (1) $60,620 from the General Fund and $257,280 from Federal Funds for the period July 1, 1985, to June 30, 1986, and (2) $34,776 from the General Fund and $81,144 from Federal Funds for the period July 1, 1986, to June 30, 1987, to the Supreme Court for Program 052, to aid in carrying out the provisions of Legislative Bill 600, Eighty-ninth Legislature, First Session, 1985.

Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall neither exceed $96,000 for the period July 1, 1985, to June 30, 1986, nor $100,800 for the period July 1, 1986, to June 30, 1987.".

Mr. Hoagland asked unanimous consent to print the following amendment to LB 600 in the Journal. No objections. So ordered.

AM1565

1. Strike original sections 33, 73, and 75 and insert the following new section:

"Sec. 71. It is the intent of the Legislature that the Attorney General's office shall ensure the effective and efficient administration of the child support enforcement program. The Attorney General shall encourage and assist county attorneys or other authorized attorneys to establish paternity through appropriate action, obtain child support orders, enforce the collection of child support orders, and, when appropriate, spousal support in every county of the state. The Attorney General shall review the

administration of such programs to provide uniformity of enforcement procedures throughout the state.".

2. On page 3, line 19, strike "Supreme Court" and insert "district court"; strike beginning with "Supreme" in line 21 through "district" in line 23 and insert "appointees shall be subject to the approval of the Supreme Court. The district court or the Supreme Court may discharge any appointee"; and in line 25 after "districts" insert "and if the Supreme Court so provides, the appointments shall be made by the affected district courts in such judicial districts".

3. On page 4, strike beginning with "A" in line 1 through the period in line 2.

4. On page 8, line 2, strike "his or her deputy", show the old matter as stricken, and insert "authorized attorney"; in line 12 after "are" insert "delinquent in an amount"; strike beginning with "any" in line 15 through "cases" in line 17 and insert "authorized attorney"; in line 26 after "attorney" insert "or authorized attorney"; and in line 27 strike beginning with "the" through "attorney's", show as stricken, and insert "he or she".

5. On page 9, line 1, strike "deputy" and show as stricken; in line 6 strike "his or her deputy", show as stricken, and insert "authorized attorney"; in line 8 strike "deputy", show as stricken, and insert "authorized attorney"; in line 9 strike "county attorney" and show as stricken; strike beginning with the second "county" in line 9 through "fund" in line 11, show as stricken, and insert "Department of Social Services"; and in line 17 after "attorney" insert "or authorized attorney".

6. On page 10, strike beginning with "any" in line 25 through "state" in line 26 and insert "authorized attorney".

7. On page 12, strike beginning with the underscored comma in line 12 through "payments" in line 15, show the old matter as stricken, and insert "or authorized attorney".

8. On page 24, strike beginning with "whether" in line 8 through the second comma in line 9; and in line 24 after "are" insert "delinquent in an amount".

9. On page 25, line 4, strike "other" and insert "authorized"; strike beginning with "authorized"

in line 5 through "cases" in line 6; in lines 16 and 24 strike "state office" and insert "Department of Social Services"; in line 20 strike "state office" and insert "department"; and in line 25 strike "state office" and insert "county attorney or authorized attorney".

10. On page 26, lines 7 and 16, strike "state office" and insert "county attorney or authorized attorney"; and in lines 11 and 12 strike "state office's" and insert "Department of Social Services' ".

11. On page 27, line 7, strike "state office" and insert "county attorney or authorized attorney".

12. On page 28, lines 5, 7, 9 and 10, 13 and 14, and 18, strike "state office" and insert "county attorney or authorized attorney"; in line 21 strike "state office" and insert "Department of Social Services"; and in line 22 strike "state office" and insert "department".

13. On page 29, lines 3 and 15, strike "state office" and insert "Department of Social Services"; and in lines 6 and 9 strike "state office" and insert "department".

14. On page 31, lines 1 and 20, strike "state office" and insert "Department of Social Services"; in lines 2, 4, and 8 strike "state office" and insert "department"; and in line 26 strike "state office" and insert "county attorney or authorized attorney".

15. On page 32, line 5, strike "state office" and insert "county attorney or authorized attorney"; in line 6 strike "requesting agency or the obligee," and insert "Department of Social Services and the department shall notify the"; in line 7 strike "or attorney for either"; and strike beginning with "and" in line 8 through "hearing" in line 9.

16. On page 36, lines 6 and 7, strike "state office" and insert "Department of Social Services"; in line 11 strike "state office" and insert "county attorney or authorized attorney"; and in line 13 strike "it" and insert "he or she".

17. On page 40, strike beginning with "any" in line 14 through "cases" in line 17, show the old matter as stricken, and insert "authorized attorney".

18. On page 42, line 8, strike "county welfare" and show as stricken; in line 9 strike "office," and show as stricken, strike "county" and show

as stricken, and strike "State"; in line 10 strike the new matter and reinstate the stricken matter; in line 11 reinstate the stricken "Services"; in line 14 reinstate the stricken matter; in line 15 strike the new matter and reinstate the stricken matter and after the second comma insert ", authorized attorney"; in line 18 after "attorney" insert "or authorized attorney" and reinstate the stricken matter; in line 19 strike the new matter and reinstate the stricken matter; in line 23 after "attorney" insert "or authorized attorney"; in line 26 reinstate "Department of Social Services" and strike "state"; and in line 27 strike "office".

19. On page 43, line 4, strike "state office shall collect the" and after "fee" insert "shall be collected"; strike beginning with the second comma in line 6 through "funds" in line 7; in line 7 strike "state office" and insert "county attorney or authorized attorney"; in line 14 strike "state office" and insert "Department of Social Services"; and in line 19 strike the new matter and reinstate the stricken matter.

20. On page 44, line 4, strike "state office" and insert "county attorney or authorized attorney"; in line 6 strike "state office" and insert "Department of Social Services"; and in line 7 strike "state office" and insert "department".

21. On page 45, lines 1, 2, and 25, strike the new matter and reinstate the stricken matter; in line 26 strike "Support Enforcement"; and in line 27 strike "state" and insert "department".

22. On page 46, line 1, strike "office"; in line 4 strike the new matter and reinstate the stricken matter; in line 7 strike "state office" and insert "Department of Social Services."; in line 8 strike "and the governing board of the county," and show as stricken; and in line 15 strike "state office" and insert "Department of Social Services".

23. On page 47, line 24, strike the new matter and insert "Department of Social Services".

24. On page 48, lines 14 and 15, strike the new matter; in line 15 after "attorney" insert "or authorized attorney"; in line 21 strike "state"; and in line 22 strike "office or" and after "attorney" insert "or authorized attorney".

25. On page 49, line 9, strike "State Office for Child Support Enforcement" and insert "county

attorney or authorized attorney"; and in line 10 strike "which", show as stricken, and insert "who".

26. Strike beginning with "The" on page 52, line 25, through the period on page 53, line 2.

27. In the Standing Committee amendments:

a. On page 1, line 3, after "in" insert "sections 1 to 7 of"; and strike beginning with the second "in" in line 4 through the semicolon in line 7;

b. On page 3, line 8, after the period insert "The state shall not be required to reimburse any county for its existing automatic record-keeping system." Strike beginning with "As" in line 9 through "the" in line 10 and insert "The"; and

c. Strike section 78.

28. In the Hoagland amendment adopted on May 22, 1985, strike amendment 15 in (b) and strike amendment (c).

29. In the E and R amendments, AM5179, beginning on page 2475 of the Journal:

a. Strike amendments 1, 11, and 17, and 18;

b. On page 1, strike beginning with "and" in line 4 through " '(2)' " in line 5; strike beginning with "strike" in line 16 through the first "and" in line 17; strike beginning with "in" in line 17 through the semicolon in line 20 and insert "and"; and strike beginning with the semicolon in line 21 through the second quotation marks in line 23;

c. On page 2, line 26, after the semicolon insert "and";

d. On page 3, strike beginning with the semicolon in line 1 through the second quotation marks in line 3; and

e. Renumber the remaining amendments accordingly.

30. Renumber the remaining sections and correct internal references accordingly.

## SELECT FILE

**LEGISLATIVE BILL 722.** Mr. Lamb asked unanimous consent to withdraw his pending amendment found in the Journal on page 2351. No objections. So ordered.

**SPEAKER NICHOL PRESIDING**

Messrs. Conway, Peterson, Hefner, and DeCamp offered the following amendment:
AM1475
1. On page 43, line 14, strike "2,868,278" and insert "2,969,778"; in line 18 strike "4,390,277" and insert "4,491,777"; and in line 26 strike "6,442,060" and insert "6,340,560".
2. On page 44, line 3, strike "10,789,520" and insert "10,688,020".

Mrs. Labedz asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Hannibal moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Chambers asked unanimous consent to be excused until he returns. No objections. So ordered.

The Conway et al. amendment lost with 10 ayes, 27 nays, 10 present and not voting, and 2 excused and not voting.

Mr. Lynch renewed his pending amendment found in the Journal on page 2388.

Mr. Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

Mrs. Pirsch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Mr. Lynch asked unanimous consent to withdraw his pending amendment found in the Journal on page 2388. No objections. So ordered.

Mrs. Pirsch offered the following amendment:
On page 70, line 4, and on page 71, line 24, strike "35,283,697" and insert "35,198,905"; on page 70, line 8, and on page 72, line 1, strike "40,648,381" and insert "40,563,589"; and reinstate funding in the amount of $84,792 for Program #201 on page 107 of LB 722.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 2 nays,

and 22 not voting.

Mrs. Pirsch moved for a call of the house. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

Mrs. Pirsch requested a roll call vote on her amendment.

Voting in the affirmative, 21:

| | | | | |
|---|---|---|---|---|
| Abboud | Hall | Hoagland | Miller | Schmit |
| Chizek | Harris | Labedz | Nichol | Sieck |
| Chronister | Hartnett | Lynch | Pirsch | Smith |
| Eret | Hefner | Marsh | Remmers | Wesely |
| Goodrich | | | | |

Voting in the negative, 19:

| | | | | |
|---|---|---|---|---|
| Baack | Conway | Johnson, L. | Pappas | Vickers |
| Barrett | DeCamp | Johnson, R. | Rogers | Warner |
| Beutler | Goll | Lamb | Rupp | Withem |
| Beyer | Haberman | Lundy | Scofield | |

Present and not voting, 6:

| | | | | |
|---|---|---|---|---|
| Carsten | Higgins | Morehead | Nelson | Peterson |
| Hannibal | | | | |

Excused and not voting, 3:

| | | |
|---|---|---|
| Chambers | Johnson, V. | Landis |

The Pirsch amendment lost with 21 ayes, 19 nays, 6 present and not voting, and 3 excused and not voting.

Ms. Scofield and Mr. Hannibal moved to suspend the rules, Rule 6, Section 5 and Rule 7, Section 3, and vote without further debate or amendment on LB 722.

The Scofield-Hannibal motion to suspend the rules prevailed with 31 ayes, 9 nays, 6 present and not voting, and 3 excused and not voting.

Mr. Wesely requested a machine vote on the advancement of the bill.

Advanced to E & R for Engrossment with 33 ayes, 11 nays, 2 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 725.** Mr. Warner renewed his pending amendment found in the Journal on page 2324.

The Warner amendment was adopted with 37 ayes, 0 nays, 9 present and not voting, and 3 excused and not voting.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 728.** Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 420.** E & R amendment, AM5158, found in the Journal on page 2051 for the Seventy-Second Day was adopted.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 718.** E & R amendments, AM5161, found in the Journal on page 2051 for the Seventy-Second Day were adopted.

Advanced to E & R for Engrossment.

## GENERAL FILE

**LEGISLATIVE BILL 600A.** Title read. Considered.

Advanced to E & R for Review with 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 284A.** Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

## VISITORS

Visitors to the Chamber were 14 journalism students and instructor from the University of Nebraska-Lincoln.

## ADJOURNMENT

At 9:22 p.m., on a motion by Mr. Sieck, the Legislature adjourned until 8:00 a.m., Friday, May 31, 1985.

Patrick J. O'Donnell
Clerk of the Legislature

# EIGHTY-SEVENTH DAY - MAY 31, 1985

# LEGISLATIVE JOURNAL

# EIGHTY-SEVENTH DAY - MAY 31, 1985

## LEGISLATIVE JOURNAL

## EIGHTY-NINTH LEGISLATURE
## FIRST SESSION

## EIGHTY-SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, May 31, 1985

Pursuant to adjournment, the Legislature met at 8:00 a.m., Speaker Nichol presiding.

## PRAYER

The prayer was offered by Dr. Robert Palmer, Westminster Presbyterian Church, Lincoln, Nebraska.

## ROLL CALL

The roll was called and all members were present except Mr. V. Johnson who was excused; and Messrs. Chizek, Goodrich, Hall, Harris, Landis, Withem, Mesdames Higgins, and Pirsch who were excused until they arrive.

## CORRECTIONS FOR THE JOURNAL

The Journal for the Eighty-Sixth Day was approved.

## SELECT COMMITTEE REPORTS
### Enrollment and Review

**LEGISLATIVE BILL 284A.** Placed on Select File.
**LEGISLATIVE BILL 600A.** Placed on Select File.

(Signed) Timothy Hall, Chairperson

## RESOLUTION

**LEGISLATIVE RESOLUTION 286.** Read. Considered.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion lost with 21 ayes, 3 nays, and 25 not voting.

Mrs. Marsh moved for a call of the house. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

LR 286 was adopted with 27 ayes, 1 nay, and 21 not voting.

The Chair declared the call raised.

## GENERAL FILE

**LEGISLATIVE BILL 460.** Title read. Considered.

Standing Committee amendments, AM0752, found in the Journal on page 1208 for the Forty-Eighth Day were considered.

Mr. Haberman offered the following amendment to the Standing Committee amendments:
page 10 line 9 strike five dollars add 10.00
line 10 strike 10.00 insert 20.00
line 11 strike 15.00 insert 30.00
line 12 strike 20 insert 40.00
line 13 strike 25 insert 50.00

The Haberman amendment was adopted with 17 ayes, 0 nays, 25 present and not voting, and 7 excused and not voting.

The Standing Committee amendments, as amended, were adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Advanced to E & R for Review with 27 ayes, 1 nay, 14 present and not voting, and 7 excused and not voting.

## MOTION - Return LB 389 to Select File

Mr. DeCamp moved to return LB 389 to Select File for the following specific amendment:
Strike enacting clause

Mr. DeCamp asked unanimous consent to withdraw his pending motion to return. No objections. So ordered.

## BILLS ON FINAL READING

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 389.** With Emergency.

A BILL FOR AN ACT relating to grain; to amend sections 88-513 and 88-515, Reissue Revised Statutes of Nebraska, 1943; to change a penalty; to provide powers; to adopt the Grain Buyer Act; to provide a penalty; to eliminate provisions and a penalty relating to licensing of grain purchasers; to repeal the original sections, and also section 88-518, Revised Statutes Supplement, 1984, as amended by section 15, Legislative Bill 395, Eighty-ninth Legislature, First Session, 1985; and to declare an emergency.

Whereupon the President stated: "All provisions of 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 | DeCamp | Higgins | Miller | Rupp |
| Baack | Eret | Hoagland | Morehead | Schmit |
| Barrett | Goll | Johnson, L. | Nelson | Scofield |
| Beyer | Goodrich | Johnson, R. | Nichol | Sieck |
| Carsten | Haberman | Labedz | Pappas | Smith |
| Chambers | Hannibal | Lamb | Peterson | Vickers |
| Chizek | Hartnett | Lundy | Remmers | Warner |
| Chronister | Hefner | Marsh | Rogers | Wesely |
| Conway | | | | |

Voting in the negative, 0.

Present and not voting, 3:

| | | |
|---|---|---|
| Beutler | Landis | Lynch |

Excused and not voting, 5:

| | | | | |
|---|---|---|---|---|
| Hall | Harris | Johnson, V. | Pirsch | Withem |

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**LEGISLATIVE BILL 606.** With Emergency.

A BILL FOR AN ACT relating to the Uniform Commercial Code; to amend sections 9-307, 9-401 to 9-406, 9-414, 9-415, and 9-417, Uniform Commercial Code; to change provisions relating to buyers of farm products taking free of security interests or liens as prescribed; to provide for notice to sellers; to provide a penalty; to change provisions relating to filing to perfect security interests; to change certain fees; to change provisions relating to financing statements, continuation statements, termination statements, statements of release, and the transmittal of information; to provide duties; to provide for termination statements for liens as prescribed; to provide operative dates; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 41:

| | | | | |
|---|---|---|---|---|
| Abboud | Goll | Hoagland | Miller | Rupp |
| Baack | Goodrich | Johnson, L. | Morehead | Schmit |
| Barrett | Haberman | Johnson, R. | Nelson | Scofield |
| Beyer | Hall | Labedz | Nichol | Sieck |
| Carsten | Harris | Lamb | Pappas | Smith |
| Chronister | Hartnett | Lundy | Peterson | Vickers |
| Conway | Hefner | Lynch | Remmers | Warner |
| DeCamp | Higgins | Marsh | Rogers | Wesely |
| Eret | | | | |

Voting in the negative, 1:

Hannibal

Present and not voting, 4:

| | | | |
|---|---|---|---|
| Beutler | Chambers | Chizek | Landis |

Excused and not voting, 3:

| | | |
|---|---|---|
| Johnson, V. | Pirsch | Withem |

A constitutional two-thirds majority having voted in the

affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**LEGISLATIVE BILL 606A.**

A BILL FOR AN ACT relating to state parks; to name a state park.

Whereupon the 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 | Eret | Hefner | Marsh | Rupp |
| Baack | Goll | Higgins | Miller | Schmit |
| Barrett | Goodrich | Hoagland | Morehead | Scofield |
| Beyer | Haberman | Johnson, L. | Nelson | Sieck |
| Carsten | Hall | Labedz | Nichol | Smith |
| Chambers | Hannibal | Lamb | Pappas | Vickers |
| Chronister | Harris | Lundy | Remmers | Warner |
| Conway | Hartnett | Lynch | Rogers | Wesely |
| DeCamp | | | | |

Voting in the negative, 0.

Present and not voting, 5:

| | | | | |
|---|---|---|---|---|
| Beutler | Chizek | Johnson, R. | Landis | Peterson |

Excused and not voting, 3:

| | | |
|---|---|---|
| Johnson, V. | Pirsch | Withem |

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**MOTION - Return LB 614 to Select File**

Mr. Schmit moved to return LB 614 to Select File for the following specific amendment:

(Final Reading Copy)

1. Strike the enacting clause.

Mr. Schmit asked unanimous consent to withdraw his pending motion to return. No objections. So ordered.

## UNANIMOUS CONSENT - Member Excused

Mr. R. Johnson asked unanimous consent to be excused until he returns. No objections. So ordered.

## BILL ON FINAL READING

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 614.**

A BILL FOR AN ACT relating to investment; to amend sections 72-1262, 72-1263, 72-1267, and 72-1269, Reissue Revised Statutes of Nebraska, 1943, and section 72-1268, Revised Statutes Supplement, 1984; to require a bond or the deposit of securities for certain investments of state funds; to provide a bond form; to harmonize provisions; to provide an operative date; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

| | | | | |
|---|---|---|---|---|
| Abboud | Conway | Hartnett | Marsh | Rupp |
| Baack | DeCamp | Hefner | Morehead | Schmit |
| Barrett | Eret | Higgins | Nelson | Scofield |
| Beutler | Goll | Hoagland | Nichol | Sieck |
| Beyer | Goodrich | Johnson, L. | Pappas | Smith |
| Carsten | Haberman | Labedz | Peterson | Vickers |
| Chambers | Hall | Lamb | Remmers | Warner |
| Chizek | Hannibal | Landis | Rogers | Wesely |
| Chronister | Harris | Lundy | | |

Voting in the negative, 0.

Present and not voting, 2:

Lynch Miller

Excused and not voting, 4:

Johnson, R. Johnson, V. Pirsch Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

## ANNOUNCEMENT

The Chair announced today is Senator Eret's birthday.

## MOTION - Return LB 342 to Select File

Mr. Barrett moved to return LB 342 to Select File for his specific amendment, AM1519, found in the Journal on page 2454.

The Barrett motion to return prevailed with 29 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

## SELECT FILE

**LEGISLATIVE BILL 342.** The Barrett specific amendment, AM1519, found in the Journal on page 2454 was adopted with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

Advanced to E & R for Re-Engrossment.

## BILL ON FINAL READING

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 496.**

A BILL FOR AN ACT relating to rules of the road; to amend sections 39-669.26 and 39-6,171, Reissue Revised Statutes of Nebraska, 1943; to require the use of safety belts as prescribed; to define a term; to change a provision relating to the point system; to correct internal references; to change equipment requirements; to change what constitutes a violation; to limit enforcement; to provide a penalty and exceptions; to provide for the use of certain evidence; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 26:

| | | | | |
|---|---|---|---|---|
| Baack | Goodrich | Hoagland | Miller | Rogers |
| Beutler | Harris | Johnson, L. | Morehead | Schmit |
| Beyer | Hartnett | Lundy | Nelson | Sieck |
| Chizek | Hefner | Lynch | Nichol | Smith |
| Chronister | Higgins | Marsh | Remmers | Warner |
| Goll | | | | |

Voting in the negative, 20:

| | | | | |
|---|---|---|---|---|
| Abboud | Conway | Hall | Lamb | Rupp |
| Barrett | DeCamp | Hannibal | Landis | Scofield |
| Carsten | Eret | Johnson, R. | Pappas | Vickers |
| Chambers | Haberman | Labedz | Peterson | Wesely |

Excused and not voting, 3:

| | | |
|---|---|---|
| Johnson, V. | Pirsch | Withem |

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

## UNANIMOUS CONSENT - Member Excused

Mr. R. Johnson asked unanimous consent to be excused until he returns. No objections. So ordered.

## SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 389, 606, 606A, 614, and 496.

## ATTORNEY GENERAL'S OPINION

Opinion No. 89
May 28, 1985

RE: Neb.Rev.Stat. §44-392 (Reissue 1984)

Dear Senator DeCamp:

You have requested our opinion regarding the constitutionality of Neb.Rev.Stat. §44-392. That section prohibits any bank, trust company, investment company, bank affiliate or corporation, partnership or association, which is owned or controlled by a bank

located in a city in this state with a population of more than 200,000 people from selling, writing or soliciting any form of insurance. Your question goes to the propriety of prohibiting an organization from selling insurance because of the situs of its owner. You have specifically cited Article I, Section 3, Article I, Section 16, Article I, Section 25, and Article III, Section 18 of the Nebraska Constitution for special consideration. It is our opinion that §44-392 does not violate those cited constitutional provisions.

Article I, Section 3 provides that no one may be deprived of property without due process of law. As there is no deprivation of property through state action under the terms of §44-392, we do not feel that it is applicable to this situation.

Article I, Section 16 prohibits the making of any irrevocable grant of special privileges or immunities. As §44-392 does not purport to make any irrevocable grant of privilege, we do not find that it is violated.

Article I, Section 25 provides: "There shall be no discrimination between citizens of the United States in respect to the acquisition, ownership, possession, enjoyment or dissent of property." First, this privilege and immunities clause bars discrimination against citizens of other states. If anything, §44-392 operates to discriminate in favor of citizens of other states. Secondly, Article I, Section 25 does not preclude disparate treatment when there are valid independent reasons for the disparate treatment. Anderson v. Tiemann, 182 Neb. 393, 155 N.W.2d 322 (1967). The Legislature may have very well thought that the danger of domination of the insurance industry by banks located in larger cities within the state was greater than that of domination by banks located in larger communities outside of the state.

Article III, Section 18 prohibits the granting to any corporation, association, or individual any special or exclusive privileges. This prohibition can also be discussed in conjunction with the classification of banks in cities of more than 200,000 population. The fact that the basis of the prohibition of §44-392 is based on the population of the city in which the bank is located is not in itself an improper classification. The Legislature has the power to classify according to the population of a county or municipality. Midwest Popcorn Company v. Johnson, 152 Neb. 867, 43 N.W.2d 174 (1950). This legislation was first adopted in 1933. In 1959, the statute was amended to increase the level of population from 100,000 to 200,000. It appears that this was done at the request of a bank in Lincoln after Lincoln had attained a population of 100,000. It is not possible to determine the actual purpose of the legislation in 1933, as no legislative history is available for that year. However, it is conceivable that the Legislature did not want a concentration of power in the

insurance business dominated by the larger banks from Omaha. It could be argued that that is a rational basis for the classification.

Because of recent legislation, it is now possible for a bank in Omaha to own a bank in a smaller community. Previously, this was not possible. Because of this new legislation, §44-392 may have unexpected and possibly undesirable effects. However, to remedy those effects would be the duty of the Legislature. For the above-stated reasons, we do not believe that §44-392 is unconstitutional.

Very truly yours,
ROBERT M. SPIRE
Attorney General
(Signed) Timothy E. Divis
Assistant Attorney General

TED:dr
cc: Patrick J. O'Donnell
Clerk of the Legislature

## RESOLUTION

**LEGISLATIVE RESOLUTION 292.**

Introduced by Haberman, 44th District.

WHEREAS, the horror of a nuclear holocaust is universally acknowledged; and

WHEREAS, advancements in atomic and nuclear science have created a world-wide military situation that would ultimately result in the total annihilation of countries or continents; and

WHEREAS, current plans of the United States and the Soviet Union together call for the production of at least 20,000 additional nuclear warheads and a new generation of delivery systems during the next decade; and

WHEREAS, the federal government is planning to spend more than 1.5 trillion dollars on the military in the next five years and at least 200 billion of that will go for nuclear weapons and nuclear weapons research resulting in an unbalanced budget and high interest rates, which adversely affect Nebraska's agricultural economy and competes for the limited resources available for essential public services and economic growth in all sectors of the state and national economy; and

WHEREAS, the nuclear arms race has diverted this nation's attention and resources away from assisting our farmers in this time of crisis and will continue to adversely affect the distribution of

resources away from providing essential goods and services to all the state's citizens; and

WHEREAS, it is the common goal of all Americans to lessen and eventually eliminate the military nuclear threat between nations through diplomatic negotiations.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature hereby goes on record in support of the arms control talks presently underway in Geneva and urges, as a first step toward mutual reductions in nuclear weapons, the negotiation of a bilateral freeze between the United States and Soviet Union on the testing, production, and further deployment of all nuclear weapons and that such bilateral freeze agreement should provide for equality in the numbers of strike forces, a balanced reduction of forces, and verification by onsite inspection.

2. That the Nebraska Secretary of State transmit copies of this resolution to the President of the United States, the Secretary of State of the United States, the Secretary of Defense of the United States, all members of congress, and the Chairman of the Presidium of the Supreme Soviet.

Laid over.

## SELECT FILE

**LEGISLATIVE BILL 724.** Mr. Warner renewed his pending amendment, AM1449, found in the Journal on page 2302.

The Warner amendment was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Mr. Warner offered the following amendment:
AM1575

1. In the Warner amendment on page 2302 of the Journal, on page 1, line 5, strike "19,341.08" and insert "29,558.10"; and after the quotation marks in line 7 insert the following:

"Payment shall be made on the basis of $52,273.20 principal together with interest at 11.36% on such amount from October 10, 1984, until paid. Such interest shall not exceed $10,217.02.".

2. On page 3, line 3, strike "7,447.60" and insert "7,921.95"; and after line 16 insert the following:

"Tort Claim No. 0-113, against the Department of Social Services in settlement of the Eddie Robbins v. State case, pay to the Douglas County Clerk of the District Court, out of the General Fund 500,000
Tort Claim No. 2-100, against the Department of Roads in settlement of the Hogue v. State case, pay to the Lancaster County Clerk of the District Court, out of the Department of Roads Operation Cash Fund 212,000".

Mr. Schmit asked unanimous consent to be excused until he returns. No objections. So ordered.

The Warner amendment was adopted with 25 ayes, 1 nay, 20 present and not voting, and 3 excused and not voting.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 723.** E & R amendments, AM5157, found in the Journal on page 2050 for the Seventy-Second Day were adopted.

Mr. Miller renewed his pending amendment, AM1332, found in the Journal on page 2113.

Mr. Miller offered the following R. Johnson amendment to the pending Miller amendment:
AM1560

(Amendments to AM1332)

Purpose: To eliminate the use of the State Building Fund for fiscal year 1985-86 for the veterinary medicine program.

1. On page 1, line 7, strike "$200,000" and insert "$100,000"; strike beginning with "and" in line 7 through "Fund" in line 8; strike beginning with "No" in line 10 through the period in line 11; and in lines 12 and 13 strike "$200,000" and insert "$300,000".

Mr. Vickers requested a ruling from the Chair on whether the R. Johnson amendment is germane to the Miller amendment.

The Chair ruled the R. Johnson amendment germane to the Miller amendment.

Messrs. DeCamp and Abboud asked unanimous consent to be excused until they return. No objections. So ordered.

The R. Johnson amendment was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Mr. Pappas offered the following amendment to the Miller amendment:

In the Miller amendment, AM1332, found on page 2114 of the Journal, line 3, after the word facilities, insert the words, "in Lincoln or North Platte."

The Pappas amendment lost with 5 ayes, 7 nays, 32 present and not voting, and 5 excused and not voting.

Mr. Vickers offered the following amendment to the Miller amendment:

by striking all lines after line eleven.

Mesdames Labedz and Smith asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Vickers moved for a call of the house. The motion prevailed with 7 ayes, 2 nays, and 40 not voting.

Mr. Vickers requested a roll call vote on his amendment.

Voting in the affirmative, 25:

| | | | | |
|---|---|---|---|---|
| Baack | Conway | Harris | Marsh | Scofield |
| Beutler | Goll | Hartnett | Morehead | Vickers |
| Beyer | Goodrich | Hoagland | Pappas | Warner |
| Chambers | Hall | Landis | Pirsch | Wesely |
| Chizek | Hannibal | Lynch | Rupp | Withem |

Voting in the negative, 17:

| | | | | |
|---|---|---|---|---|
| Barrett | Haberman | Lamb | Nelson | Rogers |
| Carsten | Hefner | Lundy | Nichol | Sieck |
| Chronister | Higgins | Miller | Remmers | Smith |
| Eret | Johnson, L. | | | |

Present and not voting, 2:

| | |
|---|---|
| Abboud | Peterson |

Excused and not voting, 5:

| | | | | |
|---|---|---|---|---|
| DeCamp | Johnson, R. | Johnson, V. | Labedz | Schmit |

The Vickers amendment was adopted with 25 ayes, 17 nays, 2 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Mr. R. Johnson moved to reconsider the Vickers amendment.

Mr. Hall moved the previous question. The question is, "Shall the debate now close?" The motion lost with 16 ayes, 2 nays, and 31 not voting.

Mrs. Morehead asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. R. Johnson moved for a call of the house. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

Mr. R. Johnson requested a roll call vote on his motion to reconsider.

Voting in the affirmative, 22:

| | | | | |
|---|---|---|---|---|
| Barrett | Haberman | Labedz | Nelson | Remmers |
| Carsten | Hefner | Lamb | Nichol | Rogers |
| Chronister | Higgins | Lundy | Pappas | Sieck |
| DeCamp | Johnson, L. | Miller | Peterson | Smith |
| Eret | Johnson, R. | | | |

Voting in the negative, 20:

| | | | | |
|---|---|---|---|---|
| Baack | Chizek | Harris | Marsh | Vickers |
| Beutler | Conway | Hartnett | Pirsch | Warner |
| Beyer | Hall | Hoagland | Rupp | Wesely |
| Chambers | Hannibal | Landis | Scofield | Withem |

Present and not voting, 4:

| | | | |
|---|---|---|---|
| Abboud | Goll | Goodrich | Lynch |

Excused and not voting, 3:

Johnson, V. Morehead Schmit

The R. Johnson motion to reconsider lost with 22 ayes, 20 nays, 4 present and not voting, and 3 excused and not voting.

Pending.

The Chair declared the call raised.

## SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolution: LR 286.

## SELECT FILE

**LEGISLATIVE BILL 723.** The pending Miller amendment, AM1332, found in the Journal on page 2113, as amended, was adopted with 26 ayes, 10 nays, 10 present and not voting, and 3 excused and not voting.

Mr. Vickers asked unanimous consent to withdraw his pending amendment, AM1355, found in the Journal on page 2205. No objections. So ordered.

Mr. Warner renewed his pending amendment, AM1421, found in the Journal on page 2305.

The Warner amendment was adopted with 26 ayes, 1 nay, 19 present and not voting, and 3 excused and not voting.

Mr. Haberman offered the following amendment:

Purpose: To eliminate the capital construction reaffirmation for Morrill Hall.

Amendment: On page 19, Strike Section 37. Renumber the remaining sections accordingly.

Mr. Wesely moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The Haberman amendment lost with 3 ayes, 14 nays, 29 present and not voting, and 3 excused and not voting.

Mr. Warner renewed his pending amendment found in the Journal on page 2347.

Mr. Peterson asked unanimous consent to be excused until he returns. No objections. So ordered.

The Warner amendment was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Mr. Warner offered the following amendment:

1. Strike original section 24.
2. On page 12, line 25, strike "$1,925,000" and insert "$1,425,000".
3. On page 20, line 6, strike "$2,601,000" and insert "$2,351,000"; and in line 9 strike "$4,500,000" and insert "$4,750,000".
4. On page 17, line 24, strike "1,350,000" and insert "350,000" and strike "1,050,000" and insert "2,050,000".
5. Renumber the remaining sections accordingly.

The Warner amendment was adopted with 30 ayes, 0 nays, 16 present and not voting, and 3 excused and not voting.

Advanced to E & R for Engrossment with 32 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.

## PRESENTED TO THE GOVERNOR

Presented to the Governor on May 31, 1985, at 10:08 a.m., were the following bills: 389, 606, 606A, 614, and 496.

(Signed) Pam Moravec, Enrolling Clerk

## REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of May 30, 1985. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Belford, Paula - Lincoln, Sierra Club, Nebraska Chapter
Crews, Anne - Dallas, Texas, (Withdrawn 85/05/22), Mary Kay Cosmetics
Fogarty, John C. - Omaha, (Withdrawn 85/05/23), Ralph Ham Enterprises
Matthies, Marcia L. - Lincoln, Nebraska Health Care Association

## VISITORS

Visitors to the Chamber were members of the Women of Color Conference.

## RECESS

At 12:04 p.m., on a motion by Mr. Sieck, the Legislature recessed until 1:30 p.m.

## AFTER RECESS

The Legislature reconvened at 1:33 p.m., President McGinley presiding.

## ROLL CALL

The roll was called and all members were present except Mr. V. Johnson who was excused; and Messrs. R. Johnson, Landis, Nichol, Schmit, Mesdames Labedz, Morehead, and Pirsch who were excused until they arrive.

## SELECT FILE

**LEGISLATIVE BILL 612.** E & R amendments, AM5167, found in the Journal on page 2213 for the Seventy-Seventh Day were adopted.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 598.** E & R amendments, AM5169, found in the Journal on page 2292 for the Seventy-Eighth Day were adopted.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 343.** E & R amendment, AM5164, found in the Journal on page 2130 for the Seventy-Fourth Day was adopted.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 726.** E & R amendment, AM5171, found in the Journal on page 2311 for the Seventy-Ninth Day was adopted.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 87A.** E & R amendment, AM5170, found in the Journal on page 2311 for the Seventy-Ninth Day was adopted.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 445.** E & R amendment, AM5174, found in the Journal on page 2439 for the Eighty-Third Day was adopted.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 668.** E & R amendment, AM5175, found in the Journal on page 2439 for the Eighty-Third Day was adopted.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 556.** Advanced to E & R for Engrossment.
**LEGISLATIVE BILL 556A.** Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 564.** E & R amendment, AM5160, found in the Journal on page 2051 for the Seventy-Second Day was adopted.

Messrs. Hannibal and Landis renewed their pending amendment found in the Journal on page 2130.

The Hannibal-Landis amendment was adopted with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

Mr. Goodrich renewed his pending amendment, AM1464, found in the Journal on page 2326.

The Goodrich 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 727.** E & R amendment, AM5159, found in the Journal on page 2051 for the Seventy-Second Day was adopted.

Mr. Hoagland asked unanimous consent to withdraw his pending

amendments, AM1259, found in the Journal on page 2136 and AM1344, found in the Journal on page 2177. No objections. So ordered.

Mr. Withem asked unanimous consent to withdraw his pending amendment, AM1404, found in the Journal on page 2229. No objections. So ordered.

Messrs. Hoagland, Beutler, Remmers, Miller, R. Johnson, Lamb, L. Johnson, Warner, Goll, Goodrich, Vickers, Wesely, Nichol, Peterson, Baack, Sieck, Mrs. Nelson, and Ms. Scofield offered the following amendment:
AM1488

1. Strike the original section and insert new sections as follows:

"Section 1. That section 77-3509.01, Revised Statutes Supplement, 1984, be amended to read as follows:

77-3509.01. In counties having a population greater than three hundred thousand, the owner of a homestead which has been granted an exemption provided in sections ~~77-3506.01~~ 77-3507 to 77-3509, who transfers the ownership of such homestead and becomes the owner of another homestead within the county prior to September 15 during the year for which the exemption was granted, may file an application with the county assessor, on or before September 15 of such year, for a transfer of the exemption to the new homestead. The county assessor shall examine each application and determine whether or not the new homestead, except for the January 1 occupancy requirement, is a homestead as defined in section 77-3502. If the application is approved by the county assessor, he or she shall make a deduction upon the assessment rolls using the same criteria as previously applied to the original homestead. The county assessor may allow the application for transfer to also be considered an application for a homestead exemption for the subsequent year.

Sec. 2. That section 77-3509.02, Revised Statutes Supplement, 1984, be amended to read as follows:

77-3509.02. In counties having a population greater than three hundred thousand, if the owner of any homestead granted an exemption under sections ~~77-3506.01~~

77-3507 to 77-3509 transfers the ownership of such homestead on or before September 15 of any year pursuant to section 77-3509.01 and makes the application for transfer of the homestead exemption and such application is approved, the exemption shall be disallowed for such year as applied to the original homestead if the exemption was granted based on the status of such owner.

Sec. 3. That section 77-3510, Revised Statutes Supplement, 1984, be amended to read as follows:

77-3510. On or before January 1 of each year, the Tax Commissioner shall prescribe suitable blank forms to be used by all claimants for homestead exemption or for transfer of homestead exemption. Such forms shall contain provisions for the showing of all information which the Tax Commissioner may deem necessary to (1) enable the proper county officials to determine whether each claim for exemption under sections ~~77-3506.01,~~ 77-3508~~,~~ and 77-3509 should be allowed, (2) enable the Tax Commissioner to determine whether each claim for exemption under section 77-3507 should be allowed, and (3) enable the county assessor to determine whether each claim for transfer of homestead exemption pursuant to section 77-3509.01 should be allowed. It shall be the duty of the county assessor of each county in this state to furnish such forms, upon request, to each person desiring to make application for homestead exemption or for transfer of homestead exemption on property located within that county. The forms so prescribed shall be used uniformly throughout the state and no application for exemption or for transfer of homestead exemption shall be allowed unless the applicant uses the regularly prescribed form in making an application.

Sec. 4. That section 77-3512, Revised Statutes Supplement, 1984, be amended to read as follows:

77-3512. It shall be the duty of each owner who applies for the homestead exemption provided in sections ~~77-3506.01~~ 77-3507 to 77-3509 to file an application therefor with the county assessor of the county in which the homestead is located after January 1 and on or before April 1, and failure to do so shall constitute a waiver of the exemption for that year.

Sec. 5. That section 77-3513, Revised

Statutes Supplement, 1984, be amended to read as follows:

77-3513. (1) If an owner is granted a homestead exemption as provided in section ~~77-3506.01 or~~ 77-3509 or subdivision (2), (3), (4), or (5) of section 77-3508, the homestead exemption as to such property shall remain in full force and effect for each succeeding year without reapplication if the same owner is in all respects entitled to the same exemption granted under the provisions of sections 77-3501 to 77-3529. Once a qualified claimant has filed an application for homestead exemption and the exemption has been granted for that year, no reapplication need be filed for succeeding years, in which case the county assessor and Tax Commissioner shall determine whether the claimant shall qualify for the homestead exemption in such succeeding years as otherwise provided in sections 77-3501 to 77-3529 as though a claim were made.

(2) It shall be the duty of each claimant who wants the homestead exemption provided in subdivision (1) of section 77-3508 to file an application therefor with the county assessor on or before April 1 of each year, and failure to do so shall constitute a waiver of the exemption for such year.

Sec. 6. That section 77-3514, Revised Statutes Supplement, 1984, be amended to read as follows:

77-3514. The owner of a homestead which has been granted an exemption under sections ~~77-3506.01~~ 77-3507 to 77-3509 shall notify the county assessor by March 15 of each year of any change in the homestead exemption status occurring in the preceding year. For purposes of this section, change in the homestead exemption status shall include any change in the name of the owner, ownership, residence, marital status, veteran status, rating by the Veterans' Administration, or any other change that would affect the qualification for or type of exemption granted, except income checked by the Tax Commissioner under section 77-3517. In addition, in counties having a population greater than three hundred thousand, the owner of a homestead which has been granted an exemption under sections ~~77-3506.01~~ 77-3507 to 77-3509 may notify the county assessor by September 15 of each year of any change in the homestead exemption status occurring in the preceding portion of the

calendar year as a result of a transfer of the homestead exemption pursuant to sections 77-3509.01 and 77-3509.02. If by his or her failure to give such notice any such property owner permits the allowance of the homestead exemption for any succeeding year, or in the year of application in the case of transfers pursuant to sections 77-3509.01 and 77-3509.02, after the homestead exemption status of such property has changed, an amount equal to the amount of the taxes lawfully due but not paid by reason of such unlawful and improper allowance of homestead exemption, together with penalty and interest on such total sum as provided by statute on delinquent ad valorem taxes, shall be due and shall upon entry of the amount thereof on the books of the county treasurer be a lien on such property while unpaid. Such lien may be enforced in the manner provided for liens for other delinquent taxes. Any person who has permitted the improper and unlawful allowance of such homestead exemption on his or her property shall as an additional penalty also forfeit his or her right to a homestead exemption on any other property in this state for the two succeeding years.

Sec. 7. That section 77-3516, Revised Statutes Supplement, 1984, be amended to read as follows:

77-3516. The county assessor shall examine each application for homestead exemption filed with him or her for an exemption pursuant to section ~~77-3506.01,~~ 77-3508~~,~~ or 77-3509 and shall determine whether or not such application should be approved or rejected and, if approved, determine the amount of the exemption. If the application is approved, the county assessor shall mark the same approved and show thereon the amount of exemption allowed and make the proper deduction upon the assessment rolls. In case he or she finds that the exemption should not be allowed by reason of not being in conformity to law, the county assessor shall mark the application rejected and state thereon the reason for such rejection. In any case when the county assessor disallows or reduces an application for exemption, he or she shall notify the applicant of such action by mailing written notice to the applicant at the address shown in the application, which notice shall be mailed not later than the fourth Monday in April of each year and shall be on forms prescribed by the Tax Commissioner. All

applications for exemption, showing thereon the action of the county assessor, shall be delivered to the county board of equalization on or before the fourth Monday of April of each year.

Sec. 8. This act shall be operative for all taxable years commencing on or after January 1, 1985.

Sec. 9. That original sections 77-3509.01, 77-3509.02, 77-3510, 77-3512 to 77-3514, and 77-3516, Revised Statutes Supplement, 1984, and also sections 77-3506.01 and 77-3516.01, Revised Statutes Supplement, 1984, are repealed.".

Mr. Hoagland moved for a call of the house. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

Mr. Hoagland requested a roll call vote on his amendment.

Voting in the affirmative, 24:

| | | | | |
|---|---|---|---|---|
| Baack | Goodrich | Miller | Peterson | Sieck |
| Beutler | Hoagland | Morehead | Remmers | Smith |
| Carsten | Johnson, L. | Nelson | Rogers | Vickers |
| Chambers | Lamb | Nichol | Rupp | Warner |
| Goll | Marsh | Pappas | Scofield | |

Voting in the negative, 19:

| | | | | |
|---|---|---|---|---|
| Abboud | Chronister | Haberman | Hartnett | Pirsch |
| Barrett | Conway | Hall | Hefner | Wesely |
| Beyer | DeCamp | Hannibal | Higgins | Withem |
| Chizek | Eret | Harris | Lynch | |

Present and not voting, 2:

Labedz Lundy

Excused and not voting, 4:

Johnson, R. Johnson, V. Landis Schmit

The Hoagland et al. amendment lost with 24 ayes, 19 nays, 2 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Mr. Hall offered the following amendment:
AM1485

1. Strike the original section and all amendments thereto and insert the following new sections:

"Section 1. That section 77-3506.01, Revised Statutes Supplement, 1984, be amended to read as follows:

77-3506.01. All homesteads in this state shall be assessed for taxation the same as other property, except that for all taxable years beginning on or after January 1, 1986, there shall be exempt from taxation the first three thousand dollars of the actual value of the homestead.

Sec. 2. That original section 77-3506.01, Revised Statutes Supplement, 1984, is repealed.".

Mr. Hoagland offered the following amendment to the Hall amendment:

p.1, l. 10, strike "1986" and insert "1987."

Mr. Withem moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The Hoagland amendment lost with 9 ayes, 22 nays, 16 present and not voting, and 2 excused and not voting.

The pending Hall amendment was adopted with 26 ayes, 9 nays, 12 present and not voting, and 2 excused and not voting.

Advanced to E & R for Engrossment.

## UNANIMOUS CONSENT - Add Co-Introducer

Mr. Lamb asked unanimous consent to have his name added as co-introducer to LR 211. No objections. So ordered.

## STANDING COMMITTEE REPORT
### Government, Military and Veterans Affairs

**LEGISLATIVE BILL 499.** Placed on General File.

(Signed) David Landis, Chairperson

## UNANIMOUS CONSENT - Print in Journal

Messrs. DeCamp, Hall, Lynch, Schmit, Withem, Nichol, Pappas, Beutler, Vickers, Conway, Chizek, Hartnett, Mesdames Labedz, and Higgins asked unanimous consent to print the following amendment to LB 713 in the Journal. No objections. So ordered.

(Amendment printed separate from the Journal and on file in the Clerk's Office - Room 1102 - AM1579.)

Mrs. Labedz asked unanimous consent to print the following amendment to LB 663 in the Journal. No objections. So ordered.

AM1561

1. Strike the Landis amendment adopted on May 22, 1985.

2. Strike the Standing Committee amendments.

3. On page 3, line 26, after "in" insert "subdivisions (a), (b), and (c) of"; and strike beginning with "(8)" in line 26 through "section" in line 27.

4. On page 4, line 3, after the period insert: "The person providing the information specified in subdivisions (a), (b), and (c) of this subdivision to the person upon whom the abortion is to be performed shall be deemed qualified to so advise and provide such information only if at a minimum he or she has had training in each of the following subjects: Sexual and reproductive health, abortion technology, contraceptive technology, short-term counseling skills, community resources and referral, and informed consent.".

## RESOLUTION

### LEGISLATIVE RESOLUTION 293.

Introduced by Conway, 17th District.

WHEREAS, the Wayne-Carroll High School Golf Team captured the Nebraska Class B team championship at the 1985 State Golf Tournament; and

WHEREAS, Rod Dahl, Tom Perry, Brad Moore, David Ellis, and Kevin Griess, with the guidance and training of Coach Harold Maciejewski, showed exceptional balance and consistency throughout their season and while gaining their state championship; and

WHEREAS, the communities of Wayne and Carroll supported their high school and its dedicated golf team as the athletes worked toward this laudatory achievement.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates the Wayne-Carroll State Championship Golf Team for this outstanding achievement.

2. That a copy of this resolution be sent to Coach Harold Maciejewski and the Wayne-Carroll High School Golf Team.

Laid over.

## SELECT COMMITTEE REPORTS
### Enrollment and Review

### Correctly Re-Engrossed

The following bill was correctly re-engrossed: 342.

### Correctly Engrossed

The following bills were correctly engrossed: 420, 718, 725, and 728.

(Signed) Timothy Hall, Chairperson

### Enrollment and Review Change to LB 342

The following changes, required to be reported for publication in the Journal, have been made:

ER0097

1. In the Barrett amendment, AM1519, adopted May 31, 1985, on page 1, line 12, "principle" has been struck and "principal" inserted.

### Enrollment and Review Change to LB 718

The following changes, required to be reported for publication in the Journal, have been made:

ER0098

1. In the E & R amendments, AM5161, on page 1, line 4, a comma has been inserted after "68508".

### Enrollment and Review Change to LB 725

The following changes, required to be reported for publication in the Journal, have been made:
ER0096

1. In lieu of the Warner amendment adopted May 30, 1985, found on page 2324 of the Journal, the following new sections have been inserted:

"Sec. 2. This act shall become operative on July 1, 1985.

Sec. 4. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law."; and the remaining section renumbered accordingly.

2. On page 1, line 3, "and" has been struck and "to provide an operative date;" inserted; and in line 4 "; and to declare an emergency" has been inserted after "section".

(Signed) Mary Sommermeyer
E & R Attorney

**MOTION - Return LB 722 to Select File**

Messrs. Chizek, Landis, and Goodrich moved to return LB 722 to Select File for the following specific amendment:

In Agency 27, Program 305 add $1,801,018.00 (Mass Transit aid)

Mr. Haberman moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 1 nay, and 22 not voting.

Mr. Chizek moved for a call of the house. The motion prevailed with 11 ayes, 0 nays, and 38 not voting.

Mr. Chizek requested a roll call vote on the motion to return.

Voting in the affirmative, 19:

| | | | | |
|---|---|---|---|---|
| Abboud | Eret | Hartnett | Landis | Pirsch |
| Beutler | Goodrich | Higgins | Lynch | Wesely |
| Chambers | Hall | Hoagland | Morehead | Withem |
| Chizek | Harris | Labedz | Pappas | |

Voting in the negative, 23:

| | | | | |
|---|---|---|---|---|
| Baack | Chronister | Haberman | Johnson, R. | Peterson |
| Barrett | Conway | Hannibal | Lamb | Remmers |
| Beyer | DeCamp | Hefner | Lundy | Rogers |
| Carsten | Goll | Johnson, L. | Nelson | Rupp |

| | | |
|---|---|---|
| Scofield | Sieck | Warner |

Present and not voting, 5:

| | | | | |
|---|---|---|---|---|
| Marsh | Miller | Nichol | Smith | Vickers |

Excused and not voting, 2:

Johnson, V. Schmit

The Chizek-Landis-Goodrich motion to return lost with 19 ayes, 23 nays, 5 present and not voting, and 2 excused and not voting.

Mr. Lamb moved to bracket LB 722 until June 3, 1985.

The Chair declared the call raised.

Mr. Lamb moved for a call of the house. The motion prevailed with 13 ayes, 1 nay, and 35 not voting.

Mr. Lamb requested a roll call vote on his motion to bracket.

Voting in the affirmative, 19:

| | | | | |
|---|---|---|---|---|
| Abboud | Chronister | Hefner | Lundy | Rupp |
| Barrett | DeCamp | Johnson, L. | Peterson | Smith |
| Beyer | Goll | Johnson, R. | Remmers | Warner |
| Carsten | Haberman | Lamb | Rogers | |

Voting in the negative, 21:

| | | | | |
|---|---|---|---|---|
| Baack | Goodrich | Higgins | Lynch | Pirsch |
| Chambers | Hall | Hoagland | Marsh | Vickers |
| Chizek | Harris | Labedz | Nichol | Wesely |
| Conway | Hartnett | Landis | Pappas | Withem |
| Eret | | | | |

Present and not voting, 7:

| | | | | |
|---|---|---|---|---|
| Beutler | Miller | Nelson | Scofield | Sieck |
| Hannibal | Morehead | | | |

Excused and not voting, 2:

Johnson, V. Schmit

The Lamb motion to bracket lost with 19 ayes, 21 nays, 7 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Messrs. Hoagland, Wesely, and Lynch moved to return LB 722 to Select File for the following specific amendment:

a) Increase funding for Agency 38-Commission on the Status of Women, Program 577 in the amount of $195,700 General Funds.
b) Increase funding for Agency 68-Mexican-American Commission, Program 537 in the amount of $204,611 General Funds.
c) Increase funding for Agency 72, Program 584-Commission on Indian Affairs in the amount of $158,954 General Funds.
d) Increase funding for inter-collegiate athletics at the University of Nebraska at Lincoln in the amount of $207,128 General Funds, University of Nebraska at Omaha in the amount of $366,500 General Funds, Agency 50-1 Chadron State College in the amount of $70,345 General Funds, Agency 50-2 Kearney State College in the amount of $104,490 General Funds, Agency 50-3 Peru State College in the amount of $59,427 General Funds and Agency 50-4 Wayne State College in the amount of $68,738 General Funds.

Mr. R. Johnson asked unanimous consent to be excused. No objections. So ordered.

Mr. Wesely moved the previous question. The question is, "Shall the debate now close?" The motion lost with 9 ayes, 17 nays, and 23 not voting.

Speaker Nichol asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Withem moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 4 nays, and 20 not voting.

Mrs. Marsh moved for a call of the house. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

Mr. Hoagland requested a roll call vote on the Hoagland et al. motion to return.

Voting in the affirmative, 21:

| | | | | |
|---|---|---|---|---|
| Baack | Eret | Hartnett | Landis | Nelson |
| Beutler | Goodrich | Higgins | Lynch | Vickers |
| Chambers | Hall | Hoagland | Marsh | Wesely |
| Chizek | Harris | Labedz | Miller | Withem |
| Conway | | | | |

Voting in the negative, 22:

| | | | | |
|---|---|---|---|---|
| Abboud | DeCamp | Johnson, L. | Pappas | Rupp |
| Barrett | Goll | Lamb | Peterson | Scofield |
| Beyer | Haberman | Lundy | Remmers | Smith |
| Carsten | Hannibal | Morehead | Rogers | Warner |
| Chronister | Hefner | | | |

Present and not voting, 1:

Sieck

Absent and not voting, 1:

Pirsch

Excused and not voting, 4:

Johnson, R. Johnson, V. Nichol Schmit

The Hoagland et al. motion to return lost with 21 ayes, 22 nays, 1 present and not voting, 1 absent and not voting, and 4 excused and not voting.

The Chair declared the call raised.

## ANNOUNCEMENT

Mr. L. Johnson announced there will be a meeting of the Building Maintenance Committee at 8:15 A.M., Monday, June 3, 1985. The meeting will be held in the LB 309 Task Force Office, Tenth Floor, Capitol Building.

## UNANIMOUS CONSENT - Print in Journal

Mr. Hoagland asked unanimous consent to print the following amendment to LB 600 in the Journal. No objections. So ordered.

AM1612

1. Strike original sections 33, 73, and 75 and insert the following new section:

"Sec. 71. It is the intent of the Legislature that the Attorney General's office shall ensure the effective and efficient administration of the child support enforcement program. The Attorney General shall encourage and assist county attorneys or other authorized attorneys to establish paternity through appropriate action, obtain child support orders, enforce the collection of child support orders, and, when appropriate, spousal support in every county of the state. The Attorney General shall review the administration of such programs to provide uniformity of enforcement procedures throughout the state.".

2. On page 3, line 19, strike "Supreme Court" and insert "district court"; strike beginning with "Supreme" in line 21 through "district" in line 23 and insert "appointees shall be subject to the approval of the Supreme Court. The district court or the Supreme Court may discharge any appointee"; and in line 25 after "districts" insert "and if the Supreme Court so provides, the appointments shall be made by the affected district courts in such judicial districts".

3. On page 4, strike beginning with "A" in line 1 through the period in line 2.

4. On page 8, line 2, strike "his or her deputy", show the old matter as stricken, and insert "authorized attorney"; in line 12 after "are" insert "delinquent in an amount"; strike beginning with "any" in line 15 through "cases" in line 17 and insert "authorized attorney"; in line 26 after "attorney" insert "or authorized attorney"; and in line 27 strike beginning with "the" through "attorney's", show as stricken, and insert "he or she".

5. On page 9, line 1, strike "deputy" and show as stricken; in line 6 strike "his or her deputy", show as stricken, and insert "authorized attorney"; in line 8 strike "deputy", show as stricken, and insert "authorized attorney"; in line 9 strike "county attorney" and show as stricken; strike beginning with the second "county" in line 9 through "fund" in line 11, show as stricken, and insert "Department of Social Services"; and in line 17 after "attorney" insert "or authorized attorney".

6. On page 10, strike beginning with "any" in

line 25 through "state" in line 26 and insert "authorized attorney".

7. On page 12, strike beginning with the underscored comma in line 12 through "payments" in line 15, show the old matter as stricken, and insert "or authorized attorney".

8. On page 24, strike beginning with "whether" in line 8 through the second comma in line 9; and in line 24 after "are" insert "delinquent in an amount".

9. On page 25, line 4, strike "other" and insert "authorized"; strike beginning with "authorized" in line 5 through "cases" in line 6; in lines 16 and 24 strike "state office" and insert "Department of Social Services"; in line 20 strike "state office" and insert "department"; and in line 25 strike "state office" and insert "county attorney or authorized attorney".

10. On page 26, lines 7 and 16, strike "state office" and insert "county attorney or authorized attorney"; and in lines 11 and 12 strike "state office's" and insert "Department of Social Services'".

11. On page 27, line 7, strike "state office" and insert "county attorney or authorized attorney".

12. On page 28, lines 5, 7, 9 and 10, 13 and 14, and 18, strike "state office" and insert "county attorney or authorized attorney"; in line 21 strike "state office" and insert "Department of Social Services"; and in line 22 strike "state office" and insert "department".

13. On page 29, lines 3 and 15, strike "state office" and insert "Department of Social Services"; and in lines 6 and 9 strike "state office" and insert "department".

14. On page 31, lines 1 and 20, strike "state office" and insert "Department of Social Services"; in lines 2, 4, and 8 strike "state office" and insert "department"; and in line 26 strike "state office" and insert "county attorney or authorized attorney".

15. On page 32, line 5, strike "state office" and insert "county attorney or authorized attorney"; in line 6 strike "requesting agency or the obligee," and insert "Department of Social Services and the department shall notify the"; in line 7 strike "or attorney for either"; and strike beginning with "and" in line 8

through "hearing" in line 9.

16. On page 36, lines 6 and 7, strike "state office" and insert "Department of Social Services"; in line 11 strike "state office" and insert "county attorney or authorized attorney"; and in line 13 strike "it" and insert "he or she".

17. On page 40, strike beginning with "any" in line 14 through "cases" in line 17, show the old matter as stricken, and insert "authorized attorney".

18. On page 42, line 8, strike "county welfare" and show as stricken; in line 9 strike "office," and show as stricken, strike "county" and show as stricken, and strike "State"; in line 10 strike the new matter and reinstate the stricken matter; in line 11 reinstate the stricken "Services"; in line 14 reinstate the stricken matter; in line 15 strike the new matter and reinstate the stricken matter and after the second comma insert ", authorized attorney"; in line 18 after "attorney" insert "or authorized attorney" and reinstate the stricken matter; in line 19 strike the new matter and reinstate the stricken matter; in line 23 after "attorney" insert "or authorized attorney"; in line 26 reinstate "Department of Social Services" and strike "state"; and in line 27 strike "office".

19. On page 43, line 4, strike "state office shall collect the" and after "fee" insert "shall be collected"; strike beginning with the second comma in line 6 through "funds" in line 7; in line 7 strike "state office" and insert "county attorney or authorized attorney"; in line 14 strike "state office" and insert "Department of Social Services"; and in line 19 strike the new matter and reinstate the stricken matter.

20. On page 44, line 4, strike "state office" and insert "county attorney or authorized attorney"; in line 6 strike "state office" and insert "Department of Social Services"; and in line 7 strike "state office" and insert "department".

21. On page 45, lines 1, 2, and 25, strike the new matter and reinstate the stricken matter; in line 26 strike "Support Enforcement"; and in line 27 strike "state" and insert "department".

22. On page 46, line 1, strike "office"; in line 4 strike the new matter and reinstate the stricken matter; in line 7 strike "state office" and insert "Department of Social Services,"; in line 8 strike "and

the governing board of the county," and show as stricken; and in line 15 strike "state office" and insert "Department of Social Services".

23. On page 47, line 24, strike the new matter and insert "Department of Social Services".

24. On page 48, lines 14 and 15, strike the new matter; in line 15 after "attorney" insert "or authorized attorney"; in line 21 strike "state"; and in line 22 strike "office or" and after "attorney" insert "or authorized attorney".

25. On page 49, line 9, strike "State Office for Child Support Enforcement" and insert "county attorney or authorized attorney"; and in line 10 strike "which", show as stricken, and insert "who".

26. Strike beginning with "The" on page 52, line 25, through the period on page 53, line 2.

27. In the Standing Committee amendments:

a. On page 1, line 3, after "in" insert "sections 1 to 7 of"; and strike beginning with the second "in" in line 4 through the semicolon in line 7;

b. On page 3, line 4, after "Administrator" insert ",in conjunction with the clerks of the district court,", strike "and implement" and after "a" insert "uniform"; and strike beginning with "As" in line 9 through "the" in line 10 and insert "The"; and

c. Strike section 78.

28. In the Hoagland amendment adopted on May 22, 1985, strike amendment 15 in (b) and strike amendment (c).

29. In the E and R amendments, AM5179, beginning on page 2475 of the Journal:

a. Strike amendments 1, 11, and 17, and 18;

b. On page 1, strike beginning with "and" in line 4 through " '(2)' " in line 5; strike beginning with "strike" in line 16 through the first "and" in line 17; strike beginning with "in" in line 17 through the semicolon in line 20 and insert "and"; and strike beginning with the semicolon in line 21 through the second quotation marks in line 23;

c. On page 2, line 26, after the semicolon insert "and";

d. On page 3, strike beginning with the semicolon in line 1 through the second quotation marks in line 3; and

e. Renumber the remaining amendments

accordingly.

30. Renumber the remaining sections and correct internal references accordingly.

## SELECT COMMITTEE REPORT
### Enrollment and Review

**LEGISLATIVE BILL 460.** Placed on Select File as amended.
E & R amendments to LB 460:
AM5180

E & R Amendment to LB 460

1. In lieu of the Haberman amendment adopted May 31, 1985, on page 10, line 9, strike "five", show as stricken, and insert "ten"; in line 10 strike "ten", show as stricken, and insert "twenty"; in line 11 strike "fifteen", show as stricken, and insert "thirty"; in line 12 strike "twenty", show as stricken, and insert "forty"; and in line 13 strike "twenty-five", show as stricken, and insert "fifty".

2. On page 1, strike beginning with the first "to" in line 12 through the semicolon in line 14.

3. On page 33, line 13, after "Conditioning" insert an underscored comma.

4. On page 34, line 1, strike "were", show as stricken, and insert "was"; and in line 5 after "declaration" insert an underscored comma.

5. On page 35, line 3, strike the comma and show as stricken; in line 5 strike "are", show as stricken, and insert "is"; and in line 8 strike the last comma and show as stricken.

(Signed) Timothy Hall, Chairperson

## ATTORNEY GENERAL'S OPINIONS

Opinion No. 90
May 31, 1985

Dear Senator Vard Johnson:

You have requested our opinion on three questions regarding the constitutionality of LB 717 as amended by Senator DeCamp. Generally, the amendment would impose a franchise tax on financial

institutions or financial groups, in lieu of the tax imposed under Neb.Rev.Stat. §77-2734.02 (Supp. 1984), at the rate of 5 per cent of the institution's financial net income. The amendment also provides a credit against the tax imposed based on the percentage of average assets invested in exempt securities. The credit for financial institutions with an average investment in exempt securities of 12 per cent or less is one-half of 1 per cent of financial taxable income. The credit for financial institutions with an average investment in exempt securities exceeding 12 per cent is 1 per cent of financial taxable income. In addition, the amendment imposes a limitation on the amount of the tax imposed of 40 cents per thousand dollars of average deposits.

1. Initially, you have asked us to consider whether LB 717, as amended, would operate as an unconstitutional impairment of contractual obligations, in violation of Article I, Section 10 of the United States Constitution. Specifically, you refer to language contained in certain Nebraska statutes which provide the income from certain bonds shall be exempt from taxation. Neb.Rev.Stat. §3-511 (Reissue 1983) (City Airport Authority Bonds); Neb.Rev.Stat. §18-2125 (Reissue 1983) (Community Development Bonds); Neb.Rev.Stat. §58-268 (Reissue 1984) (Nebraska Investment Finance Authority Bonds); Neb.Rev.Stat. §71-1543 (Supp. 1984) (Housing Authority Bonds); Neb.Rev.Stat. §79-2950 (Reissue 1981) (Educational Facilities Authority Bonds).

In Macallen Co. v. Massachusetts, 279 U.S. 620 (1929), the U.S. Supreme Court held a state excise tax imposed on corporations for the privilege of doing business measured by net income, which included interest on tax exempt obligations, operated to impose a tax on county and municipal bonds and, therefore, was void as impairing the obligation of the statutory contract of the state by which such bonds were exempted from state taxation. In concluding the excise tax violated the constitutional prohibition against the impairment of contractual obligations, the Court in Macallen distinguished the tax imposed form earlier decisions recognizing the validity of franchise taxes measured by net income, including income from tax-exempt obligations, by stating:

> The distinction pointed out in these cases is between an attempt to tax the property or income as such and to measure a legitimate tax upon the privileges involved in the use thereof. It is implicit in all that the thing taxed in form was in fact and reality the subject aimed at, and that any burden put upon the nontaxable subject by its use as a measure of value was fortuitous and incidental.

Id. at 628.

Subsequently, in Pacific Co. v. Johnson, 285 U.S. 480 (1932), the Court held a California franchise tax did not unconstitutionally

impair the obligation of contract by adopting as a basis for the tax the entire net income of corporations, including income from tax-exempt municipal bonds. The Court in Pacific Co. stated:

> If, as appellant argues, the exemption from taxation of the bonds is contractual and extends to the income derived from them, the question still remains whether the immunity is broad enough to secure freedom from taxation of a corporate franchise, to the extent that it is measured by tax exempt income.
> * * *
> The rule that a tax upon a franchise, measured by net income, including that from tax immune property, is not an infringement of the immunity, was re-examined and affirmed in Flint v. Stone Tracy Co., 220 U. S. 107, 31 S. Ct. 342, 55 L. Ed. 389, Ann. Cas. 1912B, 1312, which was accepted as authority in Macallen Co. v. Massachusetts, 279 U. S. 620, 49 S. Ct. 432, 436, 73 L. Ed. 874 {65 A. L. R. 866}, and followed in Educational Films Corp. v. Ward, 282 U. S. 379, 51 S. Ct. 170, 75 L.Ed. 400 {71 A. L. R. 1226}.
> This distinction, so often and consistently reaffirmed, is but a recognition that the franchise, the privilege of doing business in corporate form, which is a legitimate subject of taxation, does not cease to be such because it is exercised in the acquisition and enjoyment of nontaxables. The distinction is one of substance, not of form, and has been so recently discussed in Educational Films Corp. v. Ward that it need not be elaborated here. It suffices to say that the tax immunity extended to property qua property does not embrace a special privilege, the corporate franchise, otherwise taxable, merely because the value of the corporate property or net income is included in an equable measure of the enjoyment of the privilege. The owner may enjoy his exempt property free of tax, but if he asks and receives from the state the benefit of a taxable privilege as the implement of that enjoyment, he must bear the burden of the tax which the state exacts as its price.

285 U.S. at 489, 490.

In upholding the validity of the California franchise tax, the Court in Pacific Co. distinguished the tax from what it characterized as the Discriminatory tax invalidated in Macallen Co., stating:

> . . . {T}he present act must be judged by its operation rather than by the motives which inspired it. As it operates to measure the tax on the corporate franchise by the entire net income of the corporation, without any discrimination between income which is exempt and that which is not, there is no infringement of any constitutional immunity.

285 U.S. at 496.

The Macallen Co. and Pacific Co. cases both recognized that a

franchise tax measured by net income, including income from tax-exempt obligations, does not represent an unconstitutional impairment of the statutory immunity from taxation granted such obligations. In Macallen Co., however, the Court held the excise tax unconstitutional as an impairment of the obligation of contract because the tax, although in form denominated an excise tax, was in substance intended to impose a direct tax on county and municipal bonds exempted from taxation by statute.

It should be noted that the U.S. Supreme Court, in a more recent decision, indicated the distinction between a tax imposed "on the privilege of doing business," and a tax on net income, may no longer be considered significant. Complete Auto Transit, Inc. v. Brady, 430 U.S. 274 (1977). In Complete Auto, the Court held a state tax imposed on "the privilege of doing business" in the state did not violate the Commerce Clause merely because it applied to activities which were part of interstate commerce. In overruling previous decisions which held a tax on the "privilege" of engaging in an activity in a state may not be applied to activities which were part of interstate commerce, the Court stated:

> . . . {I}t is clear that Connecticut could have taxed the apportioned net income derived from the exclusively interstate commerce. It could not, however, tax the "privilege" of doing business as measured by the apportioned net income. The reason for attaching constitutional significance to a semantic difference is difficult to discern.

Id. at 285.

Applying these principles to the franchise tax imposed under the amendment to LB 717, it appears the inclusion of income from tax-exempt obligations in determining the tax could be construed as an unconstitutional impairment of contract, in light of the Nebraska statutes providing the income from specified bond issues shall be exempt from taxation. While the statutes provide the income from these bonds shall be exempt from taxation, the decision in Pacific Co.indicates this would not preclude the inclusion of the income from such obligations in the determination of a franchise tax based on net income, imposed on financial institutions or groups for the privilege of doing business in the state. Furthermore, the tax does not operate to discriminate between exempt and non-exempt income, a factor emphasized by the Court in Pacific Co..

Based on the U.S. Supreme Court decision in Macallen Co, however, it could be contended the tax imposed under LB 717, as amended, is intended to operate as a subterfuge to tax indirectly income from obligations which are, by statute, granted immunity from direct taxation. This is particularly true in light of the Court's decision in Complete Auto, indicating the distinction between a

franchise tax based on net income, and an income tax, may no longer be considered significant. The key consideration may be that the tax, while in form denominated a franchise tax, may be considered to be a tax on income in violation of the immunity from taxation of certain bonds granted by statute. While we cannot affirmatively conclude that the franchise tax proposed under LB 717 would be held unconstitutional, we believe it may be constitutionally suspect on this basis.

2. Your second question concerns whether subsection (2) of section 2 of the amendment, which provides, in part, "{W}henever the amount of deposits at the end of a quarter is reported to a state or federal regulatory agency, the reported amount shall be used to determine average deposits," represents an unconstitutional delegation of legislative authority.

It is well-established that the Legislature may lawfully enact a statute which adopts by reference an existing law or regulation of another jurisdiction, including the United States. State v. Workman, 186 Neb. 467, 183 N.W.2d 911 (1971); Anderson v. Tiemann, 182 Neb. 393, 155 N.W.2d 322 (1967) Lincoln Dairy Company v. Finigan, 170 Neb. 777, 104 N.W.2d 227 (1960). Unless expressly authorized by the Constitution of Nebraska, however, the Legislature may not lawfully enact a statute in which it adopts either administrative rules of a federal agency to be promulgated in the future, or an act of the United States Congress to be passed in the future. Smithberger v. Banning, 129 Neb. 651, 262 N.W. 491 (1935).

Subsection (2) of section 2 of the amendment, containing the definition of average deposits, and subsection (6) of section 2, containing the definition of financial net income, both refer to figures "reported to a state or federal regulatory agency" by the financial institution. This language refers to what are commonly known as call reports, which are financial statements financial institutions are required to periodically provide to an appropriate regulatory agency or body.

Pursuant to 12 U.S.C. §1817(a)(3), all banks insured by the Federal Deposit Insurance Corporation are required to make quarterly reports of condition. Subsections (4) and (5) of §1817 establish requirements for reporting the deposit liabilities of insured banks, referring to the definition of deposit contained in 12 U.S.C. §1813(1). State banks are required to file reports of financial condition with the Department of Banking and Finance. Neb.Rev.Stat. §8-166 (Reissue 1983) provides such reports shall be made "according to the form which may be prescribed by the department." Section 8-167 provides "{E}ach report required by section 8-166 shall exhibit in detail and under appropriate headings the resources and liabilities of the bank at the close of business on any past day specified by the call for

report. . . ."

With respect to your question concerning the potential unlawful delegation of legislative authority under the amendment, we believe that, at least with respect to the reference to reports made to federal regulatory agencies, this aspect of the bill would be unconstitutional on this basis. While it is appropriate for the Legislature to adopt by reference existing federal statutes or administrative rules promulgated by federal agencies, the amendment is not, by its terms, so limited. Congress could, in the future, alter the reporting requirements of 26 U.S.C. §1817(a), or amend the definition of deposits contained in 26 U.S.C. §1813. It is therefore our opinion that, to the extent the amendment relies upon definitions which may be subject to future statutory changes enacted by the United States Congress, the bill would contain an unconstitutional delegation of legislative authority.

3. Your final question concerns whether the amendment's provision of a credit of one-half of 1 per cent for financial institutions having exempt securities equal to 12 per cent of total assets or less, and a 1 per cent credit for financial institutions having exempt securities in excess of 12 per cent of total assets, would constitute unlawful discrimination. You indicate that, while over 99 per cent of the banks operating in the state have exempt securities in excess of 12 per cent of their total assets, qualifying them for the 1 per cent credit, other financial institutions have exempt securities of less than 12 per cent of their total assets, thus qualifying them for the one-half per cent credit only.

In State ex rel. Douglas v. Marsh, 207 Neb. 598, 607, 609, 300 N.W.2d 181, ___ (1980), the Nebraska Supreme Court stated:

> While the question of classification is one primarily for the Legislature and in the exercise of this power the Legislature possesses a wide discretion, there must, nevertheless, be some rational basis for the classification.
>
> * * *
>
> Classifications for the purpose of legislation must be real and not illusive; they cannot be based on distinctions without a substantial difference.
>
> (Empahsis in original).

Discussing the protection against discrimination afforded under the equal protection clause, the U.S. Supreme Court, in Dandridge v. Williams, 397 U.S. 471, ___ (1970), stated:

> In the area of economics and social welfare, a State does not violate the Equal Protection Clause merely because the classifications made by its laws are imperfect.
>
> * * *
>
> A statutory discrimination will not be set aside if any state of facts reasonably may be conceived to justify it.

The amendment to LB 717 does not specifically differentiate between banks and other financial institutions for purposes of determining qualification for the credit provided. Rather, according to your letter, the different treatment would occur due to the fact that, at the present time, nearly all banks would qualify for the 1 per cent credit, while other financial institutions would qualify for only the one-half per cent credit. The amendment does not, on its face, discriminate between banks and other financial institutions.

The crucial question presented is whether some rational basis can be conceived to validate the classification establishing the credit granted, which is based on the percentage of exempt securities held by an institution. Conceivably, a rational basis for the distinction can be asserted if the Legislature determined, as a matter of policy, the granting of a greater credit to institutions for carrying a higher percentage of exempt securities would encourage a greater level of investment in government obligations. In addition, it should be noted the classification established does not operate to create an impermissible closed class. Given the broad discretion granted the Legislature in matters of classification, we cannot conclude the amendment would be unconstitutional as creating an unreasonable or discriminatory classification.

Very truly yours,
ROBERT M. SPIRE
Attorney General
(Signed) L. Jay Bartel
Assistant Attorney General

LJB:bae
cc: Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 91
May 8, 1985

Re: Nebraska Constitution, Article XII, Section 8
(Initiative 300)

Dear Senator Pappas:

This is in response to your inquiry concerning the provisions of Article XII, Section 8, of the Constitution, commonly referred to as Initiative 300.

You first ask if our previous Opinion that a non-family farm corporation may not engage in any aspect of farming or ranching is still correct. In response, we note that Article XII, Section 8, of the

Constitution which specifically provides that corporations (other than family farm corporations) may not engage in farming or ranching has not been amended or repealed since our previous Opinion, so there appears to be no basis for our arriving at a conclusion different from that previously expressed.

You next ask if it makes a difference if a non-family farm corporation was engaged in farming, ranching, or horticulture prior to the effective date of the amendment.

The first paragraph of Article XII, Section 8, of the Constitution provides:

> No corporation or syndicate shall acquire, or otherwise obtain an interest, whether legal, beneficial, or otherwise, in any title to real estate used for farming or ranching in this state, or engage in farming or ranching. (emphasis added).

It is quite clear form this provision that the amendment to the Constitution deals with two separate and distinct subjects, the corporate acquisition of ownership or other interest in land used for farming or ranching, and the act of engaging in farming or ranching.

With regard to the restrictions, possession of an interest in farm or ranch land, and farming or ranching, Initiative 300 goes on to provide in paragraph (D) that those restrictions shall not apply to: "(D) agricultural land, which as of the effective date of this act is being farmed or ranched . . . (etc.) . . . so long as such land or other interest in title shall be held in continuous ownership . . . "

This is a "grandfather clause", which permits the continuance of those specific prohibited acts which were in existance at the time the provision was adopted.

While there is no legislative history concerning the intent of the drafters of Initiative 300 with regard to the exceptions to the prohibitions contained in the amendment, it is our interpretation of paragraph (D) that it intends to authorize non-qualified corporations which possess an interest in farm or ranch land to continue to farm or ranch on these lands so long as they possess such interest after the adoption of Initiative 300, but that non-qualified corporations which do not possess an interest in farm or ranch land on the effective date of the adoption of Initiative 300 may not continue to farm or ranch after that date.

In answer to your last question, there is no provision in Initiative 300 which prohibits the financing of corporations engaged in farming or ranching, or the financing of the purchase of farm or ranch lands.

Very truly yours,
ROBERT M. SPIRE
Attorney General
(Signed) Bernard L. Packett

Assistant Attorney General

BLP:bmh
cc: Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 92
May 31, 1985

Re: LB 653

Dear Senator Schmit:

This is in response to your inquiry concerning amendments 1233 to LB 653, and more particularly the amendments in section 5, which would amend Neb.Rev.Stat. §8-150 dealing with the authority of state banks to acquire and convey real estate, and the constitutionality of such amendments considering the provisions of Article XII, Section 8, of our Constitution, more commonly known as Initiative 300.

Your first inquiry concerns that part of section 5 which would amend §8-150 to provide that banks may purchase, hold and convey real estate ". . . (2) such as shall be conveyed to it for debts due the bank; and (3) such as it shall purchase at sale under judgments, decrees, deeds of trust, or mortgages held by the bank or shall purchase to secure debts due to it . . . ."

The applicable portion of Article XII, Section 8, of the Constitution provides that the restrictions against corporations acquiring any interest in real estate used for farming or ranching shall not apply to: "(K) Agricultural lands . . . acquired by a corporation or syndicate by process of law in the collection of debts, or by any procedures for the enforcement of a lien, encumbrance, or claim thereon, whether created by mortgage or otherwise." (Emphasis added.)

In a case challenging the constitutionality of Initiative 300, the District Court of Lancaster County recently held that to the extent that Initiative 300 would prohibit national banks from acquiring real estate "conveyed to it in satisfaction of debts previously contracted in the course of its dealings," or "purchased to secure debts to it," it would be unconstitutional. Omaha National Bank v. Spire, Lancaster County, 372-190.

Although the Omaha National Bank case did not involve the rights of state banks, in our opinion, paragraph (K) of Article XII, Section 8, of our Constitution is self-executing and authorize both state and national bank corporations to acquire farm or ranch land used as security for any debt owed to them, in satisfaction of the debt.

You have also asked if the amendment to Neb.Rev.Stat. §8-150

contained in the last sentence of section 5 of the proposed amendment to LB 653 is contrary to the provisions of Article XII, Section 8, of the Nebraska Constitution.

The last sentence of the amendment to section 5 of LB 653 provides that: "A bank may utilize property acquired by it under subdivisions (2) and (3) of this section in any manner authorized by the department {of banking}."

In this regard, paragraph (K) of Article XII, Section 8, provides in part that "{a}ny lands so acquired . . . (in the collection of debts or for enforcement of a lien, etc.) . . .shall not be used for farming or ranching prior to being disposed of, except under a lease to a family farm or ranch corporation or a non-syndicate and non-corporate farm or ranch."

To the extent that the Department of Banking would, under the authority of the proposed amendment to LB 653, authorize a bank to use farm or ranch land, acquired in satisfaction of a debt which it secured, contrary to the limitations provided in paragraph (K) of Article XII, Section 8, of the Constitution, it is our opinion that the authorization of the Department of Banking would not be enforceable.

In closing you have noted that there may be a conflict between that part of Neb.Rev.Stat. §8-150 which provides that real estate acquired by banks in satisfaction of debts, etc. "shall be sold at private or public sale within five years unless authority shall have been given in writing by the department {of banking} to hold it for a longer period." (Emphasis added.)

In this regard, paragraph (K) of Article XII, Section 8, provides in part that agricultural lands acquired {by a bank corporation} in the collection of debts or for the enforcement of a lien, etc., "shall be disposed of within a period of five years." No provision is made for any extension beyond the five year period.

To the extent that Neb.Rev.Stat. §8-150 did authorize the Department of Banking to extend the time within which a bank must dispose of farm land beyond five years, that authority has been limited by Article XII, Section 8, to five years, without extension.

Very truly yours,
ROBERT M. SPIRE
Attorney General
(Signed) Bernard L. Packett
Assistant Attorney General

BLP:ejg
cc: Patrick J. O'Donnell
Clerk of the Legislature

## SELECT COMMITTEE REPORTS
### Enrollment and Review

### Correctly Engrossed

The following bills were correctly engrossed: 87A, 343, 445, 556, 556A, 598, 612, 668, 722, and 726.

(Signed) Timothy Hall, Chairperson

### Enrollment and Review Change to LB 722

The following changes, required to be reported for publication in the Journal, have been made:
ER0093

1. In the Warner amendment adopted May 21, 1985, found on page 2324 of the Journal, on page 1, line 5 and lines 9 and 10, "of the Department" has been struck.

2. In the Warner amendment, AM1450, adopted May 20, 1985:

a. On page 2, line 1, "Cash" has been struck and "CASH" inserted; and in line 2 "Fund" has been struck and "FUND" inserted; and

b. On page 3, lines 3 and 6, "Fund" has been struck and "Funds" inserted.

3. In the Warner amendment adopted May 20, 1985, found beginning on page 2404 of the Journal, on page 1, line 4, paragraphing has been inserted before the quotation marks; in line 5 "fund" has been struck and "Fund" inserted; and in line 7 "60.412" has been struck and "60-412" inserted.

4. In the Warner amendment adopted May 17, 1985, found beginning on page 2379 of the Journal:

a. In amendment 41, line 2, "97" has been struck and "98" inserted; in line 3 "The" has been struck and "the" inserted; and in line 4 "Nebraska" has been struck and "State" inserted; and

b. In amendment 42, line 2 "98" has been struck and "99" inserted.

5. In the E & R Amendments, AM5156, adopted May 15, 1985:

a. Amendments 1, 21, and 22 have been struck;

b. On page 2, line 5, "the" has been inserted after "of"; and the matter beginning with the semicolon in line 16 through "comma" in line 17 has been struck; and

c. On page 3, line 22, the first "11" has been struck and "111" inserted.

6. On page 9, line 23, "(1)" has been struck.

7. On page 10, lines 16 to 20 have been struck.

8. On page 52, line 25, "Crippled" has been struck and "Medically Handicapped" inserted.

9. On page 78, line 7, a comma has been inserted before "and".
10. On page 83, lines 2 and 18, the last comma has been struck.
11. On page 84, line 2, the last comma has been struck.
12. On page 118, line 5, a period has been inserted after "Balances".
13. On page 120, line 18, "Mobile" has been struck and "Manufactured" inserted; and in line 20 "Manufactured" has been struck and "Modular" inserted.
14. In consultation with the Fiscal office, dollar amounts have been changed as necessary to reflect all adopted amendments.

(Signed) Mary Sommermeyer
E & R Attorney

**MOTION - Bracket LB 722**

Mr. DeCamp moved to bracket LB 722 until Tuesday 6-4-85.

Mr. Baack asked unanimous consent to be excused. No objections. So ordered.

Mr. Hefner 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. DeCamp moved for a call of the house. The motion prevailed with 18 ayes, 1 nay, and 30 not voting.

Mr. DeCamp requested a roll call vote on his motion to bracket.

Voting in the affirmative, 21:

| | | | | |
|---|---|---|---|---|
| Abboud | DeCamp | Hefner | Lundy | Rogers |
| Barrett | Goll | Johnson, L. | Miller | Rupp |
| Beyer | Haberman | Lamb | Peterson | Smith |
| Carsten | Hannibal | Landis | Remmers | Warner |
| Chronister | | | | |

Voting in the negative, 20:

| | | | | |
|---|---|---|---|---|
| Beutler | Eret | Higgins | Marsh | Sieck |
| Chambers | Hall | Hoagland | Morehead | Vickers |
| Chizek | Harris | Labedz | Nelson | Wesely |
| Conway | Hartnett | Lynch | Pappas | Withem |

Present and not voting, 3:

Goodrich Nichol Scofield

Absent and not voting, 1:

Pirsch

Excused and not voting, 4:

Baack Johnson, R. Johnson, V. Schmit

The DeCamp motion to bracket lost with 21 ayes, 20 nays, 3 present and not voting, 1 absent and not voting, and 4 excused and not voting.

The Chair declared the call raised.

## UNANIMOUS CONSENT - Member Excused

Mr. Barrett asked unanimous consent to be excused until he returns. No objections. So ordered.

## MOTION - Return LB 722 to Select File

Speaker Nichol moved to return LB 722 to Select File for his following specific amendment:

Increase funding for Agency 68 - Mexican American Commission Program 537 in the amount of $204,611 General Funds.

Pending.

## VISITORS

Visitors to the Chamber were Mr. and Mrs. Lockwood from Gering; ten Cub Scout members and leaders from Ainsworth; and Harriet and Dr. Sarah Evert Baker from Minnesota.

## MOTION - Adjournment

Mr. DeCamp moved to adjourn.

Mr. DeCamp moved for a call of the house. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

Mr. Withem requested a roll call vote on the motion to adjourn.

Voting in the affirmative, 23:

| | | | | |
|---|---|---|---|---|
| Abboud | Chronister | Harris | Marsh | Rupp |
| Barrett | Conway | Hartnett | Morehead | Scofield |
| Beutler | Eret | Hoagland | Peterson | Wesely |
| Chambers | Goll | Landis | Rogers | Withem |
| Chizek | Hannibal | Lundy | | |

Voting in the negative, 19:

| | | | | |
|---|---|---|---|---|
| Beyer | Hall | Labedz | Nichol | Smith |
| Carsten | Hefner | Lamb | Pappas | Vickers |
| DeCamp | Higgins | Lynch | Remmers | Warner |
| Haberman | Johnson, L. | Nelson | Sieck | |

Present and not voting, 1:

Miller

Absent and not voting, 2:

Goodrich Pirsch

Excused and not voting, 4:

Baack Johnson, R. Johnson, V. Schmit

The motion to adjourn prevailed with 23 ayes, 19 nays, 1 present and not voting, 2 absent and not voting, and 4 excused and not voting, and at 5:55 p.m., on a motion by Mr. DeCamp, the Legislature adjourned until 9:00 a.m., Monday, June 3, 1985.

Patrick J. O'Donnell
Clerk of the Legislature

# EIGHTY-EIGHTH DAY - JUNE 3, 1985

# LEGISLATIVE JOURNAL

# EIGHTY-EIGHTH DAY - JUNE 3, 1985

## LEGISLATIVE JOURNAL

## EIGHTY-NINTH LEGISLATURE
## FIRST SESSION

## EIGHTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, June 3, 1985

Pursuant to adjournment, the Legislature met at 9:00 a.m., President McGinley presiding.

## PRAYER

The prayer was offered by Dr. Robert Palmer, Westminster Presbyterian Church, Lincoln, Nebraska.

## ROLL CALL

The roll was called and all members were present except Messrs. Baack, Hall, Hoagland, and Mrs. Labedz who were excused until they arrive.

## CORRECTIONS FOR THE JOURNAL

The Journal for the Eighty-Seventh Day was approved.

## SELECT COMMITTEE REPORTS
### Enrollment and Review

### Correctly Engrossed

The following bills were correctly engrossed: 564, 723, 724, and 727.

(Signed) Timothy Hall, Chairperson

### Enrollment and Review Change to LB 564

The following changes, required to be reported for publication in

the Journal, have been made:
ER0101

1. In the Hannibal-Landis amendment found on page 2130 of the Journal, on page 1, line 3, "1" has been struck and "2" inserted.

2. On page 1, line 3, "section" has been struck and "sections 81-8,119.01 and" inserted; and in line 5 "to change a date relating to professional development;" has been inserted after the semicolon.

**Enrollment and Review Change to LB 723**

The following changes, required to be reported for publication in the Journal, have been made:
ER0100

1. In the Warner amendment adopted May 31, 1985, on page 2347 of the Journal, on page 1, line 2, "(2)" has been inserted before "Agency" and the remaining subdivisions have been renumbered.

2. In the Miller amendment, AM1332, adopted May 31, 1985, on page 1, line 2, "25" has been struck and "21" inserted; and in line 7 "Federal Funds" has been struck and "federal funds" inserted.

3. On page 5, line 18, "Storage" has been struck and "storage" inserted.

4. On page 6, line 14, "improvements" has been struck and "improvement" inserted.

5. On page 12, line 19, "state" has been struck and "State" inserted; in line 20 "Building" has been struck and "building" inserted; and in line 25 "$1,925,000" and all amendments thereto have been struck and "$425,000" inserted.

6. On page 20, line 6, "$2,601,000" and all amendments thereto have been struck and "$1,601,000" inserted; and in line 24 "the" has been inserted after "for".

**Enrollment and Review Change to LB 724**

The following changes, required to be reported for publication in the Journal, have been made:
ER0099

1. In the Warner amendment, AM1449, found on page 2302 of the Journal, on page 1, line 3, strike ", and Holderman" and insert "and Holdeman"; and in line 6 before "out" insert "and".

2. In the Warner amendment, AM1575, adopted May 31, 1985, on page 1, line 6, strike "11.36%" and insert "11.36 per cent".

**Enrollment and Review Change to LB 727**

The following changes, required to be reported for publication in

the Journal, have been made:
ER0102

1. On page 1, the matter beginning with "appropriate" in line 1 through the period in line 2 has been struck and "amend section 77-3506.01, Revised Statutes Supplement, 1984; and to provide when an exemption shall apply." inserted.

(Signed) Mary Sommermeyer
E & R Attorney

## ATTORNEY GENERAL'S OPINION

Opinion No. 93
June 3, 1985

Dear Senator DeCamp:

You have requested us to clarify our response regarding the second question addressed in Attorney General Opinion No. 88, issued on May 29, 1985, dealing with the constitutionality of the Revenue Committee amendment to LB 717. You have asked whether the expense add back formula contained in the amendment unconstitutionally discriminates against municipal bond issues in violation of the Equal Protection Clause.

The Equal Protection Clause of the Fourteenth Amendment to the United States Constitution is applicable to state tax legislation, and operates to impose a restraint on the taxing power of the state. State ex rel. Douglas v. State Board of Equalization & Assessment, 205 Neb. 130, 286 N.W.2d 729 (1979). In Anderson v. Tiemann, 182 Neb. 393, 406, 155 N.W.2d 322, ___ (1967), the Nebraska Supreme Court stated the following regarding the limitation imposed on the state taxing power under the Equal Protection Clause:

> The power of a state to make reasonable and natural classifications for purposes of taxation is clear and unquestioned. "That a statute may discriminate in favor of a certain class does not render it arbitrary if the discrimination is founded upon a reasonable distinction, or difference in state policy. * * * Similarly, it has long been settled that a classification, though discriminatory, is not arbitrary nor violative of the Equal Protection Clause of the Fourteenth Amendment if any state of facts reasonably can be conceived that would sustain it." Allied Stores of Ohio, Inc. v. Bowers, 358 U.S. 522, 79 S.Ct. 437, 3 L.Ed 2d 480.

We do not believe the expense add back formula contained in the Revenue Committee amendment to LB 717 will unconstitutionally

discriminate against municipal bond issues in violation of the Equal Protection Clause. The formula does not include municipal bonds alone in the calculation of the add back to taxable income. The amount of the add back is determined by dividing the corporation's average investment in all exempt securities by the corporation's average total assets, and multiplying this ratio by the corporation's total expenses. Furthermore, we believe a rational basis can be asserted for the add back formula. As was noted in our earlier opinion, the formula is designed to apportion a permissible exclusion or disallowance of expense deductions pertaining to the generation of nontaxable income.

While your letter refers only to the question of potential discrimination in violation of the Equal Protection Clause, we feel we should point out the distinction between the add back formula utilized in the Revenue Committee amendment to LB 717, and the discriminatory tax scheme invalidated by the U.S. Supreme Court in Memphis Bank & Trust Company v. Garner, 459 U.S. 392 (1983). In Memphis Bank, the Court held a Tennessee bank tax, under which the taxable net earnings of banks included interest earned on federal obligations, but excluded interest from obligations of the state and its political subdivisions, was discriminatory and therefore violated the immunity of federal obligations from state and local taxation provided under 31 U.S.C. §742.

The tax scheme held discriminatory in Memphis Bank differs from the add back formula provided under the Revenue Committee amendment to LB 717 in two key respects. First, the calculation employed in the add back formula does not discriminate between federal and state or local obligations. The ratio utilized is based on the total investment in all exempt securities, not solely investments in municipal bonds. This is the same ratio now employed under Neb.Rev.Stat. §77-2716(3) (Supp. 1984). Secondly, as we have pointed out previously, the add back formula does not subject interest income earned on such tax-exempt obligations to taxation as income. The formula operates to disallow or exclude a portion of expense deductions not incurred to generate taxable income.

Very truly yours,
ROBERT M. SPIRE
Attorney General
(Signed) L. Jay Bartel
Assistant Attorney General

LJB:ejg
cc: Patrick J. O'Donnell
Clerk of the Legislature

## SELECT FILE

**LEGISLATIVE BILL 653.** E & R amendments, AM5165, found in the Journal on page 2151 for the Seventy-Fourth Day were adopted.

Mr. DeCamp asked unanimous consent to withdraw his pending amendment found in the Journal on page 2451. No objections. So ordered.

Messrs. DeCamp and Chronister renewed their pending amendment, AM1578, found in the Journal on page 2530.

The DeCamp-Chronister amendment was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Mr. Schmit asked unanimous consent to withdraw his pending amendment, AM1531, found in the Journal on page 2522. No objections. So ordered.

Mrs. Higgins requested a machine vote on the advancement of the bill.

Advanced to E & R for Engrossment with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 653A.** Mr. Lamb renewed his pending amendment, AM1518, found in the Journal on page 2465.

Mr. Lamb asked unanimous consent to withdraw his pending amendment, AM1518, found in the Journal on page 2465. No objections. So ordered.

Mr. DeCamp asked unanimous consent to withdraw his pending amendment, AM1545, found in the Journal on page 2481. No objections. So ordered.

Messrs. V. Johnson and Wesely moved to suspend the rules, Rule 7 §3(d.) to permit consideration of AM1594 to LB 653A found in the Journal on page 2545.

Mr. Schmit asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Hall moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and

23 not voting.

The V. Johnson-Wesely motion to suspend the rules prevailed with 31 ayes, 4 nays, 12 present and not voting, and 2 excused and not voting.

The V. Johnson-Wesely amendment, AM1594, was adopted with 27 ayes, 4 nays, 16 present and not voting, and 2 excused and not voting.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 460.** E & R amendments, AM5180, found in the Journal on page 2596 for the Eighty-Seventh Day were adopted.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 204.** E & R amendment, AM5162, found in the Journal on page 2107 for the Seventy-Third Day was adopted.

Mr. Vickers asked unanimous consent to withdraw his pending amendment, AM1274, found in the Journal on page 2295. No objections. So ordered.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 204A.** Passed over.
**LEGISLATIVE BILL 516.** Passed over.

Mr. Schmit asked unanimous consent to be excused until he returns. No objections. So ordered.

**LEGISLATIVE BILL 157.** Mr. Barrett asked unanimous consent to withdraw his pending amendment, AM1202, found in the Journal on page 1926. No objections. So ordered.

Messrs. Hall, DeCamp, and Hannibal renewed their pending amendment, AM1415, found in the Journal on page 2241.

Mr. Barrett offered the following amendment to the Hall-DeCamp-Hannibal amendment:
AM1472

(Amendments to AM1415)

1. On page 1, line 9, strike "(6)" and insert "(7)".

2. On page 2, after line 21 insert a new

subsection as follows:

"(7) Prejudgment interest on all decrees and judgments for the payment of money may be awarded by the judge in any action at law or suit in equity on all or any part of the decree or judgment. In determining whether to award prejudgment interest, the judge shall take into consideration (a) whether any party or any party's counsel unreasonably or unnecessarily delayed the progression of the action to trial, (b) whether liability was certain or genuinely controverted, (c) whether any portion of the judgment was for special damages and was actually incurred prior to judgment, (d) whether the parties engaged in good faith settlement negotiations, and (e) such other circumstances as may affect the fairness of awarding such interest."; and in line 22 strike "(7)" and insert "(8)".

3. On page 3, line 10, strike "(8)" and insert "(9)".

Mr. Barrett moved for a call of the house. The motion prevailed with 11 ayes, 0 nays, and 38 not voting.

Mr. Barrett requested a roll call vote on his amendment.

Voting in the affirmative, 23:

| | | | | |
|---|---|---|---|---|
| Abboud | Conway | Johnson, R. | Nichol | Rogers |
| Barrett | Goll | Lamb | Pappas | Sieck |
| Beyer | Goodrich | Lynch | Peterson | Smith |
| Carsten | Haberman | Marsh | Pirsch | Warner |
| Chronister | Hefner | Morehead | | |

Voting in the negative, 14:

| | | | | |
|---|---|---|---|---|
| Beutler | Hannibal | Hoagland | Labedz | Remmers |
| DeCamp | Harris | Johnson, L. | Landis | Rupp |
| Hall | Hartnett | Johnson, V. | Nelson | |

Present and not voting, 10:

| | | | | |
|---|---|---|---|---|
| Chambers | Eret | Lundy | Scofield | Wesely |
| Chizek | Higgins | Miller | Vickers | Withem |

Excused and not voting, 2:

Baack Schmit

The Barrett amendment lost with 23 ayes, 14 nays, 10 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Mr. DeCamp moved for a call of the house. The motion prevailed with 10 ayes, 0 nays, and 39 not voting.

Mr. Haberman requested a roll call vote on the Hall-DeCamp-Hannibal amendment.

Voting in the affirmative, 29:

| | | | | |
|---|---|---|---|---|
| Beutler | Hall | Johnson, L. | Miller | Schmit |
| Chambers | Hannibal | Johnson, V. | Morehead | Scofield |
| Chizek | Harris | Labedz | Nelson | Vickers |
| Conway | Hartnett | Landis | Pappas | Wesely |
| DeCamp | Higgins | Lundy | Remmers | Withem |
| Eret | Hoagland | Lynch | Rupp | |

Voting in the negative, 16:

| | | | | |
|---|---|---|---|---|
| Abboud | Chronister | Haberman | Lamb | Rogers |
| Barrett | Goll | Hefner | Nichol | Sieck |
| Beyer | Goodrich | Johnson, R. | Peterson | Warner |
| Carsten | | | | |

Present and not voting, 3:

Marsh Pirsch Smith

Excused and not voting, 1:

Baack

The Hall-DeCamp-Hannibal amendment was adopted with 29 ayes, 16 nays, 3 present and not voting, and 1 excused and not voting.

Messrs. Barrett and Beyer asked unanimous consent to withdraw their pending amendment, AM1505, found in the Journal on page 2447, and AM1558, found in the Journal on page 2512. No objections. So ordered.

The Chair declared the call raised.

Speaker Nichol requested a machine vote on the advancement of the bill.

Advanced to E & R for Engrossment with 25 ayes, 16 nays, 7 present and not voting, and 1 excused and not voting.

**LEGISLATIVE BILL 204A.** Messrs. Miller and Vickers moved to indefinitely postpone.

The motion prevailed with 26 ayes, 3 nays, 19 present and not voting, and 1 excused and not voting.

**LEGISLATIVE BILL 632.** Mr. V. Johnson moved to bracket until January 1, 1986.

The V. Johnson motion prevailed with 31 ayes, 0 nays, 17 present and not voting, and 1 excused and not voting.

**LEGISLATIVE BILL 518.** E & R amendments, AM5149, found in the Journal on page 1850 for the Sixty-Fifth Day were adopted.

Mr. Beutler renewed his pending amendment, AM1379, found in the Journal on page 2275.

The Beutler amendment was adopted with 25 ayes, 0 nays, 23 present and not voting, and 1 excused and not voting.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 247.** E & R amendments, AM5177, found in the Journal on page 2438 for the Eighty-Third Day were adopted.

Passed over.

**LEGISLATIVE BILL 60.** E & R amendments, AM5176, found in the Journal on page 2440 for the Eighty-Third Day were adopted.

Mr. Warner asked unanimous consent to withdraw his pending amendment, AM1235, found in the Journal on page 2014. No objections. So ordered.

Messrs. Vickers and Warner offered the following amendment:

1. Insert the following new sections:

"Section 1. That section 2-2301, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-2301. Sections 2-2301 to 2-2319 and section 4 of this act may be cited as the Nebraska Wheat Resources Act.

Sec. 4. If the board uses checkoff funds to influence legislation, any grower who has an assessment deducted by the board may, upon written application to the board, secure a refund. The refund shall be in an amount at least equal to the amount of the assessment times the percentage of the board's annual budget used to influence legislation. The board may elect to return a higher percentage, including one hundred per cent, of the assessment to the grower. The refund shall be payable by the board upon application within sixty days after the deduction. Each application for a refund by a grower shall have attached thereto proof of the assessment deducted. There shall be no refunds for assessments deducted prior to the effective date of this act.

Sec. 5. That section 2-3601, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-3601. Sections 2-3601 to 2-3635 and section 7 of this act shall be known and may be cited as the Nebraska Corn Resources Act.

Sec. 7. If the board uses checkoff funds to influence legislation, any grower who has an assessment deducted by the board may, upon written application to the board, secure a refund. The refund shall be in an amount at least equal to the amount of the assessment times the percentage of the board's annual budget used to influence legislation. The board may elect to return a higher percentage, including one hundred per cent, of the assessment to the grower. The refund shall be payable by the board upon application within sixty days after the deduction. Each application for a refund by a grower shall have attached thereto proof of the assessment deducted. There shall be no refunds for assessments deducted prior to the effective date of this act.

Messrs. DeCamp and Schmit asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Vickers moved for a call of the house. The motion prevailed with 12 ayes, 0 nays, and 37 not voting.

Mr. Vickers requested a roll call vote on the amendment.

Voting in the affirmative, 21:

| | | | | |
|---|---|---|---|---|
| Abboud | Conway | Hoagland | Landis | Scofield |
| Barrett | Haberman | Johnson, L. | Morehead | Smith |
| Beutler | Hannibal | Johnson, V. | Nelson | Vickers |
| Carsten | Hefner | Lamb | Pirsch | Warner |
| Chambers | | | | |

Voting in the negative, 21:

| | | | | |
|---|---|---|---|---|
| Chizek | Hall | Labedz | Nichol | Rogers |
| Chronister | Harris | Lundy | Pappas | Rupp |
| Eret | Higgins | Lynch | Peterson | Sieck |
| Goll | Johnson, R. | Miller | Remmers | Wesely |
| Goodrich | | | | |

Present and not voting, 4:

| | | | |
|---|---|---|---|
| Beyer | Hartnett | Marsh | Withem |

Excused and not voting, 3:

| | | |
|---|---|---|
| Baack | DeCamp | Schmit |

The Vickers-Warner amendment lost with 21 ayes, 21 nays, 4 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Mr. Wesely renewed his pending amendment, AM1508, found in the Journal on page 2441.

The Wesely amendment was adopted with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

Mr. Vickers requested a machine vote on the advancement of the bill.

Mr. Pappas moved for a call of the house. The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

Advanced to E & R for Engrossment with 26 ayes, 18 nays, 4 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

**LEGISLATIVE BILL 247.** Mr. Chambers offered the following amendment:
AM1624

1. On page 3, line 27, strike "Shall", show as stricken, and insert "All property described in subdivisions (1)(a) to (1)(e) of this section shall".

2. On page 6, line 7, strike "two" and insert "four"; and in line 9 after the period insert "at least five days shall elapse between each publication of notice.".

3. On page 7, line 13, strike "committed or caused to be committed" and insert "used or intended to use the property to facilitate"; and strike beginning with "and" in line 14 through "article" in line 15.

4. On page 8, line 12, after the period insert "Official use shall mean use directly in connection with enforcement of the provisions of this article.".

5. On page 9, line 14, after "property" insert "unless such person shall establish his or her claim.".

6. On page 11, line 1, strike "The" and insert "If during any fiscal year the fund contains money forfeited pursuant to subdivision (1)(g) of section 28-431, the" and strike "annually" and insert "once during such year"; and in line 2 strike "annual" and after the period insert "At the end of any fiscal year in which the fund has contained money, the board shall make a report summarizing the use of the fund during such year to the Auditor of Public Accounts, except that such report shall contain no information which would jeopardize an ongoing investigation. Such report shall indicate the amount of money placed in the fund, the amount of money disbursed, and the number of cases opened and closed in which the fund was utilized.".

The Chambers amendment was adopted with 25 ayes, 0 nays, 23 present and not voting, and 1 excused and not voting.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 539.** Messrs. Lamb, Hefner, and Abboud renewed their pending motion to indefinitely postpone found in the Journal on page 2465.

Mr. Beyer asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Abboud moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Messrs. Lamb, Hefner, and Abboud asked unanimous consent to withdraw their pending motion to indefinitely postpone. No objections. So ordered.

Mr. Warner reoffered his amendment, AM1513, found in the Journal on page 2416.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 5 nays, and 18 not voting.

Mr. Haberman requested a record vote on the Warner amendment.

Voting in the affirmative, 12:

| | | | | |
|---|---|---|---|---|
| Carsten | Landis | Pirsch | Scofield | Warner |
| Hannibal | Lynch | Remmers | Sieck | Wesely |
| Hoagland | Marsh | | | |

Voting in the negative, 29:

| | | | | |
|---|---|---|---|---|
| Abboud | Chronister | Hartnett | Lamb | Peterson |
| Baack | Conway | Hefner | Lundy | Rupp |
| Barrett | DeCamp | Higgins | Morehead | Schmit |
| Beutler | Haberman | Johnson, L. | Nelson | Smith |
| Beyer | Hall | Johnson, R. | Nichol | Withem |
| Chizek | Harris | Johnson, V. | Pappas | |

Present and not voting, 7:

| | | | | |
|---|---|---|---|---|
| Chambers | Eret | Goll | Goodrich | Miller |

Rogers Vickers

Excused and not voting, 1:

Labedz

The Warner amendment lost with 12 ayes, 29 nays, 7 present and not voting, and 1 excused and not voting.

Mrs. Labedz and Mr. Schmit asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. DeCamp offered the following amendment:
AM1598

1. Insert the following new section:

"Sec. 3. That section 77-2715.01, Revised Statutes Supplement, 1984, be amended to read as follows:

77-2715.01. (1)(a) Commencing in 1984 the Legislature shall set the rate of the income tax imposed by section 77-2715 and the rate of the sales tax imposed by subsection (1) of section 77-2703.

(b) The Legislature shall set the rates of the sales tax and income tax so that the estimated funds available plus estimated receipts from the sales, use, income, and franchise taxes and the amount of funds in the Cash Reserve Fund will be not less than three per cent nor more than seven per cent in excess of the appropriations and express obligations for the next two succeeding calendar years. The purpose of this subdivision is to insure that there shall be maintained in the state treasury an adequate General Fund balance, considering cash flow, to meet the appropriations and express obligations of the state.

(c) The rates of the sales and income taxes shall be fixed so that the total sales and use taxes levied will as nearly as possible equal the total individual income tax levied for the calendar year for which the rates so fixed will be effective. The Legislature shall set the rates in such a manner that total sales and use tax revenue should not exceed total individual income tax revenue in any particular year.

(d) For purposes of this subsection, total sales and use taxes levied shall mean the total state sales and use tax liability of all taxpayers for the

calendar year reduced by the additional one half of one per cent sales and use tax imposed by section 77-2715.04. Total income and franchise taxes levied shall mean the total state income and franchise tax liability of all taxpayers for the calendar year.

(e) The sales tax rate so fixed by the Legislature shall be an increment of one half of one per cent, and the income tax rate so fixed shall be an increment of one per cent.

(f) For purposes of this section, express obligation shall mean an obligation which has fiscal impact identifiable by a sum certain or by an established percentage or other determinative factor or factors.

(2) The Speaker of the Legislature and the chairpersons of the Legislature's Executive Board, Revenue Committee, and Appropriations Committee shall meet with the Tax Commissioner within ten days after the fifteenth of July and October of each year and shall determine whether the rates for sales tax and income tax should be changed. In making such determination they shall recalculate the requirements pursuant to the formula set forth in subsection (1) of this section, taking into consideration the appropriations and express obligations for any session, all miscellaneous claims, deficiency bills, and all emergency appropriations.

In the event it is determined by a majority vote that the rates must be changed as a result of a regular or special session or as a result of a change in the provisions of the Internal Revenue Code of 1954 and amendments thereto, other provisions of the laws of the United States relating to federal income taxes, and the rules and regulations issued under such laws, they shall petition the Governor to call a special session of the Legislature to make whatever rate changes may be necessary.".

2. On page 2, line 11, strike "and" and insert a comma; and in line 12 after the first comma insert "and 77-2715.01,".

3. Renumber the remaining section accordingly.

Mr. R. Johnson asked unanimous consent to be excused until he returns. No objections. So ordered.

**SPEAKER NICHOL PRESIDING**

Mr. DeCamp requested a record vote on his amendment.

Voting in the affirmative, 18:

| | | | | |
|---|---|---|---|---|
| Chizek | Haberman | Labedz | Pappas | Smith |
| Chronister | Hall | Landis | Remmers | Wesely |
| Conway | Hefner | Lynch | Rupp | Withem |
| DeCamp | Johnson, V. | Miller | | |

Voting in the negative, 26:

| | | | | |
|---|---|---|---|---|
| Abboud | Chambers | Hartnett | Marsh | Pirsch |
| Baack | Eret | Higgins | Morehead | Scofield |
| Barrett | Goll | Hoagland | Nelson | Sieck |
| Beutler | Goodrich | Johnson, L. | Nichol | Vickers |
| Beyer | Hannibal | Lundy | Peterson | Warner |
| Carsten | | | | |

Present and not voting, 3:

| | | |
|---|---|---|
| Harris | Lamb | Rogers |

Excused and not voting, 2:

Johnson, R. Schmit

The DeCamp amendment lost with 18 ayes, 26 nays, 3 present and not voting, and 2 excused and not voting.

Pending.

## SELECT COMMITTEE REPORTS
### Enrollment and Review

### Correctly Engrossed

The following bills were correctly engrossed: 204, 460, 518, and 653.

(Signed) Timothy Hall, Chairperson

### Enrollment and Review Change to LB 653

The following changes, required to be reported for publication in

the Journal, have been made:
ER0103

1. In the E & R amendments, AM5165, on page 2, line 8, ", and section 21-2079, Revised Statutes Supplement, 1984" has been inserted after "1943"; and in line 20 "to change provisions relating to the right of shareholders to obtain payment;" has been inserted after the second semicolon.

(Signed) Mary Sommermeyer
E & R Attorney

## ATTORNEY GENERAL'S OPINIONS

Opinion No. 94
May 31, 1985

Dear Senator Vickers:

You have requested an opinion from our office with regard to several questions raised by amendments to LB 496, the mandatory safety belt legislation. First, you have inquired whether the amendments to LB 496 contained in the second final reading copy of the bill have resolved the question of whether the legislation applies solely to vehicles sold in the State of Nebraska. We believe that although prior language of LB 496 made its provisions applicable solely to vehicles sold in the State of Nebraska, such language has been eliminated, making the provisions of LB 496 applicable to every motor vehicle, model year 1964 or later, which is operated in the state.

Second, you have inquired whether incorporating a Federal Motor Vehicle Safety Standard into the safety belt legislation, as such standard exists on the effective date of the legislative bill, is constitutionally suspect. At the time you submitted your opinion request to our office, LB 496 included the statement that "{a}ll safety belts so worn shall be properly adjusted and fastened and shall be of a type which meets the requirements of Federal Motor Vehicle Safety Standard 209 in existence on the effective date of this act." Since the time of your request, this provision of LB 496 has been amended to read:

> All safety belts so worn shall be properly adjusted and fastened and shall (1) be of a type which meets the requirements of 49 C.F.R. section 571.208 as such regulation currently exists or as the regulation existed when the safety belts were originally installed by the manufacturer or (2) if the safety belts have been replaced, be of a type which meets the requirements of 49 C.F.R. section

571.208 that applied to the originally installed safety belts or of a more recently issued version of such regulation.

As the third final reading copy of LB 496 does not adopt the federal regulations as they exist on the effective date of the legislation, it is our opinion that a response to your question is no longer needed.

Third, you have asked whether LB 496 represents an unconstitutional delegation of legislative authority. A legislative enactment which adopts federal regulations which are in existence at the time of adoption does not represent an unconstitutional delegation of legislative authority to the federal government. See, 16 C.J.S., Constitutional Law, §138 and cases cited therein. The Legislature, however, may not adopt federal regulations which are not yet in existence at the time of adoption. It is not clear from a reading of LB 496 whether the bill refers to federal regulations which "currently exist" on the date of adoption of the legislation or which "currently exist" from day to day throughout the time the safety belt legislation is in existence.

If the intent is to adopt the federal regulations as they currently exist on the date of adoption, it appears that no unlawful delegation of legislative authority would be present. Where the regulations as they exist on a specific date are adopted, the authority and discretion to alter the definition of a conforming safety belt would not be delegated to the federal government. We note that if the federal regulations are incorporated as of a specific date, such incorporation in LB 496 is distinguishable from the situation involved in Lincoln Dairy Co. v. Finigan, 170 Neb. 777, 104 N.W.2d 227 (1960). In Lincoln Dairy Co., supra, the Legislature granted to the Director of the Department of Agriculture the authority to promulgate rules and regulations which were in compliance with a specific milk ordinance, and provided that violation of such rules and regulations would be a criminal offense. The Supreme Court of Nebraska held in Lincoln Dairy Co., supra, that the Legislature had unconstitutionally delegated its authority to an administrative agency.

If LB 496 adopts the federal regulations as of a specific date, and does not empower any federal entity with discretion to alter the terms of that bill, it is not constitutionally suspect as an unlawful delegation of legislative authority. However, if the Legislature intends to adopt federal regulations as they will currently exist throughout the duration of the safety belt statutes, such provision would be constitutionally suspect, as the provision may be construed to be a delegation of power by the Legislature to the federal government.

Your fourth question is whether LB 496 contains sufficient clarity in defining the offense of failure to wear a safety belt. Section 4 of LB 496 provides:

Any person who violates section 1 of this act shall be guilty of a

traffic infraction as defined in section 39-602 and shall be fined twenty-five dollars, but no court costs shall be assessed against him or her nor shall any points be assessed against the driving record of such person.

It is our opinion that Section 4 of LB 496 affords individuals sufficient notice of the conduct proscribed by the statute, and that such section, therefore, is not constitutionally suspect.

Your fifth question is whether the effect of LB 496 will be to require all motor vehicles, model year 1964 or later, to be equipped with safety belts which meet the requirements of the federal safety standard. Due to the language contained in the most current amendment of LB 496, it is our opinion that a response to this question is no longer needed.

Sixth, you have inquired whether because the term "safety belts" is not defined in LB 496, but is defined in the documents incorporated by the Legislature in the bill, the bill is unconstitutionally vague. By incorporating the federal rules and regulations, the definition of "safety belt" contained therein would be adopted by the Legislature. LB 496 is not constitutionally suspect merely because it adopts the definition of "safety belt" contained in the federal regulations.

Sincerely,
ROBERT M. SPIRE
Attorney General
(Signed) Jill Gradwohl
Assistant Attorney General

JG:cw
cc: Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 95
June 3, 1985

Dear Senator Beutler:

This is in response to your letter of May 20, 1985, concerning LB 516. Your specific question relates to the Commission on Judicial Workloads created in section 1 of LB 516. For the purposes of your opinion we are assuming that the Lamb amendment to this bill has been stricken and that the Commission on Judicial Workloads is empowered, as set out in Amendment No. 1408, to change the number of election districts, the boundaries of the election districts, and the number of judges who will serve in each election district.

In Opinion No. 86, May 22, 1985, we found that the authority granted to this Commission constituted the delegation of a legislative function. We further found this section to be unconstitutional as a violation of the doctrine of separation of powers found in Article II, Section 1, of the Nebraska Constitution because it called on members of the judiciary as part of the Commission on Judicial Workloads to exercise legislative functions.

Your question is whether the inclusion of members of the Nebraska State Bar Association on this Commission is a proper delegation of authority under Article II, Section 1, of the Nebraska Constitution. The Nebraska Supreme Court has long maintained that the Legislature may not delegate legislative functions to private individuals. Elliott v. Wille, 112 Neb. 78, 200 N.W. 347 (1924), and Searle v. Yensen, 118 Neb. 835, 226 N.W. 464, 69 A.L.R. 257 (1929). On the other hand, the courts have indicated that the Legislature may delegate some of its power to other public bodies who exercise legislative functions. Searle v. Yensen, supra, and Nickel v. School Board of Axtell, 157 Neb. 813, 61 N.W.2d 566 (1953). This is particularly true where the legislative function consists of fixing the boundaries of districts for public purposes, in which case the courts have indicated that the Legislature may authorize the organization of districts for public purposes by other governmental bodies. Elliott v. Wille, supra, and Ruwe v. School District, 120 Neb. 668, 234 N.W. 789 (1931).

In the case of Nickel v. School Board of Axtell, supra, the court specifically found that the task of fixing the boundaries of a political subdivision of the state for a public purpose had not been delegated to private individuals but to a county committee, which was a public body created by the act specifically for that purpose. Id. at 819. This is similar to the function of the Commission on Judicial Workloads and as such would not constitute a delegation of legislative authority to private individuals but rather to a public body specifically created for that purpose. Therefore, we see no violation of Article II, Section 1, of the Nebraska Constitution by the inclusion of either members of the Nebraska State Bar Association, or private citizens as also provided by LB 516, on such a commission.

In addition, you also ask whether the manner of selecting the Bar Association members to sit on the Commission violates Article III, Section 18, of the Nebraska Constitution. Article III, Section 18, is a prohibition against special or local legislation. This legislation affects the entire state and could not be construed as local or special legislation. LB 516 further provides that the three Bar Association members to be appointed to the Commission would come from each of the three congressional districts of the state. We see no violation of Article III, Section 18, in such a procedure.

Your final question concerns Article IV, Section 10, of the Nebraska Constitution which provides that:

> 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 provided by law or herein provided for; and no such person shall be appointed or elected by the Legislature.

LB 516 would provide that the three Bar Association members are to be appointed by the Executive Council of the Nebraska State Bar Association. This would be a clear violation of Article IV, Section 10, of the Nebraska Constitution, since such appointments must be made by the Governor.

Very truly yours,
ROBERT M. SPIRE
Attorney General
(Signed) John Boehm
Assistant Attorney General

JB:ejg
cc: Patrick J. O'Donnell
Clerk of the Legislature

## VISITORS

Visitors to the Chamber were Mr. Steve Sorok from Scottsbluff; and a group from the Ecuadorean Wheat Trade Mission.

## RECESS

At 12:22 p.m., on a motion by Mr. Eret, the Legislature recessed until 2:00 p.m.

## AFTER RECESS

The Legislature reconvened at 2:00 p.m., President McGinley presiding.

## ROLL CALL

The roll was called and all members were present except Mrs. Higgins who was excused until she arrives.

## RESOLUTIONS

**LEGISLATIVE RESOLUTION 294.**

Introduced by Pappas, 42nd District.

WHEREAS, the Mexican American Commission has served as the Hispanic voice in government since 1972, and;

WHEREAS, the Mexican American Commission has faithfully served the state of Nebraska, and;

WHEREAS, the Mexican American Commission has diligently assisted every type of federal, state and local agency including the private and public sectors, and;

WHEREAS, the state of Nebraska's citizenry as a whole has benefited from the Mexican American Commission by their successful attempts to educate Nebraska about the concerns of Mexican Americans.

NOW LET IT BE RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Mexican American Commission be commemorated for all the outstanding work it has done in the past for the state of Nebraska.

Laid over.

**LEGISLATIVE RESOLUTION 295.**

Introduced by Pappas, 42nd District.

WHEREAS, the Commission on Indian Affairs came into existance in 1970, and;

WHEREAS, the Commission on Indian Affairs was designated by the Legislature in 1971 as a permanent state agency, and;

WHEREAS, the Commission on Indian Affairs has faithfully carried out its duties to the state of Nebraska, and;

WHEREAS, the Commission on Indian Affairs has joined representatives of all Indians in Nebraska to enhance the cause of Indian rights and developed solutions to problems common to all Nebraska Indians.

NOW LET IT BE RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Commission on Indian Affairs be commemorated for all the outstanding work it has done in the past for the state of Nebraska.

Laid over.

**LEGISLATIVE RESOLUTION 296.**

Introduced by Pappas, 42nd District.

WHEREAS, the Commission on the Status of Women has faithfully served the state of Nebraska since 1964, and;

WHEREAS, the Commission on the Status of Women have studied the changing and developing roles of women in American society, and;

WHEREAS, the Commission on the Status of Women have encouraged individual potential in women, and;

WHEREAS, the Commission on the Status of Women has encouraged women to utilize their capabilities and assume leadership roles, and;

WHEREAS, the Commission on the Status of Women has coordinated the efforts of numerous organizations interested in the welfare of women.

NOW LET IT BE RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Commission on the Status of Women be commemorated for all the outstanding work it has done in the past for the state of Nebraska.

Laid over.

## SELECT COMMITTEE REPORTS
### Enrollment and Review

### Correctly Engrossed

The following bills were correctly engrossed: 60, 157, 247, and 653A.

(Signed) Timothy Hall, Chairperson

### Enrollment and Review Change to LB 157

The following changes, required to be reported for publication in the Journal, have been made:

ER0105

1. On page 1, line 3, "rate and" has been inserted after "the"; and in line 4 "on certain decrees and judgments; to provide an operative date; to provide severability;" has been inserted after "interest".

2. In the DeCamp et al. amendment, AM1415, adopted June 3, 1985, on page 3, line 14, the underscored comma has been struck.

**Enrollment and Review Change to LB 247**

The following changes, required to be reported for publication in the Journal, have been made:
ER0107

1. On page 3, line 7, an underscored comma has been inserted after the first and second "used" respectively; and in line 21 an underscored comma has been inserted after "used" and an underscored comma has been inserted after "use".

2. On page 5, line 11, an underscored comma has been inserted after "thereafter".

3. On page 8, line 10, "sales" has been struck and "sale of the property" inserted.

4. On page 10, line 8, the underscored comma has been struck and ". Each county shall create a County Drug Law Enforcement Fund." has been inserted; line 9 has been struck; in line 14 an underscored comma has been inserted after "purposes"; in line 15 an underscored comma has been inserted after the first "county"; and in lines 21 and 22 "shall be" has been inserted after "representative".

**Enrollment and Review Change to LB 653A**

The following changes, required to be reported for publication in the Journal, have been made:
ER0104

1. In the Wesely amendment, AM1594, found on page 2545 of the Journal, sections have been renumbered and internal references corrected accordingly and amendments 2 and 3 have been struck.

2. On page 1, the matter beginning with the first "to" in line 1 through line 3 has been struck and "relating to revenue and taxation; to amend section 77-2608, Reissue Revised Statutes of Nebraska, 1943, and sections 77-2602 and 77-2602.03, Revised Statutes Supplement, 1984; to change provisions regarding the cigarette tax; to change provisions relating to the distribution of revenue received from the cigarette tax; to harmonize provisions; to provide operative dates; to provide severability; and to repeal the original sections." inserted.

(Signed) Mary Sommermeyer
E & R Attorney

**UNANIMOUS CONSENT - Member Excused**

Mrs. Morehead asked unanimous consent to be excused until she returns. No objections. So ordered.

## SELECT FILE

**LEGISLATIVE BILL 539.** Messrs. Beutler, Lamb, Hefner, and Abboud moved to indefinitely postpone.

Mr. Abboud moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 2 nays, and 18 not voting.

Mr. Beutler moved for a call of the house. The motion prevailed with 12 ayes, 0 nays, and 37 not voting.

Mr. Beutler requested a roll call vote on their pending motion.

Voting in the affirmative, 23:

| | | | | |
|---|---|---|---|---|
| Abboud | Chizek | Hefner | Pappas | Rupp |
| Baack | Conway | Higgins | Peterson | Smith |
| Barrett | DeCamp | Johnson, R. | Pirsch | Vickers |
| Beutler | Haberman | Labedz | Rogers | Withem |
| Beyer | Hall | Lamb | | |

Voting in the negative, 25:

| | | | | |
|---|---|---|---|---|
| Carsten | Goodrich | Johnson, L. | Marsh | Schmit |
| Chambers | Hannibal | Johnson, V. | Miller | Scofield |
| Chronister | Harris | Landis | Nelson | Sieck |
| Eret | Hartnett | Lundy | Nichol | Warner |
| Goll | Hoagland | Lynch | Remmers | Wesely |

Excused and not voting, 1:

Morehead

The Beutler et al. motion lost with 23 ayes, 25 nays, and 1 excused and not voting.

The Chair declared the call raised.

Mr. Warner offered the following amendment:
to adopt the amendment to LB 539 #AM1523 and combined with

#AM1520.

Mr. Chizek asked unanimous consent to be excused until he returns. No objections. So ordered.

Mrs. Higgins moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 12 nays, and 12 not voting.

Mr. Warner moved for a call of the house. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

Mr. Warner requested a roll call vote on his amendment.

Voting in the affirmative, 22:

| | | | | |
|---|---|---|---|---|
| Carsten | Harris | Labedz | Miller | Sieck |
| Eret | Hartnett | Landis | Remmers | Vickers |
| Goll | Hoagland | Lynch | Schmit | Warner |
| Goodrich | Johnson, L. | Marsh | Scofield | Wesely |
| Hannibal | Johnson, V. | | | |

Voting in the negative, 25:

| | | | | |
|---|---|---|---|---|
| Abboud | Chronister | Hefner | Morehead | Pirsch |
| Baack | Conway | Higgins | Nelson | Rogers |
| Barrett | DeCamp | Johnson, R. | Nichol | Rupp |
| Beutler | Haberman | Lamb | Pappas | Smith |
| Beyer | Hall | Lundy | Peterson | Withem |

Present and not voting, 1:

Chambers

Excused and not voting, 1:

Chizek

The Warner amendment lost with 22 ayes, 25 nays, 1 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Pending.

**LEGISLATIVE BILL 31.** E & R amendments, AM5172, found in the Journal on page 2396 for the Eighty-Second Day were adopted.

Mrs. Labedz offered the following amendment:
to strike Standing Committee Amendment AM1452 to LB 31 on page 2333 of Legislative Journal, May 16, 1985.

The Labedz amendment was adopted with 25 ayes, 1 nay, and 23 present and not voting.

Pending.

**MOTION - Reconsider Action on LB 539**

Mr. Chambers moved to reconsider the Warner amendment to LB 539 found in this day's Journal.

Mr. R. Johnson asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Chambers moved for a call of the house. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

Mr. Chambers requested a roll call vote on his motion to reconsider.

Voting in the affirmative, 21:

| | | | | |
|---|---|---|---|---|
| Carsten | Hannibal | Labedz | Miller | Sieck |
| Chambers | Harris | Landis | Morehead | Vickers |
| Chizek | Hoagland | Lynch | Schmit | Warner |
| Eret | Johnson, V. | Marsh | Scofield | Wesely |
| Hall | | | | |

Voting in the negative, 27:

| | | | | |
|---|---|---|---|---|
| Abboud | Conway | Higgins | Nelson | Remmers |
| Baack | DeCamp | Johnson, L. | Nichol | Rogers |
| Barrett | Goll | Johnson, R. | Pappas | Rupp |
| Beutler | Haberman | Lamb | Peterson | Smith |
| Beyer | Hartnett | Lundy | Pirsch | Withem |
| Chronister | Hefner | | | |

Present and not voting, 1:

Goodrich

The Chambers motion to reconsider lost with 21 ayes, 27 nays, and 1 present and not voting.

The Chair declared the call raised.

**LEGISLATIVE BILL 713.** Mr. DeCamp renewed the pending amendment, AM1579, printed separate from the Journal and referred to on page 2586.

Mr. Sieck requested a ruling of the Chair on whether the DeCamp et al. amendment is germane to the bill.

The Chair ruled the DeCamp et al. amendment not germane to the bill.

Mr. DeCamp moved to bracket LB 713 until 5:00 p.m.

Mr. Hall moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 6 nays, and 15 not voting.

The DeCamp motion to bracket prevailed with 26 ayes, 16 nays, and 7 present and not voting.

**LEGISLATIVE BILL 127.** Mr. Schmit asked unanimous consent to withdraw his pending amendment, AM1365, found in the Journal on page 2467. No objections. So ordered.

Mr. Wesely asked unanimous consent to withdraw his pending amendment, AM1569, found in the Journal on page 2510. No objections. So ordered.

Mr. Pappas offered the following amendment:
(Amendment on file in the Clerk's Office - AM1629.)

Mr. Hefner requested a ruling of the Chair on whether the Pappas amendment is germane to the bill.

The Chair ruled the Pappas amendment not germane to the bill.

Mr. DeCamp moved to suspend the rules, Rule 7, Section 3(d) to permit consideration of the Pappas Amendment - AM1629.

Mr. Pappas challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

Mr. Pappas asked unanimous consent to withdraw his motion to overrule the Chair. No objections. So ordered.

Mr. Pappas moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 4 nays, and 20 not voting.

The DeCamp motion to suspend the rules prevailed with 30 ayes, 16 nays, and 3 present and not voting.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 8 nays, and 16 not voting.

Mr. Haberman requested a record vote on the Pappas amendment.

Voting in the affirmative, 25:

| | | | | |
|---|---|---|---|---|
| Baack | Conway | Hannibal | Landis | Rupp |
| Beutler | DeCamp | Hartnett | Lynch | Scofield |
| Chambers | Goodrich | Higgins | Morehead | Vickers |
| Chizek | Haberman | Johnson, V. | Nichol | Wesely |
| Chronister | Hall | Labedz | Pappas | Withem |

Voting in the negative, 20:

| | | | | |
|---|---|---|---|---|
| Abboud | Goll | Johnson, L. | Nelson | Rogers |
| Barrett | Harris | Johnson, R. | Peterson | Sieck |
| Beyer | Hefner | Lundy | Pirsch | Smith |
| Carsten | Hoagland | Miller | Remmers | Warner |

Present and not voting, 4:

| | | | |
|---|---|---|---|
| Eret | Lamb | Marsh | Schmit |

The Pappas amendment was adopted with 25 ayes, 20 nays, and 4

present and not voting.

Mr. Lamb moved to reconsider the Pappas amendment, AM1629, referred to in this day's Journal.

Mr. Beutler moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 5 nays, and 19 not voting.

Mr. Lamb moved for a call of the house. The motion prevailed with 19 ayes, 1 nay, and 29 not voting.

Mr. Lamb requested a roll call vote on his motion to reconsider.

Voting in the affirmative, 22:

| | | | | |
|---|---|---|---|---|
| Abboud | Eret | Johnson, R. | Nelson | Rogers |
| Barrett | Goll | Lamb | Peterson | Sieck |
| Beyer | Hefner | Lundy | Pirsch | Smith |
| Carsten | Hoagland | Miller | Remmers | Warner |
| Chronister | Johnson, L. | | | |

Voting in the negative, 24:

| | | | | |
|---|---|---|---|---|
| Baack | DeCamp | Hartnett | Lynch | Scofield |
| Beutler | Goodrich | Higgins | Marsh | Vickers |
| Chambers | Haberman | Johnson, V. | Morehead | Wesely |
| Chizek | Hall | Labedz | Nichol | Withem |
| Conway | Hannibal | Landis | Pappas | |

Present and not voting, 3:

| | | |
|---|---|---|
| Harris | Rupp | Schmit |

The Lamb motion to reconsider lost with 22 ayes, 24 nays, and 3 present and not voting.

The Chair declared the call raised.

Mr. Chambers offered the following amendment:
AM1611

1. Insert a new section as follows:

"Sec. 7. That section 2-219, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-219. No person shall be permitted to sell intoxicating liquors, wine, or beer of any kind, or exhibit or conduct indecent shows or dances, or be engaged in any gambling or other games of chance or horseracing, either inside the enclosure where any state, district, or county agricultural society fair is being held, or within forty rods thereof, during the time of holding such fairs. Nothing in this section shall be construed to prohibit wagering on the results of horseraces by the parimutuel or certificate method when conducted by licensees within the racetrack enclosure at licensed horserace meetings, ~~or~~ to prohibit the operation of bingo games as provided in Chapter 9, article 1, or to prohibit wagers on sporting events as provided in the Sports Wagering Act. Nothing in this section shall be construed to prohibit the sale of intoxicating liquors, wine, or beer by a person properly licensed pursuant to Chapter 53 on premises under the control of the State Board of Agriculture or any county agricultural society. Any person who violates the provisions of this section shall be guilty of a Class V misdemeanor. The trial of speed of horses under direction of the society shall not be included in the term horseracing. Upon the filing of proof with the State Treasurer of a violation of this section inside the enclosure of such fair, the amount of money appropriated shall be withheld from any money appropriated for the ensuing year.".

2. On page 6, line 5, after "28-1116.01" insert "or the Sports Wagering Act"; in line 20 strike "or" and show as stricken; in line 23 after the semicolon insert "or"; and after line 23 insert a new subdivision as follows: "(f) Wagering pursuant to the Sports Wagering Act;".

3. On page 7, line 13, strike the first "and" and show as stricken; and in line 15 after "28-1116.01" insert ", and records maintained pursuant to the Sports Wagering Act".

4. Insert new sections as follows:

"Sec. 10. That section 28-1105, Revised Statutes Supplement, 1984, be amended to read as follows:

28-1105. (1) A person commits the offense of possession of gambling records if, other than as a player, he or she knowingly possesses any writing,

paper, instrument, or article which is:

(a) Of a kind commonly used in the operation or promotion of a bookmaking scheme or enterprise and such writing, paper, instrument, or article has been used for the purpose of recording, memorializing, or registering any bet, wager, or other gambling information; or

(b) Of a kind commonly used in the operation, promotion, or playing of a lottery or mutuel scheme or enterprise or other scheme not conducted pursuant to sections 28-1114 to 28-1116.01 and the Nebraska Bingo and Pickle Card Regulatory Act and such writing, paper, instrument, or article has been used for the purpose of recording, memorializing, or registering any bet, wager, or other gambling information not permitted by sections 28-1114 to 28-1116.01, ~~and~~ the Nebraska Bingo and Pickle Card Regulatory Act, or the Sports Wagering Act.

(2) Possession of gambling records in the first degree is a Class II misdemeanor.

Sec. 11. That section 28-1113, Revised Statutes Supplement, 1984, be amended to read as follows:

28-1113. Nothing in this article shall be construed to:

(1) Apply to or prohibit wagering on the results of horseraces by the parimutuel or certificate method when conducted by licensees within the racetrack enclosure at licensed horserace meetings; ~~or~~

(2) Prohibit or punish the playing of bingo when conducted by any licensee operating pursuant to the Nebraska Bingo and Lottery Control Act or prohibit or punish conducting or participating in any lottery by the sale of pickle cards pursuant to the Nebraska Bingo and Lottery Control Act; or

(3) Prohibit or punish wagering when conducted by any licensee operating pursuant to the Sports Wagering Act.

Sec. 15. Sections 15 to 22 of this act shall be known and may be cited as the Sports Wagering Act.

Sec. 16. As used in the Sports Wagering Act, unless the context otherwise requires:

(1) Department shall mean the Department of Revenue;

(2) Sporting event shall mean a contest in any sport, between individual contestants or teams of

contestants, without regard to the amateur or professional status of the contestants, which is publicly announced before its occurrence; and

(3) Sports pool operator or operator shall mean a person holding a license under section 17 of this act who accepts wagers on sporting events by any system or method of wagering other than the system of parimutuel wagering taxed under section 2-1208.01.

Sec. 17. Any person who accepts wagers on sporting events totaling more than one hundred dollars in any calendar year shall apply to the department for a sports pool operator's license. Such application shall be in the form prescribed by the department and shall be accompanied by a fee of five hundred dollars. The department shall issue the license to the applicant if the department finds that the applicant is:

(1) A resident of the state; and

(2) At least twenty-five years of age.

Sec. 18. Each sports pool operator in this state shall be liable for a tax of two per cent on the gross sum of all wagers placed with him or her. Such tax shall be due on the final day of the month and each operator shall, on or before the tenth day of each month, remit the tax due on all amounts wagered during the preceding calendar month. Any operator who fails to remit such tax by the twentieth day of the month shall pay a late payment penalty equal to twenty per cent of the amount due. Any operator failing to pay the amount due within thirty days after the payment is due shall pay interest at the rate prescribed in section 45-104.01, as such rate may be adjusted by the Legislature, on both the tax due and the penalty. The department shall after notice and a hearing revoke the license of any operator failing, without just cause, to pay the amount due within thirty days after such payment is due. Any person whose license is revoked shall not be eligible for relicensure for one year after such revocation.

Sec. 19. Each operator shall maintain records of all wagers received and of all payments made. The operator shall retain such records for one calendar year. The department may inspect such records at any time during normal business hours. Each operator shall display his or her license in a position clearly visible to the public at the location where he or she accepts

wagers.

Sec. 20. The department shall adopt and promulgate rules and regulations to carry out the Sports Wagering Act.

Sec. 21. It shall not be unlawful for any person to engage in gambling on a sporting event if the wager is placed with a licensed sports pool operator. No political subdivision shall by rule or ordinance restrict wagering authorized by the Sports Wagering Act.

Sec. 22. Any person violating the Sports Wagering Act shall be guilty of a Class I misdemeanor.".

5. On page 12, line 15, after "original" insert "section 2-219, Reissue Revised Statutes of Nebraska, 1943, and", and after "28-1101," insert "28-1105, 28-1113,".

6. Renumber remaining sections and correct internal references accordingly.

Mr. R. Johnson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

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, 20:

| | | | | |
|---|---|---|---|---|
| Chambers | Haberman | Hartnett | Lynch | Pirsch |
| Conway | Hall | Higgins | Morehead | Schmit |
| DeCamp | Hannibal | Labedz | Nichol | Scofield |
| Eret | Harris | Landis | Pappas | Vickers |

Voting in the negative, 25:

| | | | | |
|---|---|---|---|---|
| Abboud | Goll | Johnson, V. | Nelson | Sieck |
| Barrett | Hefner | Lamb | Peterson | Smith |
| Beyer | Hoagland | Lundy | Remmers | Warner |
| Carsten | Johnson, L. | Marsh | Rogers | Wesely |
| Chronister | Johnson, R. | Miller | Rupp | Withem |

Present and not voting, 4:

| | | | |
|---|---|---|---|
| Baack | Beutler | Chizek | Goodrich |

The Chambers amendment lost with 20 ayes, 25 nays, and 4 present and not voting.

Mr. V. Johnson moved to suspend the rules and vote on LB 127, as amended, without further debate.

Mr. Lynch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 3 nays, and 18 not voting.

The V. Johnson motion to suspend the rules prevailed with 30 ayes, 14 nays, and 5 present and not voting.

Mr. DeCamp requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 22:

| | | | | |
|---|---|---|---|---|
| Baack | Goodrich | Higgins | Morehead | Schmit |
| Beutler | Haberman | Johnson, V. | Nichol | Scofield |
| Chizek | Hall | Labedz | Pappas | Vickers |
| Conway | Hannibal | Lynch | Rupp | Withem |
| DeCamp | Hartnett | | | |

Voting in the negative, 26:

| | | | | |
|---|---|---|---|---|
| Abboud | Goll | Johnson, R. | Miller | Rogers |
| Barrett | Harris | Lamb | Nelson | Sieck |
| Beyer | Hefner | Landis | Peterson | Smith |
| Carsten | Hoagland | Lundy | Pirsch | Warner |
| Chronister | Johnson, L. | Marsh | Remmers | Wesely |
| Eret | | | | |

Present and not voting, 1:

Chambers

Failed to advance to E & R for Engrossment with 22 ayes, 26 nays, and 1 present and not voting.

Mrs. Pirsch asked unanimous consent to be excused. No objections. So ordered.

Mr. Haberman moved to adjourn. The motion lost with 11 ayes, 24

nays, and 14 not voting.

**SPEAKER NICHOL PRESIDING**

Mrs. Higgins asked unanimous consent to be excused until she returns. No objections. So ordered.

**LEGISLATIVE BILL 713.** Mr. DeCamp reoffered his amendment found in the Journal on page 2202.

Mr. DeCamp requested a division of the question on the DeCamp amendment.

The Chair sustained the division of the question.

Mr. Goll asked unanimous consent to be excused until he returns. No objections. So ordered.

The first DeCamp amendment is as follows:

1. Strike the original sections and insert the following new sections:

Sec. 1. For the purposes of sections 1 to 5:

(2) Tort claim shall mean Claim Number 4-302 Department of Banking and Finance of the State of Nebraska, receiver for Commonwealth Savings Company, insolvent, also described as the claim asserted against the state by the receiver in the Lancaster County District Court.

Sec. 2. After carefully considering the facts, information and advice provided to it in connection with the insolvency of Commonwealth Savings Company, the Legislature determines that the tort claim does not have a valid legal basis and is not meritorious, but that notwithstanding such determination, it may be in the best interests of the state to effect a complete, final and binding resolution of the matter. Toward that end, the Legislature finds that the tort claim should be allowed and paid in the amount of $8,500,000 as full settlement of any and all claims, demands or causes of action against the State of Nebraska or the Department of Banking and Finance or against its past, present and successor officers, officials, agents or employees, either in their official or individual capacities. The tort claim shall be paid in such manner, and subject to such conditions, as may be provided by the Legislature in LB 713A.

Sec. 4. If any section in this act or any part of any section shall be declared invalid or unconstitutional, such declaration shall not affect the validity or constitutionality of the remaining portions thereof.

Sec. 5. Since an emergency exists, this act shall be in full force and

take effect, from and after its passage and approval, according to law.

Messrs. Hefner and L. Johnson asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. DeCamp offered the following amendment to the first pending DeCamp amendment:

Delete the last sentence of §2 and insert the following:

There is hereby appropriated $8,500,000.00 from the General Fund during the 1985-86 FY for disbursement to the receiver of Commonwealth.

Mr. Lundy 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 DeCamp amendment lost with 16 ayes, 23 nays, 7 present and not voting, and 3 excused and not voting.

Mr. Remmers asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. DeCamp asked unanimous consent to withdraw his pending amendment found in the Journal on page 2202. No objections. So ordered.

Pending.

## RESOLUTIONS

### LEGISLATIVE RESOLUTION 297.

Introduced by Business and Labor Committee: Barrett, 39th District, Chairperson; Chronister, 18th District; Eret, 32nd District; Hall, 7th District; Labedz, 5th District; Vickers, 38th District; Wesely, 26th District.

WHEREAS, agreements have been reached on collective bargaining contracts concerning various terms and conditions of employment for fiscal year 1985-86 between the following parties:

1. The Department of Education and the Nebraska Association of Public Employees; and

2. The Department of Education and the Nebraska Department of Education Teachers Association; and

3. The Department of Public Institutions and the American

Federation of State, County and Municipal Employees; and

4. The Department of Labor and the American Federation of State, County and Municipal Employees; and

5. The Department of Correctional Services and the Nebraska Association of Correctional Employees; and

6. The Nebraska State Patrol and the State Troopers Association of Nebraska; and

7. The Game and Parks Commission and the Nebraska Association of Public Employees; and

8. The Department of Roads and the Nebraska Association of Public Employees; and

WHEREAS, section 48-837, Revised Statutes of Nebraska, 1943, requires legislative approval of such contracts; and

WHEREAS, such contracts represent the product of good organizations which are parties to the contracts.

NOW, THEREFORE BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE, FIRST SESSION, that the Legislature hereby approves such contracts, which approval shall be effective when such contracts are signed by the parties.

Laid over.

**LEGISLATIVE RESOLUTION 298CA.**

Introduced by DeCamp, 40th District.

A Resolution to propose an amendment to Article XIII, by adding a new section 4, of the Constitution of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

Section 1. That at a special election to be held on August 20, 1985, there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article XIII, by adding a new section 4, of the Constitution of Nebraska, which is hereby proposed by the Legislature:

"Sec. 4. Notwithstanding any other provision of the Constitution, the Legislature shall appropriate twenty million five hundred thousand dollars to pay depositors of Commonwealth Savings Company, insolvent. In addition to any sales tax imposed by the Legislature there is hereby imposed a sales tax of one-fourth of one per cent upon the same transactions as provided by law. Such additional sales tax shall remain in effect until twenty million five hundred thousand dollars have been raised.".

Sec. 2. The proposed amendment shall be submitted to the

electors in the manner prescribed by Article XVI, section 1, of the Constitution of Nebraska. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

"Constitutional amendment to impose a one-fourth per cent sales tax and to appropriate twenty million five hundred thousand dollars to Commonwealth Savings Company depositors.

For

Against".

Sec. 3. That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 299CA.**

Introduced by DeCamp, 40th District.

A Resolution to propose an amendment to Article III, section 24, of the Constitution of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

Section 1. That at a special election to be held on August 20, 1985, there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article III, section 24, of the Constitution of Nebraska, which is hereby proposed by the Legislature:

"Sec. 24. (1) The Legislature shall not authorize any game of chance, nor any lottery, or gift enterprise where the consideration for a chance to participate involves the payment of money for the purchase of property, services, chance or admission ticket, or requires an expenditure of substantial effort or time; PROVIDED, that it may authorize and regulate other lotteries, raffles, and gift enterprises which are intended solely as business promotions or the proceeds of which are to be used solely for charitable or community betterment purposes without profit to the promoter of such lotteries, raffles, or gift enterprises. Nothing in this section shall be construed to prohibit the enactment of laws providing for the licensing and regulation of wagering on the results of horse races by the parimutuel or certificate method, when conducted by licensees within the race track enclosure at licensed horse race meetings, or to prohibit the enactment of laws providing for the licensing and regulation of bingo games conducted

by nonprofit associations which have been in existence for a period of five years immediately preceding the application for license; PROVIDED, bingo games cannot be conducted by agents or lessees of such associations on a percentage basis.

(2) Any political subdivision of the state may operate a lottery, including a lottery using mechanical, computer, electronic, or vidio gaming devices, if such lottery is authorized by a majority vote of the registered voters of such political subdivision voting on such proposal. The Legislature shall regulate and tax such lotteries as provided by law. A tax of at least five per cent of the gross proceeds shall be imposed with the revenue generated by a three and one half per cent tax used to reduce property taxes of the political subdivision. The proceeds of any such lottery shall be used solely for charitable or community betterment purposes without profit to the promotor of such lottery.".

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by Article XVI, section 1, of the Constitution of Nebraska. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

"Constitutional amendment to allow political subdivisions to operate lotteries if authorized by an election on such issue and to provide restrictions as prescribed.

For

Against".

Sec. 3. That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.

Referred to the Executive Board.

## SELECT FILE

**LEGISLATIVE BILL 713.** Mr. Beutler offered the following amendment:

AM1628

1. In the Standing Committee amendments,

AM1232:

(a) On page 3, line 5, strike "twelve" and insert "four"; and

(b) On page 5, line 5, strike "twenty" and insert "twelve".

Mrs. Marsh 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 moved for a call of the house. The motion prevailed with 21 ayes, 0 nays, and 28 not voting.

Mr. Beutler requested a roll call vote on his amendment.

Voting in the affirmative, 22:

| | | | | |
|---|---|---|---|---|
| Beutler | Eret | Johnson, V. | Nelson | Vickers |
| Carsten | Hall | Landis | Rupp | Warner |
| Chambers | Harris | Marsh | Scofield | Wesely |
| Chizek | Hoagland | Morehead | Smith | Withem |
| Chronister | Johnson, R. | | | |

Voting in the negative, 22:

| | | | | |
|---|---|---|---|---|
| Abboud | DeCamp | Hartnett | Lamb | Peterson |
| Baack | Goll | Hefner | Lundy | Remmers |
| Barrett | Goodrich | Higgins | Nichol | Rogers |
| Beyer | Haberman | Johnson, L. | Pappas | Sieck |
| Conway | Hannibal | | | |

Present and not voting, 4:

| | | | |
|---|---|---|---|
| Labedz | Lynch | Miller | Schmit |

Excused and not voting, 1:

Pirsch

The Beutler amendment lost with 22 ayes, 22 nays, 4 present and not voting, and 1 excused and not voting.

Mr. Haberman moved to adjourn. The motion lost with 7 ayes, 26 nays, and 16 not voting.

The Chair declared the call raised.

Messrs. V. Johnson and DeCamp offered the following amendment:
AM1633

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. The Legislature determines that the settlement of Tort Claim Number 4-302, as asserted against the State of Nebraska by the Receiver for Commonwealth Savings Company, insolvent, and as approved by the district court for Lancaster County, should be allowed and paid in the amount of eight million five hundred thousand dollars as authorized by the State Tort Claims Act.

Sec. 2. That section 84-612, Revised Statutes Supplement, 1984, be amended to read as follows:

84-612. (1) There is hereby created within the state treasury a fund known as the Cash Reserve Fund which shall be under the direction of the State Treasurer. The fund shall only be used pursuant to subsections (2) and (4) ~~subsection (2)~~ of 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 September 15, 1985, the State Treasurer shall transfer eight million five hundred thousand dollars from the Cash Reserve Fund to the General Fund to pay Tort Claim Number 4-302. Such transfer shall be reversed after July 1, 1986, but before July 15, 1986.

Sec. 3. That original section 84-612, Revised Statutes Supplement, 1984, is repealed.".

Messrs. Hefner and Nichol asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Beyer asked unanimous consent to be excused. No objections. So ordered.

**MR. LAMB PRESIDING**

**PRESIDENT MCGINLEY PRESIDING**

Mr. Hoagland 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. V. Johnson moved for a call of the house. The motion prevailed with 11 ayes, 0 nays, and 38 not voting.

Mr. V. Johnson requested a roll call vote on the V. Johnson-DeCamp amendment.

Voting in the affirmative, 25:

| | | | | |
|---|---|---|---|---|
| Baack | Conway | Hoagland | Lynch | Remmers |
| Barrett | DeCamp | Johnson, R. | Miller | Scofield |
| Carsten | Eret | Johnson, V. | Morehead | Sieck |
| Chambers | Hall | Lamb | Nelson | Smith |
| Chronister | Hannibal | Landis | Pappas | Vickers |

Voting in the negative, 17:

| | | | | |
|---|---|---|---|---|
| Abboud | Goodrich | Johnson, L. | Rogers | Warner |
| Beutler | Haberman | Lundy | Rupp | Wesely |
| Chizek | Harris | Marsh | Schmit | Withem |
| Goll | Higgins | | | |

Present and not voting, 4:

| | | | |
|---|---|---|---|
| Hartnett | Labedz | Nichol | Peterson |

Excused and not voting, 3:

| | | |
|---|---|---|
| Beyer | Hefner | Pirsch |

The V. Johnson-DeCamp amendment was adopted with 25 ayes, 17 nays, 4 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Speaker Nichol requested a machine vote on the advancement of the bill.

Advanced to E & R for Engrossment with 30 ayes, 14 nays, 2 present and not voting, and 3 excused and not voting.

**MOTION - Reconsider Action on LB 127**

Messrs. DeCamp and Schmit moved to reconsider the adoption of the Pappas amendment to LB 127.

Mr. Sieck asked unanimous consent to be excused. No objections. So ordered.

The DeCamp-Schmit motion to reconsider prevailed with 27 ayes, 7 nays, 9 present and not voting, and 4 excused and not voting.

## SELECT FILE

**LEGISLATIVE BILL 127.** Mr. Pappas asked unanimous consent to withdraw his reconsidered amendment. No objections. So ordered.

Advanced to E & R for Engrossment.

**LEGISLATIVE BILL 663.** Mrs. Labedz renewed her pending amendment, AM1561, found in the Journal on page 2586.

Mr. Landis requested a division of the question on the Labedz amendment.

The Chair sustained the division of the question.

The first Labedz amendment is as follows:

1. Strike the Landis amendment adopted on May 22, 1985.

Mrs. Labedz moved for a call of the house. The motion prevailed with 15 ayes, 1 nay, and 33 not voting.

Mrs. Labedz requested roll call vote on her first amendment.

Voting in the affirmative, 24:

| | | | | |
|---|---|---|---|---|
| Abboud | Conway | Hartnett | Labedz | Rogers |
| Baack | DeCamp | Hefner | Lamb | Rupp |
| Barrett | Eret | Higgins | Lynch | Schmit |
| Chizek | Goodrich | Johnson, L. | Pappas | Withem |
| Chronister | Hall | Johnson, R. | Remmers | |

Voting in the negative, 19:

| | | | | |
|---|---|---|---|---|
| Carsten | Goll | Harris | Johnson, V. | Lundy |
| Chambers | Hannibal | Hoagland | Landis | Marsh |

| | | | | |
|---|---|---|---|---|
| Miller | Nelson | Scofield | Vickers | Wesely |
| Morehead | Nichol | Smith | Warner | |

Present and not voting, 3:

| | | |
|---|---|---|
| Beutler | Haberman | Peterson |

Excused and not voting, 3:

| | | |
|---|---|---|
| Beyer | Pirsch | Sieck |

The first Labedz amendment lost with 24 ayes, 19 nays, 3 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

The second Labedz amendment is as follows:

2. Strike the Standing Committee amendments.

3. On page 3, line 26, after "in" insert "subdivisions (a), (b), and (c) of"; and strike beginning with "(8)" in line 26 through "section" in line 27.

4. On page 4, line 3, after the period insert: "The person providing the information specified in subdivisions (a), (b), and (c) of this subdivision to the person upon whom the abortion is to be performed shall be deemed qualified to so advise and provide such information only if at a minimum he or she has had training in each of the following subjects: Sexual and reproductive health, abortion technology, contraceptive technology, short-term counseling skills, community resources and referral, and informed consent.".

Mr. R. Johnson asked unanimous consent to be excused. No objections. So ordered.

Pending.

## SELECT COMMITTEE REPORTS
### Enrollment and Review

### Correctly Engrossed

The following bills were correctly engrossed: 127 and 713.

(Signed) Timothy Hall, Chairperson

**Enrollment and Review Change to LB 713**

The following changes, required to be reported for publication in the Journal, have been made:
ER0108

1. On page 1, the matter beginning with "appropriations" in line 1 through line 4 has been struck and "claims; to amend section 84-612, Revised Statutes Supplement, 1984; to state intent; to provide for a transfer from the Cash Reserve Fund to pay a claim; and to repeal the original section." has been inserted.
2. E & R amendment 4 has been struck.

(Signed) Mary Sommermeyer
E & R Attorney

## RESOLUTION

**LEGISLATIVE RESOLUTION 300.**

Introduced by Scofield, 49th District; Sieck, 24th District; Rupp, 22nd District.

WHEREAS, litter abatement in Nebraska took a major step forward six years ago with the passage of the Litter Reduction and Recycling Act; and

WHEREAS, the fund created by the act now collects in excess of $500,000 annually by a mechanism through which manufacturers and wholesalers of cans, bottles, and paper products are assessed a special sales tax; and

WHEREAS, the funds are allocated and distributed by the Department of Environmental Control in the following percentages:

- programs of public education, motivation, and participation, 45%;
- programs of recycling and source separation, 45%;
- clean up of public places within the state, 10%; and

WHEREAS, it is felt by this Legislature that the organization and operation of cleanup drives conducted by local agencies and organizations using volunteer help deserves greater attention, particularly in rural areas.

NOW, THEREFORE BE IT RESOLVED BY THE MEMBERS OF THE 89TH LEGISLATURE, FIRST SESSION, OF THE STATE OF NEBRASKA:

That we request the Department of Environmental Control to reallocate the distribution of the Litter Reduction and Recycling Fund by the allocation of 30% for cleanup, with additional emphasis on rural roads across the state.

Laid over.

## SELECT FILE

**LEGISLATIVE BILL 663.** The second Labedz amendment found in this day's Journal was considered.

Mrs. Labedz moved for a call of the house. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

Mrs. Labedz requested a roll call vote on her second amendment.

Voting in the affirmative, 22:

| | | | | |
|---|---|---|---|---|
| Barrett | Eret | Higgins | Lynch | Rupp |
| Chizek | Goodrich | Johnson, L. | Pappas | Schmit |
| Chronister | Hall | Labedz | Remmers | Smith |
| Conway | Hartnett | Lamb | Rogers | Withem |
| DeCamp | Hefner | | | |

Voting in the negative, 20:

| | | | | |
|---|---|---|---|---|
| Abboud | Chambers | Johnson, V. | Miller | Scofield |
| Baack | Goll | Landis | Morehead | Vickers |
| Beutler | Hannibal | Lundy | Nelson | Warner |
| Carsten | Hoagland | Marsh | Nichol | Wesely |

Present and not voting, 3:

| | | |
|---|---|---|
| Haberman | Harris | Peterson |

Excused and not voting, 4:

| | | | |
|---|---|---|---|
| Beyer | Johnson, R. | Pirsch | Sieck |

The second Labedz amendment lost with 22 ayes, 20 nays, 3 present and not voting, and 4 excused and not voting.

## MOTION - Adjournment

Mr. Haberman moved to adjourn until 9 a.m., June 4, 1985.

Mr. Hoagland requested a roll call vote on the motion to adjourn.

Voting in the affirmative, 24:

| | | | | |
|---|---|---|---|---|
| Abboud | Chronister | Hefner | Lundy | Rogers |
| Barrett | DeCamp | Johnson, L. | Nichol | Rupp |
| Carsten | Goll | Johnson, R. | Pappas | Schmit |
| Chambers | Haberman | Labedz | Peterson | Warner |
| Chizek | Hannibal | Lamb | Remmers | |

Voting in the negative, 22:

| | | | | |
|---|---|---|---|---|
| Baack | Hall | Johnson, V. | Miller | Smith |
| Beutler | Harris | Landis | Morehead | Vickers |
| Conway | Hartnett | Lynch | Nelson | Wesely |
| Eret | Higgins | Marsh | Scofield | Withem |
| Goodrich | Hoagland | | | |

Excused and not voting, 3:

| | | |
|---|---|---|
| Beyer | Pirsch | Sieck |

The motion to adjourn prevailed with 24 ayes, 22 nays, and 3 excused and not voting, and at 8:32 p.m., on a motion by Mr. Haberman, the Legislature adjourned until 9:00 a.m., Tuesday, June 4, 1985.

Patrick J. O'Donnell
Clerk of the Legislature

# EIGHTY-NINTH DAY - JUNE 4, 1985

# LEGISLATIVE JOURNAL

# EIGHTY-NINTH DAY - JUNE 4, 1985

# LEGISLATIVE JOURNAL

# EIGHTY-NINTH LEGISLATURE
# FIRST SESSION

## EIGHTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, June 4, 1985

Pursuant to adjournment, the Legislature met at 9:02 a.m., Speaker Nichol presiding.

## PRAYER

The prayer was offered by Rev. Daniel Ondov, Trinity Lutheran Church, Lincoln, Nebraska.

## ROLL CALL

The roll was called and all members were present except Messrs. Chambers, Goodrich, and R. Johnson who were excused until they arrive.

## CORRECTIONS FOR THE JOURNAL

On page 2653, line 7, strike "9" and insert "11".
The Journal for the Eighty-Eighth Day was approved as corrected.

## MOTION - Suspend Rules

Speaker Nichol moved to suspend the rules, Rule 6, Section 7(b) to permit consideration of the bills on final reading today.

The motion to suspend the rules prevailed with 30 ayes, 0 nays, 16 present and not voting, and 3 excused and not voting.

## BILL ON FINAL READING

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 154.** With Emergency.

A BILL FOR AN ACT relating to parimutuel wagering; to amend section 2-1208.01, Revised Statutes Supplement, 1984; to change tax provisions; to eliminate a duty; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 41:

| | | | | |
|---|---|---|---|---|
| Abboud | DeCamp | Higgins | Lundy | Rupp |
| Baack | Eret | Hoagland | Marsh | Schmit |
| Barrett | Goll | Johnson, L. | Morehead | Scofield |
| Beutler | Haberman | Johnson, R. | Nelson | Sieck |
| Beyer | Hall | Johnson, V. | Nichol | Smith |
| Carsten | Hannibal | Labedz | Pirsch | Vickers |
| Chizek | Harris | Lamb | Remmers | Wesely |
| Chronister | Hefner | Landis | Rogers | Withem |
| Conway | | | | |

Voting in the negative, 1:

Warner

Present and not voting, 5:

| | | | | |
|---|---|---|---|---|
| Hartnett | Lynch | Miller | Pappas | Peterson |

Excused and not voting, 2:

Chambers Goodrich

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 717 to Select File**

Mr. V. Johnson moved to return LB 717 to Select File for the following specific amendment:
AM1634

(Amendments to Final Reading Copy)

1. Strike the original sections and all amendments thereto and insert new sections as follows:

"Section 1. That section 77-2716, Revised Statutes Supplement, 1984, be amended to read as follows:

77-2716. (1) There shall be subtracted from federal taxable income interest or dividends on obligations of the United States and its territories and possessions or of any authority, commission, or instrumentality of the United States to the extent includable in gross income for federal income tax purposes but exempt from state income taxes under the laws of the United States. The amount subtracted under ~~the provisions of~~ this subsection shall, except as provided in subsections (2) to (6) of this section, be reduced by any interest on indebtedness incurred to carry the obligations or securities described in this subsection and by any expenses incurred in the production of interest or dividend income described in this subsection to the extent that such expenses, including amortizable bond premiums, are deductible in determining federal taxable income.

(2) For corporations subject to the tax under section 77-2734.02 with income from exempt securities, in lieu of the reduction for expenses contained in subsection (1) of this section, there shall be added to federal taxable income the investment interest expense incurred by the corporation to purchase and maintain exempt securities as determined under subsection (3) of this section.

(3)(a) Except as provided in subdivision (b) of this subsection, the ~~The~~ investment interest expense provided in subsection (2) of this section shall be determined by ~~(a)~~ (i) dividing the corporation's average investment in exempt securities by the corporation's average total assets and multiplying such ratio by the corporation's total interest expense and ~~(b)~~ (ii) subtracting any interest disallowed under 26 U.S.C. sections 265 and 291.

(b) For the taxable years beginning on or after January 1, 1986, the investment interest expense provided in subsection (2) of this section for financial institutions shall be determined by (i) dividing the corporation's average investment in exempt securities by the corporation's average total assets and (ii)

subtracting any interest disallowed under 26 U.S.C. sections 265 and 291. For the taxable years beginning on or after January 1, 1986, through taxable years beginning in 1990, the investment interest expense provided in subsection (2) of this section shall not exceed ninety per cent of the amount of income received from exempt securities. For taxable years beginning on or after January 1, 1991, the investment interest expense provided in subsection (2) of this section shall not exceed seventy-five per cent of the amount of the income received from exempt securities.

(4) As used in this section, unless the context otherwise requires:

(a) Exempt securities shall mean the obligations that earn income exempt from taxation under subsection (1) of this section or under 26 U.S.C. section 103;

(b) Average investment in exempt securities shall mean the average of the aggregate tax basis in exempt securities at the beginning and the end of the taxable year;

(c) Average total assets shall mean the average of the aggregate tax basis in total assets at the beginning and end of the taxable year; ~~and~~

(d) Total interest expense shall mean the total interest expense allowed as a deduction in computing federal taxable income plus any interest disallowed under 26 U.S.C. sections 265 and 291;~~.~~

(e) Total expenses shall mean the amount subtracted from gross income in order to determine taxable income for federal income tax purposes plus any interest disallowed under 26 U.S.C. sections 265 and 291, but not including net operating loss deductions, deductions for dividends paid, or special deductions for dividends received;

(f) Corporation shall mean the entity which owns the obligations;

(g) Corporate taxpayer shall mean the unitary group, or a corporation that is not a member of a unitary group, that is required to file a return under section 77-2734.02; and

(h) Financial institution shall mean any bank, building and loan association, industrial loan and investment company, savings and loan association, savings bank, or trust company chartered to do business

in the state.

(5) Whenever it is necessary to properly reflect the ratio of investment in exempt securities to total assets, the Tax Commissioner may permit or require the computation of the average provided for in subsection (3) of this section using amounts from interim balance sheets.

(6) The corporation may use, in lieu of the tax basis for the computation in subsection (3) of this section, the amounts from a balance sheet included with the federal return or as required to be reported to federal or state regulatory agencies if (a) such amounts are not materially different from tax basis, (b) the amounts are prepared consistently from year to year, and (c) absent a change in circumstances, the amounts are consistently used by the corporation from year to year. The Tax Commissioner may require a corporation to use the alternative amounts in order to maintain consistency or may require the corporation to show that the amounts used do not materially differ from the tax basis.

(7) There shall be subtracted from federal taxable income dividends received or deemed to be received from corporations which are not subject to the Internal Revenue Code.

Sec. 2. That original section 77-2716, Revised Statutes Supplement, 1984, is repealed.".

2. On page 1, strike beginning with "state" in line 1 through "claims" in line 6 and insert "amend section 77-2716, Revised Statutes Supplement, 1984; to provide an adjustment for certain investment interest expenses; to define terms; and to repeal the original section".

Mr. V. Johnson requested a roll call vote on his motion to return.

Voting in the affirmative, 19:

| | | | | |
|---|---|---|---|---|
| Beutler | Hannibal | Johnson, V. | Morehead | Sieck |
| Chambers | Harris | Landis | Nelson | Vickers |
| Eret | Hoagland | Lundy | Schmit | Wesely |
| Hall | Johnson, L. | Lynch | Scofield | |

Voting in the negative, 25:

| | | | | |
|---|---|---|---|---|
| Abboud | Baack | Barrett | Beyer | Carsten |

| | | | | |
|---|---|---|---|---|
| Chronister | Goodrich | Johnson, R. | Peterson | Rupp |
| Conway | Haberman | Labedz | Pirsch | Smith |
| DeCamp | Hefner | Lamb | Remmers | Warner |
| Goll | Higgins | Nichol | Rogers | Withem |

Present and not voting, 5:

| | | | | |
|---|---|---|---|---|
| Chizek | Hartnett | Marsh | Miller | Pappas |

The V. Johnson motion to return lost with 19 ayes, 25 nays, and 5 present and not voting.

## BILLS ON FINAL READING

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 717.**

A BILL FOR AN ACT relating to revenue and taxation; to state intent; to define terms; to provide for a tax on financial institutions as prescribed; to provide for a credit; to provide for rules and regulations; and to prohibit certain credits, actions, and claims.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 29:

| | | | | |
|---|---|---|---|---|
| Baack | DeCamp | Higgins | Miller | Rupp |
| Barrett | Goll | Johnson, R. | Nichol | Schmit |
| Beyer | Goodrich | Labedz | Peterson | Smith |
| Carsten | Haberman | Lamb | Pirsch | Warner |
| Chronister | Hartnett | Lundy | Remmers | Withem |
| Conway | Hefner | Marsh | Rogers | |

Voting in the negative, 20:

| | | | | |
|---|---|---|---|---|
| Abboud | Eret | Hoagland | Lynch | Scofield |
| Beutler | Hall | Johnson, L. | Morehead | Sieck |
| Chambers | Hannibal | Johnson, V. | Nelson | Vickers |
| Chizek | Harris | Landis | Pappas | Wesely |

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 717A.**

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 717, Eighty-ninth Legislature, First Session, 1985.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 33:

| | | | | |
|---|---|---|---|---|
| Baack | Goll | Labedz | Pappas | Schmit |
| Barrett | Goodrich | Lamb | Peterson | Scofield |
| Beyer | Haberman | Landis | Pirsch | Smith |
| Carsten | Hannibal | Lundy | Remmers | Warner |
| Chronister | Hefner | Marsh | Rogers | Wesely |
| Conway | Higgins | Miller | Rupp | Withem |
| DeCamp | Johnson, R. | Nichol | | |

Voting in the negative, 14:

| | | | | |
|---|---|---|---|---|
| Abboud | Eret | Hoagland | Lynch | Sieck |
| Chambers | Hall | Johnson, L. | Morehead | Vickers |
| Chizek | Harris | Johnson, V. | Nelson | |

Present and not voting, 2:

| | |
|---|---|
| Beutler | Hartnett |

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**UNANIMOUS CONSENT - Withdraw Amendment to LB 501**

Mr. Wesely asked unanimous consent to withdraw his pending amendment, AM1594, found in the Journal on page 2545 to LB 501. No objections. So ordered.

**BILLS ON FINAL READING**

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 501.**

A BILL FOR AN ACT relating to funds; to amend section 60-119, Reissue Revised Statutes of Nebraska, 1943, and section 84-612, Revised Statutes Supplement, 1984; to provide for transfers from the Title Security and Vehicle Theft Prevention Fund and the Cash Reserve Fund; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 48:

| | | | | |
|---|---|---|---|---|
| Abboud | DeCamp | Higgins | Marsh | Rogers |
| Baack | Eret | Hoagland | Miller | Rupp |
| Barrett | Goll | Johnson, L. | Morehead | Schmit |
| Beutler | Goodrich | Johnson, R. | Nelson | Scofield |
| Beyer | Haberman | Johnson, V. | Nichol | Sieck |
| Carsten | Hall | Labedz | Pappas | Smith |
| Chambers | Hannibal | Lamb | Peterson | Warner |
| Chizek | Harris | Landis | Pirsch | Wesely |
| Chronister | Hartnett | Lundy | Remmers | Withem |
| Conway | Hefner | Lynch | | |

Voting in the negative, 1:

Vickers

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 87.**

A BILL FOR AN ACT relating to public assistance; to amend sections 68-1506 and 68-1512, Reissue Revised Statutes of Nebraska, 1943; to change eligibility requirements for certain disabled persons and their families; to change the allowable support as prescribed; to provide duties for the Revisor of Statutes; to eliminate a termination date; to provide an operative date; and to repeal the original sections, and also section 68-1520, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

| | | | | |
|---|---|---|---|---|
| Abboud | Eret | Hoagland | Marsh | Rogers |
| Baack | Goll | Johnson, L. | Miller | Rupp |
| Barrett | Goodrich | Johnson, R. | Morehead | Schmit |
| Beyer | Haberman | Johnson, V. | Nelson | Scofield |
| Carsten | Hall | Labedz | Nichol | Sieck |
| Chambers | Hannibal | Lamb | Pappas | Smith |
| Chizek | Harris | Landis | Peterson | Vickers |
| Chronister | Hartnett | Lundy | Pirsch | Wesely |
| Conway | Hefner | Lynch | Remmers | Withem |
| DeCamp | Higgins | | | |

Voting in the negative, 1:

Warner

Present and not voting, 1:

Beutler

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 87A.**

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 87, Eighty-ninth Legislature, First Session, 1985.

Whereupon the 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 | Chambers | Eret | Hannibal | Hoagland |
| Baack | Chizek | Goll | Harris | Johnson, L. |
| Barrett | Chronister | Goodrich | Hartnett | Johnson, R. |
| Beyer | Conway | Haberman | Hefner | Johnson, V. |
| Carsten | DeCamp | Hall | Higgins | Lamb |

| | | | | |
|---|---|---|---|---|
| Landis | Morehead | Pirsch | Schmit | Vickers |
| Lundy | Nelson | Remmers | Scofield | Warner |
| Lynch | Nichol | Rogers | Sieck | Wesely |
| Marsh | Pappas | Rupp | Smith | Withem |
| Miller | Peterson | | | |

Voting in the negative, 0.

Present and not voting, 2:

Beutler Labedz

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 342.**

A BILL FOR AN ACT relating to labor; to amend section 48-650, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to determination and review of employment security contributions and liability; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 49:

| | | | | |
|---|---|---|---|---|
| Abboud | DeCamp | Higgins | Marsh | Rupp |
| Baack | Eret | Hoagland | Miller | Schmit |
| Barrett | Goll | Johnson, L. | Morehead | Scofield |
| Beutler | Goodrich | Johnson, R. | Nelson | Sieck |
| Beyer | Haberman | Johnson, V. | Nichol | Smith |
| Carsten | Hall | Labedz | Pappas | Vickers |
| Chambers | Hannibal | Lamb | Peterson | Warner |
| Chizek | Harris | Landis | Pirsch | Wesely |
| Chronister | Hartnett | Lundy | Remmers | Withem |
| Conway | Hefner | Lynch | Rogers | |

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.

Mr. Lynch asked unanimous consent to be excused until he returns. No objections. So ordered.

**LEGISLATIVE BILL 343.**

A BILL FOR AN ACT relating to employment security; to amend section 48-601, Reissue Revised Statutes of Nebraska, 1943; to authorize the Commissioner of Labor to require wage reports 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, 45:

| | | | | |
|---|---|---|---|---|
| Abboud | Eret | Higgins | Marsh | Rupp |
| Baack | Goll | Hoagland | Miller | Schmit |
| Barrett | Goodrich | Johnson, L. | Morehead | Scofield |
| Beyer | Haberman | Johnson, R. | Nelson | Sieck |
| Chambers | Hall | Johnson, V. | Nichol | Smith |
| Chizek | Hannibal | Labedz | Pappas | Vickers |
| Chronister | Harris | Lamb | Peterson | Warner |
| Conway | Hartnett | Landis | Remmers | Wesely |
| DeCamp | Hefner | Lundy | Rogers | Withem |

Voting in the negative, 1:

Pirsch

Present and not voting, 2:

Beutler Carsten

Excused and not voting, 1:

Lynch

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 420.**

A BILL FOR AN ACT relating to the Department of Administrative Services; to authorize the department to convey or lease certain land; and to provide for the disposition of the proceeds.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

| | | | | |
|---|---|---|---|---|
| Abboud | Eret | Hoagland | Miller | Rupp |
| Baack | Goll | Johnson, L. | Morehead | Schmit |
| Barrett | Goodrich | Johnson, R. | Nelson | Scofield |
| Beutler | Haberman | Johnson, V. | Nichol | Sieck |
| Beyer | Hall | Labedz | Pappas | Smith |
| Carsten | Hannibal | Lamb | Peterson | Vickers |
| Chizek | Harris | Landis | Pirsch | Warner |
| Chronister | Hartnett | Lundy | Remmers | Wesely |
| Conway | Hefner | Marsh | Rogers | Withem |
| DeCamp | | | | |

Voting in the negative, 1:

Higgins

Present and not voting, 1:

Chambers

Excused and not voting, 1:

Lynch

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 445.**

A BILL FOR AN ACT relating to crimes and punishments; to amend section 28-611, Revised Statutes Supplement, 1984; to provide for payment of filing fees as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the

bill pass?' "

Voting in the affirmative, 42:

| | | | | |
|---|---|---|---|---|
| Abboud | DeCamp | Hefner | Lundy | Rogers |
| Baack | Eret | Higgins | Marsh | Rupp |
| Barrett | Goll | Hoagland | Morehead | Scofield |
| Beutler | Goodrich | Johnson, L. | Nichol | Sieck |
| Beyer | Haberman | Johnson, V. | Pappas | Smith |
| Carsten | Hall | Labedz | Peterson | Warner |
| Chizek | Hannibal | Lamb | Pirsch | Wesely |
| Chronister | Harris | Landis | Remmers | Withem |
| Conway | Hartnett | | | |

Voting in the negative, 4:

| | | | |
|---|---|---|---|
| Chambers | Johnson, R. | Schmit | Vickers |

Present and not voting, 2:

| | |
|---|---|
| Miller | Nelson |

Excused and not voting, 1:

Lynch

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 598.**

A BILL FOR AN ACT relating to liquors; to prohibit the possession or transportation of alcoholic liquors as prescribed; and to provide 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, 25:

| | | | | |
|---|---|---|---|---|
| Abboud | Chronister | Hefner | Lamb | Miller |
| Beyer | Goll | Hoagland | Landis | Nelson |
| Carsten | Goodrich | Johnson, L. | Lundy | Nichol |
| Chizek | Hartnett | Johnson, V. | Marsh | Peterson |

| | | | | |
|---|---|---|---|---|
| Pirsch | Remmers | Rogers | Sieck | Wesely |

Voting in the negative, 23:

| | | | | |
|---|---|---|---|---|
| Baack | DeCamp | Harris | Pappas | Smith |
| Barrett | Eret | Higgins | Rupp | Vickers |
| Beutler | Haberman | Johnson, R. | Schmit | Warner |
| Chambers | Hall | Labedz | Scofield | Withem |
| Conway | Hannibal | Morehead | | |

Excused and not voting, 1:

Lynch

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Mrs. Labedz and Mr. Rupp asked unanimous consent to be excused until they return. No objections. So ordered.

**MOTION - Return LB 612 to Select File**

Mr. Chambers moved to return LB 612 to Select File for the following specific amendment:
Strike Hannibal amendment.

The Chambers motion to return lost with 9 ayes, 23 nays, 14 present and not voting, and 3 excused and not voting.

Mr. Chambers moved to return LB 612 to Select File for the following specific amendment:
Strike the enacting clause.

Mr. Chambers asked unanimous consent to withdraw his pending motion to return. No objections. So ordered.

Mr. Schmit asked unanimous consent to have LB 612 passed over. No objections. So ordered.

**SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 154, 717, 717A, 501, 87, 87A, 342, 343, 420, 445, and 598.

## BILLS ON FINAL READING

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 668.**

A BILL FOR AN ACT relating to crimes and punishments; to amend sections 28-1463 and 28-1464, Reissue Revised Statutes of Nebraska, 1943; to adopt the Child Pornography Prevention Act; 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, 44:

| | | | | |
|---|---|---|---|---|
| Abboud | Goll | Hoagland | Miller | Schmit |
| Baack | Goodrich | Johnson, L. | Morehead | Scofield |
| Barrett | Haberman | Johnson, R. | Nelson | Sieck |
| Beyer | Hall | Johnson, V. | Nichol | Smith |
| Carsten | Hannibal | Labedz | Pappas | Vickers |
| Chizek | Harris | Lamb | Peterson | Warner |
| Chronister | Hartnett | Landis | Pirsch | Wesely |
| Conway | Hefner | Lundy | Remmers | Withem |
| Eret | Higgins | Marsh | Rogers | |

Voting in the negative, 2:

Chambers DeCamp

Present and not voting, 1:

Beutler

Excused and not voting, 2:

Lynch Rupp

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 718.** With Emergency.

A BILL FOR AN ACT relating to certain claims against the state; to make appropriations for the payment of certain claims against the state; to provide how payments shall be made; to authorize certain write-offs as prescribed; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 45:

| | | | | |
|---|---|---|---|---|
| Abboud | DeCamp | Hefner | Lundy | Remmers |
| Baack | Eret | Higgins | Marsh | Rogers |
| Barrett | Goll | Hoagland | Miller | Schmit |
| Beyer | Goodrich | Johnson, L. | Morehead | Scofield |
| Carsten | Haberman | Johnson, R. | Nelson | Sieck |
| Chambers | Hall | Johnson, V. | Nichol | Smith |
| Chizek | Hannibal | Labedz | Pappas | Vickers |
| Chronister | Harris | Lamb | Peterson | Warner |
| Conway | Hartnett | Landis | Pirsch | Wesely |

Voting in the negative, 0.

Present and not voting, 2:

Beutler Withem

Excused and not voting, 2:

Lynch Rupp

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 - Withdraw Motion on LB 722**

Speaker Nichol asked unanimous consent to withdraw his pending motion to return LB 722 to Select File for his specific amendment. No objections. So ordered.

**MOTION - Return LB 722 to Select File**

Mr. Withem and Mrs. Morehead moved to return LB 722 to Select File for the following specific amendment:

AM1631

(Amendments to Final Reading Copy)

1. Purpose: To provide $92,453 General Funds for the displaced homemaker program.

Amendment: On page 16, line 11, strike "679,401" and insert "771,854"; in line 13 strike "5,762,036" and insert "5,854,489"; in line 18 strike "$121,254" and insert "$213,707"; and on page 20, line 6, strike "190,219,844" and insert "190,312,297"; and in line 10 strike "248,513,140" and insert "248,605,593".

2. Purpose: To fund the Commission on the Status of Women at fifty per cent of its original General Fund support and supplement the General Funds with a cash fund appropriation if the cash is generated.

Amendment: On page 68, line 13, strike "33,320" and insert "114,510"; in line 14 strike "4,500" and insert "119,010"; in line 15 strike "37,820" and insert "233,520"; and in line 17 strike "$33,320" and insert "$149,990".

3. Purpose: To provide flexibility to the state colleges and the University of Nebraska with respect to observing budget reductions.

Amendment: On page 75, after line 14, insert:

"It is the intent of the Legislature that the Board of Trustees of the Nebraska State Colleges has the administrative flexibility to fund any programs or activities according to the priorities established by such board within the amounts appropriated to each college unless specifically prohibited by legislative intent."; and on page 83, line 8, strike "and"; in line 15 strike the period and insert "; and"; in line 15 strike the period and insert "; and "; and after line 15 insert the following new subdivision:

"(x) The Board of Regents of the University of Nebraska has the administrative flexibility to fund any programs or activities according to the priorities established by such board within the amounts appropriated unless specifically prohibited by legislative intent.".

4. Purpose: To fund the Commission on Mexican-Americans at fifty per cent of its General Fund support and supplement the General Funds with a cash fund appropriation if the cash is generated.

Amendment: On page 101, line 21, strike "37,062" and insert "120,837"; after line 21 insert

"CASH FUND 120,836"; in line 22 strike "37,062" and insert "241,673"; and in line 24 strike "$37,062" and insert "$177,297".

5. Purpose: To Fund the Commission on Indian Affairs at fifty per cent of its original General Fund support and supplement the General Funds with a cash fund appropriation if the cash is generated.

Amendment: On page 105, line 2, strike "17,661" and insert "88,308"; after line 2 insert "CASH FUND 88,307"; in line 3 strike "17,661" and insert "176,615"; in line 5 strike "$17,661" and insert "108,706"; and on page 106, line 3, strike "2,003,075" and insert "2,073,722"; in line 4 strike "1,659,249" and insert "1,747,556"; and in line 6 strike "15,676,324" and insert "15,835,278".

Mr. Haberman moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 7 nays, and 16 not voting.

Mr. Withem requested a roll call vote on the motion to return.

Voting in the affirmative, 21:

| | | | | |
|---|---|---|---|---|
| Baack | Eret | Higgins | Marsh | Smith |
| Beutler | Hall | Hoagland | Morehead | Vickers |
| Chambers | Harris | Johnson, V. | Nelson | Wesely |
| Chizek | Hartnett | Landis | Scofield | Withem |
| Conway | | | | |

Voting in the negative, 23:

| | | | | |
|---|---|---|---|---|
| Abboud | DeCamp | Hefner | Lundy | Pirsch |
| Barrett | Goll | Johnson, L. | Nichol | Remmers |
| Beyer | Goodrich | Johnson, R. | Pappas | Rogers |
| Carsten | Haberman | Labedz | Peterson | Warner |
| Chronister | Hannibal | Lamb | | |

Present and not voting, 3:

| | | |
|---|---|---|
| Miller | Schmit | Sieck |

Excused and not voting, 2:

| | |
|---|---|
| Lynch | Rupp |

The Withem-Morehead motion to return lost with 21 ayes, 23 nays, 3 present and not voting, and 2 excused and not voting.

## SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 668 and 718.

## PRESIDENT MCGINLEY PRESIDING

## BILL ON FINAL READING

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 722.** With Emergency.

A BILL FOR AN ACT relating to appropriations; to make appropriations for the expenses of Nebraska State Government for the year ending June 30, 1986; to recite limitations on expenditures; to create a fund; to provide an operative date; to repeal Laws 1984, LB 286A, Laws 1984, LB 403A, Laws 1984, LB 416A, Laws 1984, LB 457A, Laws 1984, LB 466A, Laws 1984, LB 470A, Laws 1984, LB 477A, Laws 1984, LB 478A, Laws 1984, LB 516A, Laws 1984, LB 724A, Laws 1984, LB 751A, Laws 1984, LB 761A, Laws 1984, LB 767A, Laws 1984, LB 801A, Laws 1984, LB 825A, Laws 1984, LB 832A, Laws 1984, LB 833A, Laws 1984, LB 835A, Laws 1984, LB 845A, Laws 1984, LB 848A, Laws 1984, LB 880A, Laws 1984, LB 930A, Laws 1984, LB 931A, Laws 1984, LB 970A, Laws 1984, LB 976A, Laws 1984, LB 981A, Laws 1984, LB 990A, Laws 1984, LB 991A, Laws 1984, LB 994A, Laws 1984, LB 1001A, Laws 1984, LB 1089A, Laws 1984, LB 1106A, Laws 1984, LB 1125A, Laws 1984, LB 1126A, and Laws 1984, LB 1127A; and to declare an emergency.

Whereupon the President stated: "All provisions of 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:

| | | | | |
|---|---|---|---|---|
| Barrett | Conway | Hannibal | Johnson, R. | Lundy |
| Beutler | DeCamp | Hefner | Johnson, V. | Miller |
| Beyer | Goll | Higgins | Labedz | Morehead |
| Carsten | Goodrich | Hoagland | Lamb | Nelson |
| Chronister | Haberman | Johnson, L. | Landis | Nichol |

| | | | | |
|---|---|---|---|---|
| Pappas | Remmers | Schmit | Sieck | Vickers |
| Peterson | Rogers | Scofield | Smith | Warner |
| Pirsch | | | | |

Voting in the negative, 11:

| | | | | |
|---|---|---|---|---|
| Abboud | Chizek | Hall | Hartnett | Wesely |
| Baack | Eret | Harris | Marsh | Withem |
| Chambers | | | | |

Excused and not voting, 2:

Lynch Rupp

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

## PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bill: 722.

## MESSAGE FROM THE GOVERNOR

June 4, 1985

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 389, 606, 606A and 614 were received in my office on May 31, 1985.

These bills were signed by me on June 4, 1985 and delivered to the Secretary of State.

Sincerely,
(Signed) ROBERT KERREY
Governor

RK/jm

## PRESENTED TO THE GOVERNOR

Presented to the Governor on June 4, 1985, at 11:10 a.m., were the following bills: 154, 717, 717A, 501, 87, 87A, 342, 343, 420, 445 and 598.

(Signed) Pam Moravec, Enrolling Clerk

Presented to the Governor on June 4, 1985, at 11:40 a.m., were the following bills: 718 and 668.

(Signed) Pam Moravec, Enrolling Clerk

## PROPOSED RULE CHANGE

Mr. Pappas asked unanimous consent to print the following rule change in the Journal. No objections. So ordered.

I move that Rule 2, Section 3, (b) (iii) be amended to read as follows:

Reporters of regularly accredited newspapers and broadcasting stations but only to that space under the balcony on either side adjacent to the floor of the Legislative Chamber where the Senators are actually seated.

## VISITORS

Visitors to the Chamber were 28 members of "Golden Dusters" from North Platte; and Katherine Metzger from Cedar Creek and Millie Seefert from Ulm, Germany.

## RECESS

At 12:10 p.m., on a motion by Speaker Nichol, the Legislature recessed until 1:30 p.m.

## AFTER RECESS

The Legislature reconvened at 1:30 p.m., President McGinley presiding.

## ROLL CALL

The roll was called and all members were present except Mr. Withem who was excused; and Messrs. Chambers, DeCamp, R. Johnson, Lynch, and Rupp who were excused until they arrive.

## UNANIMOUS CONSENT - Member Excused

Mrs. Morehead asked unanimous consent to be excused until she returns. No objections. So ordered.

## ATTORNEY GENERAL'S OPINION

Opinion No. 96
June 3, 1985

Dear Senator Barrett:

This will acknowledge our receipt of your inquiry which pertains to LB 670 of the Eighty-ninth Legislature, First Session (1985).

We note that this legislative bill pertains to public lettings. If it were to become operative law, section 1 of LB 670 would amend Neb.Rev.Stat. §73-101 (Reissue 1981) by specifically inserting educational service units into a list of public bodies upon which certain duties are imposed when advertising for bids pursuant to certain statutes of the State of Nebraska. Section 2 of LB 670, if it were to become operative law, would amend Neb.Rev.Stat. §79-2201.01 (Reissue 1981) by specifically providing that educational service units shall be bound by the bidding procedures and requirements prescribed in Neb.Rev.Stat. §§73-101 to 73-106 (Reissue 1981). In connection therewith, you have asked two questions, each of which is hereafter separately discussed.

1. Under current law, is an educational service unit a "governmental subdivision," as the term appears in Neb.Rev.Stat. §73-101 (Reissue 1981), thus rendering the new language in lines 6 and 7 on page 2 of LB 670 superfluous?

The term "governmental subdivision" is not specifically defined in Neb.Rev.Stat. §§73-101 to 73-106 (Reissue 1981). Moreover, we know of no case law which specifically holds that an educational service unit is a "governmental subdivision" as that term is used in the statutes cited. On the other hand, the Nebraska Supreme Court has held that the initial formation of educational service units and their geographical boundaries was a proper exercise of legislative power and within constitutional limits. See, Frye v. Haas, 182 Neb. 73, 82, 152 N.W.2d 121 (1967). Hence, it can hardly be doubted that educational service units are subdivisions of the government of the State of Nebraska. See also, Platte Valley Public Power & Irrigation District v. County of Lincoln, 144 Neb. 584, 14 N.W.2d 202 (1944). We are therefore of the opinion that under current law, an educational service unit is a "governmental subdivision," as that term

appears in Neb.Rev.Stat. §73-101 (Reissue 1981), and therefore the new language in lines 6 and 7 on page 2 of LB 670 is superfluous.

2. If Educational Service Units are included within sections 73-101 to 73-106, either under current law or by section 1 of LB 670, does the new language inserted by section 2, on page 3 lines 16 to 18, into section 79-2201.01 impose any duties and requirements on educational service units not already provided under section 79-2201.01?

It appears to us that the answer to the above stated question is dependent upon whether an educational service unit, in a particular case, is advertising for bids pursuant to any statutes of the State of Nebraska. If the answer is "yes," then it is our opinion that the new language inserted by section 2 of LB 670, page 3, lines 16 to 18, does not impose any duties and requirements on educational service units not already provided under Neb.Rev.Stat. §79-2201.01 (Reissue 1981). On the other hand, if an educational service unit is not, in a particular case, advertising for bids pursuant to any statutes of the State of Nebraska, the new language in section 2 of LB 670, page 3, lines 16 to 18, would have no application.

Very truly yours,
ROBERT M. SPIRE
Attorney General
(Signed) Harold Mosher
Assistant Attorney General

HM:ejg
cc: Patrick J. O'Donnell
Clerk of the Legislature

## PRESENTED TO THE GOVERNOR

Presented to the Governor on June 4, 1985, at 12:48 p.m., was the following bill: 722.

(Signed) Pam Moravec, Enrolling Clerk

## BILLS ON FINAL READING

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 725.** With Emergency.

A BILL FOR AN ACT relating to schools; to amend section 79-445, Revised Statutes Supplement, 1984; to change provisions relating to nonresident tuition; 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, 41:

| | | | | |
|---|---|---|---|---|
| Abboud | Eret | Hefner | Marsh | Rogers |
| Baack | Goll | Higgins | Miller | Schmit |
| Barrett | Goodrich | Hoagland | Nelson | Scofield |
| Beutler | Haberman | Johnson, L. | Nichol | Sieck |
| Beyer | Hall | Johnson, V. | Pappas | Smith |
| Carsten | Hannibal | Labedz | Peterson | Vickers |
| Chizek | Harris | Lamb | Pirsch | Warner |
| Chronister | Hartnett | Lundy | Remmers | Wesely |
| Conway | | | | |

Voting in the negative, 0.

Present and not voting, 1:

Landis

Excused and not voting, 7:

| | | | | |
|---|---|---|---|---|
| Chambers | Johnson, R. | Morehead | Rupp | Withem |
| DeCamp | Lynch | | | |

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**LEGISLATIVE BILL 726.** With Emergency.

A BILL FOR AN ACT relating to insurance; to repeal a provision authorizing certain refunds; to repeal section 44-156, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 43:

| | | | | |
|---|---|---|---|---|
| Abboud | DeCamp | Hefner | Marsh | Rogers |
| Baack | Eret | Higgins | Miller | Schmit |
| Barrett | Goll | Hoagland | Nelson | Scofield |
| Beutler | Goodrich | Johnson, L. | Nichol | Sieck |
| Beyer | Haberman | Johnson, V. | Pappas | Smith |
| Carsten | Hall | Labedz | Peterson | Vickers |
| Chizek | Hannibal | Lamb | Pirsch | Warner |
| Chronister | Harris | Landis | Remmers | Wesely |
| Conway | Hartnett | Lundy | | |

Voting in the negative, 0.

Excused and not voting, 6:

| | | | | |
|---|---|---|---|---|
| Chambers | Lynch | Morehead | Rupp | Withem |
| Johnson, R. | | | | |

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**LEGISLATIVE BILL 728.** With Emergency.

A BILL FOR AN ACT relating to the University Buildings Renovation and Land Acquisition Fund; to amend sections 77-2602, 85-1,111, and 85-1,112, Revised Statutes Supplement, 1984; to change dates relating to funds received from the cigarette tax; to authorize expenditures for associated expenses as prescribed; to change a provision relating to terms of a construction contract; 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 | Conway | Harris | Lamb | Peterson |
| Baack | DeCamp | Hartnett | Landis | Pirsch |
| Barrett | Eret | Hefner | Lundy | Remmers |
| Beutler | Goll | Hoagland | Marsh | Rogers |
| Beyer | Goodrich | Johnson, L. | Miller | Schmit |
| Carsten | Haberman | Johnson, R. | Nelson | Scofield |
| Chizek | Hall | Johnson, V. | Nichol | Sieck |
| Chronister | Hannibal | Labedz | Pappas | Smith |

| | | |
|---|---|---|
| Vickers | Warner | Wesely |

Voting in the negative, 1:

Higgins

Excused and not voting, 5:

| | | | | |
|---|---|---|---|---|
| Chambers | Lynch | Morehead | Rupp | Withem |

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**LEGISLATIVE BILL 171.** With Emergency.

A BILL FOR AN ACT relating to juvenile courts; to amend section 43-2,119, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the number of judges in certain counties; to provide for certain appointments; 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 | DeCamp | Hefner | Lundy | Remmers |
| Baack | Eret | Higgins | Marsh | Rogers |
| Barrett | Goll | Hoagland | Miller | Schmit |
| Beutler | Goodrich | Johnson, L. | Nelson | Scofield |
| Beyer | Haberman | Johnson, R. | Nichol | Sieck |
| Carsten | Hall | Johnson, V. | Pappas | Smith |
| Chizek | Hannibal | Labedz | Peterson | Vickers |
| Chronister | Harris | Lamb | Pirsch | Warner |
| Conway | Hartnett | Landis | | |

Voting in the negative, 1:

Wesely

Excused and not voting, 5:

| | | | | |
|---|---|---|---|---|
| Chambers | Lynch | Morehead | Rupp | Withem |

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**LEGISLATIVE BILL 171A.** With Emergency.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 171, Eighty-ninth Legislature, First Session, 1985; and to declare an emergency.

Whereupon the President stated: "All provisions of 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 | DeCamp | Hartnett | Lamb | Pirsch |
| Baack | Eret | Hefner | Landis | Remmers |
| Barrett | Goll | Higgins | Lundy | Schmit |
| Beutler | Goodrich | Hoagland | Marsh | Scofield |
| Beyer | Haberman | Johnson, L. | Miller | Sieck |
| Carsten | Hall | Johnson, R. | Nelson | Smith |
| Chizek | Hannibal | Johnson, V. | Nichol | Warner |
| Chronister | Harris | Labedz | Pappas | Wesely |
| Conway | | | | |

Voting in the negative, 0.

Present and not voting, 3:

| | | |
|---|---|---|
| Peterson | Rogers | Vickers |

Excused and not voting, 5:

| | | | | |
|---|---|---|---|---|
| Chambers | Lynch | Morehead | Rupp | Withem |

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**UNANIMOUS CONSENT - Withdraw Amendment to LB 269**

Mr. DeCamp asked unanimous consent to withdraw his pending amendment, AM1223, found in the Journal on page 1952 to LB 269.

No objections. So ordered.

## BILLS ON FINAL READING

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 269.** With Emergency.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-801 and 77-802, Revised Statutes Supplement, 1984; to define a term; to change provisions relating to public service entity tax as prescribed; to provide an operative date; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 42:

| | | | | |
|---|---|---|---|---|
| Abboud | DeCamp | Hefner | Landis | Remmers |
| Baack | Eret | Higgins | Lundy | Schmit |
| Barrett | Goll | Hoagland | Marsh | Scofield |
| Beutler | Goodrich | Johnson, L. | Miller | Sieck |
| Beyer | Haberman | Johnson, R. | Nichol | Smith |
| Carsten | Hall | Johnson, V. | Pappas | Vickers |
| Chizek | Hannibal | Labedz | Peterson | Warner |
| Chronister | Harris | Lamb | Pirsch | Wesely |
| Conway | Hartnett | | | |

Voting in the negative, 0.

Present and not voting, 2:

Nelson Rogers

Excused and not voting, 5:

| | | | | |
|---|---|---|---|---|
| Chambers | Lynch | Morehead | Rupp | Withem |

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**LEGISLATIVE BILL 269A.**

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 269, Eighty-ninth Legislature, First Session, 1985.

Whereupon the 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 | DeCamp | Hefner | Lundy | Rogers |
| Baack | Eret | Higgins | Marsh | Schmit |
| Barrett | Goll | Hoagland | Miller | Scofield |
| Beutler | Goodrich | Johnson, L. | Nelson | Sieck |
| Beyer | Haberman | Johnson, R. | Nichol | Smith |
| Carsten | Hall | Johnson, V. | Pappas | Vickers |
| Chizek | Hannibal | Labedz | Peterson | Warner |
| Chronister | Harris | Lamb | Pirsch | Wesely |
| Conway | Hartnett | Landis | Remmers | |

Voting in the negative, 0.

Excused and not voting, 5:

| | | | | |
|---|---|---|---|---|
| Chambers | Lynch | Morehead | Rupp | Withem |

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**UNANIMOUS CONSENT - Pass Over LB 451**

Mr. Beutler asked unanimous consent to pass over LB 451. No objections. So ordered.

**MOTION - Return LB 608 to Select File**

Mr. Hefner moved to return LB 608 to Select File for the following specific amendment:

In line 17 on page 9 (Final Reading Copy) strike "twenty-five" and insert "ten".

Mr. Hefner asked unanimous consent to withdraw his pending motion to return. No objections. So ordered.

## BILLS ON FINAL READING

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 608.**

A BILL FOR AN ACT relating to worker's compensation; to amend sections 48-121 and 48-122, Reissue Revised Statutes of Nebraska, 1943; to change the compensation benefits; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 29:

| | | | | |
|---|---|---|---|---|
| Barrett | Goodrich | Hoagland | Marsh | Scofield |
| Beutler | Hall | Johnson, L. | Miller | Sieck |
| Chambers | Hannibal | Johnson, V. | Pappas | Vickers |
| Chizek | Harris | Labedz | Pirsch | Warner |
| Conway | Hartnett | Landis | Remmers | Wesely |
| Eret | Higgins | Lundy | Schmit | |

Voting in the negative, 16:

| | | | | |
|---|---|---|---|---|
| Abboud | Chronister | Haberman | Lamb | Peterson |
| Baack | DeCamp | Hefner | Nelson | Rogers |
| Beyer | Goll | Johnson, R. | Nichol | Smith |
| Carsten | | | | |

Excused and not voting, 4:

| | | | |
|---|---|---|---|
| Lynch | Morehead | Rupp | Withem |

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 608A.**

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 608, Eighty-ninth Legislature, First Session, 1985.

Whereupon the President stated: "All provisions of law relative

to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 30:

| | | | | |
|---|---|---|---|---|
| Baack | Eret | Higgins | Lundy | Schmit |
| Barrett | Goodrich | Hoagland | Marsh | Scofield |
| Beutler | Hall | Johnson, L. | Miller | Sieck |
| Carsten | Hannibal | Johnson, V. | Pappas | Vickers |
| Chambers | Harris | Labedz | Pirsch | Warner |
| Chizek | Hartnett | Landis | Remmers | Wesely |

Voting in the negative, 15:

| | | | | |
|---|---|---|---|---|
| Abboud | Conway | Haberman | Lamb | Peterson |
| Beyer | DeCamp | Hefner | Nelson | Rogers |
| Chronister | Goll | Johnson, R. | Nichol | Smith |

Excused and not voting, 4:

| | | | |
|---|---|---|---|
| Lynch | Morehead | Rupp | Withem |

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

## ATTORNEY GENERAL'S OPINIONS

Opinion No. 97
May 31, 1985

Dear Senator Schmit:

You have asked our opinion on the constitutionality of three proposals to fund the construction of plants to produce grain alcohol.

One proposal would provide a grant of funds appropriated from the general fund for the construction of such plants.

A second proposal would provide a refundable tax credit for the production of alcohol with any excess of a refund over a producer's tax liability to be paid by the Department of Revenue from the general fund.

The third proposal would be similar to the second except that the excess over the tax liability would not be refundable, but would carry over as a credit against tax liability in future years.

It seems quite clear that the purpose of the proposals set forth above is to promote the development of alcohol plants in the state.

In light of this we point out that in the adoption of Article XIII, Section 2, of the Nebraska Constitution, a mechanism has been created for the encouragement of industrial development. We doubt that there would be any question but that none of the three proposals suggested would meet the requirements or fall within the requirements of this provision of our Constitution.

Your question is directed to the constitutionality of the proposals considering the provision of Article XIII, Section 3, of the Nebraska Constitution, which provides in part: "The credit of the state shall never be given or loaned in aid of any individual, association, or corporation, . . ."

In Oxnard Beet Sugar Company v. State, 73 Neb. 57, 102 N.W. 80 (1905), our Supreme Court held a statute offering a bounty for the manufacture of sugar and chicory unconstitutional for the reason that the Legislature cannot appropriate or pledge the public money for private purposes.

Later cases to the same effect are United Community Services v. Omaha National Bank, 162 Neb. 786, 77 N.W.2d 576 (1956), and State ex rel. Beck v. City of York, 164 Neb. 223, 82 N.W.2d 269 (1957).

It should be noted that in the above cases our court held that money could not be paid out of the State Treasury to benefit a specific entity. Clearly, the first two proposals requiring payment of money from the State Treasury would be unconstitutional.

In regard to your particular question of the right of the Legislature to provide for the assistance of a particular entity by way of a carry-over tax credit, that is, being excused from the payment of a tax as distinguished from being the recipient of tax money already paid into the state General Fund, we have been unable to find any case in which our Supreme Court has addressed that particular issue.

Since we have no clear guidelines to follow, we are unable to say, with any degree of certainty, what our Supreme Court would hold with regard to the validity of a carry-over tax credit in aid of development of grain alcohol plants.

Very truly yours,
ROBERT M. SPIRE
Attorney General
(Signed) Bernard L. Packett
Assistant Attorney General

BLP:ejg
cc: Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 98
June 4, 1985

Dear Senator Barrett:

This is in response to your letter of June 3, 1985, concerning LB 157.

Your first concern with LB 157 deals with Section 1 (5) and (6) which, in essence, excludes third party insurance carriers and state or political subdivisions from the prejudgment interest provisions of LB 157. Your question is whether or not this is a rational classification. Of course, the courts have repeatedly indicated that a legislative classification will be upheld against constitutional attack if it bears some reasonable relationship to the legitimate purposes of the legislation. Pegasus of Omaha, Inc. v. State, 203 Neb. 755, 280 N.W.2d 64 (1979). Likewise, the Supreme Court has stated, "Whether there was a reasonable basis for the enactment of the statute in question is primarily a matter of legislative determination, subject to limited judicial scrutiny." Bridgeford v. U-Haul Company, 195 Neb. 308, 238 N.W.2d 443 (1976). The determination of what is a reasonable basis for classification is thus first a matter for determination of the Legislature.

We do not have sufficient facts before us concerning the basis for this classification nor the purpose of this legislation to make such a determination. At best, we can only say that the Legislature may make reasonable classification of persons, corporations and property for purposes of legislation concerning them, but that these classifications must rest upon real differences of situations and circumstances surrounding the members of that class relative to the subject of the legislation which renders its enactment appropriate. Prendergast v. Nelson, 199 Neb. 97, 256 N.W.2d 657 (1977).

Your second question concerning LB 157 is as follows. You first note that LB 157 would require interest to be awarded even on claims for lost future earnings and pain and suffering. You then indicate that these are injuries which have not occurred at the time of trial and then ask whether LB 157 violates Article VII, Section 5, and Article I, Section 3, of the Nebraska Constitution by providing punitive damages which are in excess of the damages necessary to compensate injured parties for their losses.

Article VII, Section 5, of the Constitution merely provides that all fines and penalties levied in the State of Nebraska are to be appropriated to the support of the schools. Article I, Section 3, of the Constitution is the provision providing that no person shall be deprived of life, liberty or property without due process of law. Reliance upon these provisions has led to a rule of law in this state

which provides that punitive, vindictive, or exemplary damages are not allowed in civil cases. Abel v. Conover, 170 Neb. 926, 104 N.W.2d 684 (1960). Your concern then is that the prejudgment interest would constitute a penalty or punitive award rather than compensation since the future losses have not yet occurred and the interest could not be construed as an award of compensatory damages.

If this argument were to be valid at all, it would seem that it must first apply to the underlying award for the damages for future losses and pain and suffering. The allowance of interest is compensation for the withholding or use of money otherwise due. Bell v. Arndt, 24 Neb. 261 (1888). It is thus not part of the award for the damages themselves. See also, 22 Am.Jur.2d, Damages, 179. If a court determines that a claim for future losses and pain and suffering is proper, and should have been allowed, then it only follows that interest may be permitted on such an otherwise proper claim. The rational for granting interest in such circumstances is that the claim itself should have been paid when made, not that all of the damages have necessarily accrued. See, Hare, Jr., Prejudgment Interest in Personal Injury Litigation: A Policy of Fairness. 5 Am.Jur., Trial Ad. 81, Summer 1981. In summation then, we find no basis for concluding that such interest would constitute a penalty or punitive damages, and thus no basis for finding that such legislation is unconstitutional.

Sincerely,
ROBERT M. SPIRE
Attorney General
(Signed) John Boehm
Assistant Attorney General

JB:ejg
cc: Patrick J. O'Donnell
Clerk of the Legislature

## RESOLUTION

**LEGISLATIVE RESOLUTION 301.**

Introduced by Wesely, 26th District.

WHEREAS, Dale Godfrey will be leaving his position as Assistant Revisor of Statutes for the Nebraska Legislature; and

WHEREAS, Dale will be moving to Independence, Missouri, with his family; and

WHEREAS, Dale started as a bill drafter with the Nebraska

Legislature in 1977 and has provided distinguished service to the Nebraska Legislature since that time, serving admirably in a job requiring long hours and hard work.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Nebraska Legislature sincerely thanks Dale Godfrey for his years of service.

2. That the members and the staff of the Nebraska Legislature offer their best wishes to Dale and his family for the future.

3. That the clerk of the Legislature send a copy of this resolution to Dale Godfrey.

Laid over.

## PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 725, 726, 728, 171, 171A, 269, 269A, 608, and 608A.

## RESOLUTIONS

**LEGISLATIVE RESOLUTION 76.** Read. Considered.

LR 76 was adopted with 38 ayes, 0 nays, and 11 not voting.

**LEGISLATIVE RESOLUTION 250.** Read. Considered.

Standing Committee amendment, AM1593, found in the Journal on page 2541 for the Eighty-Sixth Day was adopted with 38 ayes, 0 nays, 7 present and not voting, and 4 excused and not voting.

LR 250 was adopted with 34 ayes, 0 nays, and 15 not voting.

## MOTION - Suspend Rules

Messrs. Haberman and V. Johnson moved to suspend the rules, Rule 6, Section 5, to allow the adoption of Legislative Resolutions 259, 260, 266, 274, 275, 278, 279, 280, 281, 282, 283, 284, 287, 288, 291, and 293 in one vote.

The motion to suspend the rules prevailed with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

LRs 259, 260, 266, 274, 275, 278, 279, 280, 281, 282, 283, 284, 287, 288, 291, and 293 were adopted with 32 ayes, 0 nays, and 17 not voting.

## RESOLUTIONS

**LEGISLATIVE RESOLUTION 294.** Read. Considered.

LR 294 was adopted with 26 ayes, 2 nays, and 21 not voting.

**LEGISLATIVE RESOLUTION 295.** Read. Considered.

Messrs. Chambers, DeCamp, and V. Johnson offered the following amendment:

1. After the last WHEREAS, following the period. Strike the period, and add the word, "and;"

2. Insert the following

WHEREAS, Congress has provided that the United States is authorized to accept a retrocession of all or any measure of the jurisdiction acquired by a state pursuant to Public Law 280 of 1953, and;

WHEREAS, The Indian Commission has over the last year been researching and working with the Winnebago tribe in petitioning the State of Nebraska to effectuate a partial retrocession of criminal jurisdiction over the Winnebago Reservation to the United States, and;

WHEREAS, The Indian Commission, The Winnebago Tribe, and many concerned citizens have demonstrated the capability of the Winnebago Tribe to assume its portion of associated responsibilities.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature hereby retrocedes criminal jurisdiction over the Winnebago Reservation acquired by the State of Nebraska pursuant to Public Law 280 of 1953, except as provided in paragraph 2 of this resolution. Such retrocession shall be effective commencing 12:01 A.M., July 1, 1985.

2. That the Winnebago Tribe shall have jurisdiction to prosecute Indians committing offenses involving the operation of motor vehicles on the public highways and roadways within the exterior boundaries of the Winnebago Reservation, and the state of Nebraska shall have jurisdiction to prosecute non-Indians committing similar offenses.

3. That the state of Nebraska and its political subdivisions shall take all necessary action to effectuate this resolution, including

cooperative agreements with the Winnebago Tribe, the Bureau of Indian Affairs and/or the Department of Interior deemed by the affected parties to be necessary to enhance the efficiency and effectiveness of criminal law enforcement on the Winnebago Reservation and in Thurston County.

Mr. Hoagland requested a ruling of the Chair on whether the Chambers-DeCamp-V. Johnson amendment is germane to the resolution.

The Chair ruled the amendment not germane to the resolution.

Mr. V. Johnson challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

Mr. R. Johnson asked unanimous consent to be excused until he returns. No objections. So ordered.

The V. Johnson motion to overrule the Chair lost with 14 ayes, 27 nays, 5 present and not voting, and 3 excused and not voting.

Mr. V. Johnson moved to suspend the rules, Rule 7, Section 3 (d) to permit consideration of the DeCamp-V. Johnson-Chambers amendment to LR 295.

Mr. Sieck asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 30 ayes, 0 nays, and 19 not voting.

The V. Johnson motion to suspend the rules lost with 19 ayes, 19 nays, 7 present and not voting, and 4 excused and not voting.

LR 295 was adopted with 26 ayes, 2 nays, and 21 not voting.

**LEGISLATIVE RESOLUTION 296.** Read. Considered.

Mr. Schmit asked unanimous consent to be excused until he returns. No objections. So ordered.

LR 296 was adopted with 25 ayes, 2 nays, and 22 not voting.

**LEGISLATIVE RESOLUTION 302.**

Introduced by Schmit, 23rd District; Sieck, 24th District; Chambers, 11th District; Labedz, 5th District; Higgins, 9th District.

Whereas, Nebraska farmers and Nebraska's total economy are suffering from the price depressing affects of large grain inventories, and

Whereas, maintaining the quality of such large grain inventories and the physical storage itself reflect a substantial cost to both farmers and the grain industry overall, and

Whereas, millions of people are suffering and dying on the African continent and in other food deficient areas of the world because America's abundance of grain is as yet unable to reach them, and

Whereas, the United States, the major donor to African pledges 2.8 million tons of grains, or more than a third of the total donated and,

Whereas, in Ethiopia 5 million people face starvation with less than half of the 1.7 million tons of food pledges have been fulfilled, and

Whereas, the farmers and citizens of Nebraska have always shown their deep concern for those starving people of the world, and

Now, therefore, be it resolved by the 89th Legislature of the State of Nebraska that:

1. Nebraska farmers are encouraged to donate up to 50 bushels of grain in an effort to reduce inventories and save human lives and in the process turn a liability into an asset.

2. That the handling, marketing, transportation, and merchandizing sectors of Nebraska's grain industry and the international grain merchants are encouraged by this legislative body to donate the resources in an effort to move large amounts of grain to the starving people of the world.

3. That the proposed U.S.D.A. export grain subsidy be first and foremost targeted at those African Nations that are in immediate need.

4. That a copy of this resolution be sent to the Governor and members of the Nebraska Congressional delegations in Washington, D.C.

Laid over.

## PRESENTED TO THE GOVERNOR

Presented to the Governor on June 4, 1985, at 3:00 p.m., were the

following bills: 725, 726, 728, 171, 171A, 269, 269A, 608, and 608A.

(Signed) Pam Moravec, Enrolling Clerk

## UNANIMOUS CONSENT - Add Co-Introducer

Mr. Lamb asked unanimous consent to have his name added as co-introducer to LR 287. No objections. So ordered.

## MOTION - Approve Appointments

Mr. Schmit moved the adoption of the report of the Public Works Committee for the following Governor appointments found in the Journal on page 2194: Dayle Williamson - Director, Natural Resources Commission; Daniel W. Meyer - Power Review Board
Page 2323: Michael J. O'Hara - Power Review Board
Page 2463: James C. Pattee - Motor Vehicle Industry Licensing Board; Lloyd Soukup - Motor Vehicle Industry Licensing Board
Page 2514: Richard E. Watson - Motor Vehicle Industry Licensing Board

These appointments were confirmed with 34 ayes, 0 nays, 12 present and not voting, and 3 excused and not voting.

## SELECT COMMITTEE REPORT
### Rules

The Rules Committee met on Tuesday, June 4, 1985, and acted favorably on the following proposed rule change:
Morehead proposed rule change, page 2259 of the Journal.
VOTE: For: Senators Morehead, Beutler, Chizek, Vickers. Against: Senator L. Johnson. Present and Not Voting: none. Absent: none.

(Signed) Patricia Morehead, Chairperson

## VISITORS

Visitors to the Chamber were Allen Dillman from Morrill; and Polly Hurley from Sioux Falls, South Dakota, and Deloris Gorman from Saint Louis, Missouri.

## MOTION - Adjournment

Mr. DeCamp moved to adjourn. The motion prevailed with 28 ayes, 6 nays, and 15 not voting, and at 4:02 p.m., on a motion by Mr. DeCamp, the Legislature adjourned until 9:00 a.m., Wednesday, June 5, 1985.

Patrick J. O'Donnell
Clerk of the Legislature

# NINETIETH DAY - JUNE 5, 1985

# LEGISLATIVE JOURNAL

# NINETIETH DAY - JUNE 5, 1985

## LEGISLATIVE JOURNAL

## EIGHTY-NINTH LEGISLATURE
## FIRST SESSION

## NINETIETH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, June 5, 1985

Pursuant to adjournment, the Legislature met at 9:04 a.m., Speaker Nichol presiding.

## PRAYER

The prayer was offered by Dr. Robert Palmer, Westminster Presbyterian Church, Lincoln, Nebraska.

## ROLL CALL

The roll was called and all members were present except Messrs. Chambers, Goodrich, R. Johnson, Lundy, Rupp, Schmit, Mesdames Higgins, Labedz, and Ms. Scofield who were excused until they arrive.

## CORRECTIONS FOR THE JOURNAL

The Journal for the Eighty-Ninth Day was approved.

## ATTORNEY GENERAL'S OPINIONS

Opinion No. 99
June 4, 1985

Dear Senator Chizek:

You have requested our opinion regarding the constitutionality of certain language amending LB 653A, relating to the cigarette tax. In particular, you refer us to section 2 of the bill, which provides, in part, that the tax imposed on each package of cigarettes shall be

. . . an amount equal to the difference between thirty-four cents and the federal excise tax on cigarettes as provided by the Tax Equity and Fiscal Responsibility Act of 1982, P.L. 97-248, Title II, Subtitle F, Part III, Section 283(C), 96 Stat. 569, as amended, but in no case less than eighteen cents.

In addition, you further refer to certain language establishing the distribution of the revenue raised under the bill, providing ". . . an additional amount which shall be the equivalent of eight cents of such tax or the difference between the special privilege tax on cigarettes and eighteen cents, whichever is less," shall be placed in the Cash Reserve Fund, or into the General Fund, for the periods specified. You state the intent of the amendment is to "pick up" the eight cent tax imposed under federal law which is scheduled to expire, or any portion thereof which is allowed to expire.

The question you have addressed is whether the amendment's reference to federal tax law, and the potential enactment of legislation by the United States Congress affecting the amount of the tax, would represent an unconstitutional delegation of legislative authority.

In 1935, the Nebraska Supreme Court held a statute appropriating funds to be expended under terms and conditions to be provided by an act of the United States Congress, to be passed in the future, was an unconstitutional attempt on the part of the Legislature to delegate legislative authority to the Congress. Smithberger v. Banning, 129 Neb. 651, 262 N.W. 491 (1935). Subsequently, in Anderson v. Tiemann, 182 Neb. 393, 155 N.W.2d 322 (1967), the Court stated the rule announced in the Smithberger case had not been overruled, and remained the law in this jurisdiction.

Based on the principle established in Smithberger, it would appear the amendment to LB 653A, to the extent it refers to provisions of federal law which may be affected by future congressional legislation, could be viewed as an unconstitutional delegation of legislative authority.

We would point out, however, that case law from several jurisdictions outside Nebraska supports the proposition that the prospective incorporation of federal tax law does not constitute an impermissible delegation of state legislative authority. Parker Affiliated Companies, Inc. v. Department of Revenue, 382 Mass. 256, 415 N.E.2d 825 (1981); see also, City National Bank v. State Tax Commission, 251 Iowa 603, 102 N.W.2d 381 (1960) (state constitutional provision forbidding reference to other law to determine tax held not violated by Legislature's definition of state net income as adjusted gross income on federal tax return); First Federal Savings & Loan Association v. Connelly, 142 Conn. 483, 115 A.2d 455 (1955) (corporate income tax statute may utilize federal definition of gross income); accord, Katzenberg v. Comptroller of the

Treasury, 263 Md. 189, 282 A.2d 465 (1971).

Generally, these cases recognize that, while federal action in the form of congressional legislation may influence the amount of tax payable, the mere reference in state legislation to federal tax statutes, utilized in determining the tax payable, does not represent a delegation of the state taxing power to the federal government. Thus, under the amendment to LB 653A, while future action by Congress may affect the amount of cigarette tax paid, the reference to federal law would not, under this principle, amount to an unconstitutional delegation of the state's taxing power by the Legislature.

While we are not unmindful of the Nebraska Supreme Court's decision in Smithberger, we believe the "pick up" tax imposed under LB 653A, as amended, could successfully be defended against constitutional attack. We do not believe the reference to federal tax law in the amendment would unconstitutionally delegate the state's taxing power to Congress. While the amount of the tax payable may be influenced by future congressional action, this would not, in this instance, constitute a delegation of the state's taxing power in derogation of the Nebraska Constitution.

Very truly yours,
ROBERT M. SPIRE
Attorney General
(Signed) L. Jay Bartel
Assistant Attorney General

LJB:ejg
cc: Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 100
June 4, 1985

Re: LB 60

Dear Senator Vickers:

This is an answer to your inquiry concerning the provisions of LB 60 which, in its present form, would permit corn and wheat checkoff fees to be used to influence legislation, but would prevent other checkoff boards from so using the fees which they received.

You have asked if there is any legal prohibition against permitting some checkoff fees to be used to influence legislation without making all checkoff fees available for such purposes.

In a number of instances the Legislature has created boards whose duties are to promote various agricultural markets, i.e. corn, wheat,

soybeans, grain sorghum, and beef. In each of these instances the boards have been authorized to collect an excise tax on the sale of the particular commodity to, among other things, conduct programs for the development, utilization, and marketing of the various commodities. In the original legislation creating each of the checkoff boards, among the restrictions placed upon the expenditure of the funds collected was that such funds could not be expended to influence legislation.

From our examination of the provisions of the constitution, we find no prohibition against the use of checkoff funds to influence legislation on behalf of the various commodities, nor do we find any provision which would require that if one such board should be authorized by the Legislature to expend its funds for a specific purpose that all such boards be given the same authority. Each board was created separately, for a specific purpose, and we are not aware of any requirement that the fees or excise taxes collected on behalf of the various boards must be expended for exactly the same purposes in all instances.

You have also asked that since the checkoff fees are mandatory is there any reason why that portion of the fees which may be used for influencing legislation must be refunded to those persons who pay the fee and may be opposed to its use for that purpose.

In answer we point out that the fee paid is an excise tax on the sale of a commodity, and the Legislature, having the right to assess the tax, has the right to authorize its use for any lawful purpose. Since influencing legislation is not unlawful, the use of checkoff fees for that purpose may be authorized or not by the Legislature without requiring that a portion of the tax be refunded to a payer who may object to its use for that purpose.

Sincerely,
ROBERT M. SPIRE
Attorney General
(Signed) Bernard L. Packett
Assistant Attorney General

BLP:bmh
cc: Patrick J. O'Donnell
Clerk of the Legislature

**MOTION - Suspend Rules**

Speaker Nichol moved to suspend the rules, Rule 6, Section 7(b) to permit consideration of the bills on final reading today.

The motion to suspend the rules prevailed with 30 ayes, 0 nays, 11

present and not voting, and 8 excused and not voting.

## BILLS ON FINAL READING

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 60.**

A BILL FOR AN ACT relating to agriculture; to amend sections 2-2321 and 2-3622, Reissue Revised Statutes of Nebraska, 1943; to change a restriction on the use of funds; and to repeal the original sections.

Mr. V. Johnson requested a roll call vote.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 26:

| | | | | |
|---|---|---|---|---|
| Baack | Goodrich | Higgins | Morehead | Schmit |
| Beutler | Haberman | Labedz | Nichol | Scofield |
| Chizek | Hall | Lynch | Pappas | Sieck |
| Conway | Harris | Marsh | Peterson | Wesely |
| DeCamp | Hartnett | Miller | Rogers | Withem |
| Eret | | | | |

Voting in the negative, 19:

| | | | | |
|---|---|---|---|---|
| Abboud | Goll | Johnson, L. | Lundy | Smith |
| Barrett | Hannibal | Johnson, V. | Nelson | Vickers |
| Carsten | Hefner | Lamb | Pirsch | Warner |
| Chronister | Hoagland | Landis | Remmers | |

Present and not voting, 1:

Beyer

Excused and not voting, 3:

Chambers Johnson, R. Rupp

A constitutional majority having voted in the affirmative, the

bill was declared passed and the title agreed to.

Mesdames Labedz and Morehead asked unanimous consent to be excused until they return. No objections. So ordered.

**LEGISLATIVE BILL 127.**

A BILL FOR AN ACT relating to environmental protection; to amend section 81-1566, Reissue Revised Statutes of Nebraska, 1943; to change the termination date of provisions relating to litter reduction and recycling; 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 | DeCamp | Hartnett | Miller | Scofield |
| Baack | Eret | Hefner | Nelson | Sieck |
| Barrett | Goll | Higgins | Nichol | Smith |
| Beyer | Goodrich | Johnson, L. | Pappas | Vickers |
| Carsten | Haberman | Johnson, R. | Pirsch | Warner |
| Chizek | Hall | Lundy | Rogers | Wesely |
| Chronister | Hannibal | Marsh | Schmit | Withem |
| Conway | Harris | | | |

Voting in the negative, 6:

| | | | | |
|---|---|---|---|---|
| Hoagland | Lamb | Landis | Peterson | Remmers |
| Johnson, V. | | | | |

Present and not voting, 2:

| | |
|---|---|
| Beutler | Lynch |

Excused and not voting, 4:

| | | | |
|---|---|---|---|
| Chambers | Labedz | Morehead | Rupp |

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 157.**

A BILL FOR AN ACT relating to interest; to amend section 45-103, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the rate and payment of interest on certain decrees and judgments; to provide an operative date; to provide severability; and to repeal the original section.

Mr. Hoagland requested a roll call vote.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 21:

| | | | | |
|---|---|---|---|---|
| Baack | Hall | Higgins | Landis | Scofield |
| Chizek | Hannibal | Hoagland | Lundy | Vickers |
| Conway | Harris | Johnson, L. | Lynch | Wesely |
| DeCamp | Hartnett | Johnson, V. | Nelson | Withem |
| Eret | | | | |

Voting in the negative, 20:

| | | | | |
|---|---|---|---|---|
| Abboud | Goll | Johnson, R. | Peterson | Schmit |
| Barrett | Goodrich | Lamb | Pirsch | Sieck |
| Beyer | Haberman | Marsh | Remmers | Smith |
| Carsten | Hefner | Nichol | Rogers | Warner |

Present and not voting, 4:

| | | | |
|---|---|---|---|
| Beutler | Chronister | Miller | Pappas |

Excused and not voting, 4:

| | | | |
|---|---|---|---|
| Chambers | Labedz | Morehead | Rupp |

Having failed to receive a constitutional majority voting in the affirmative, the bill failed to pass.

**LEGISLATIVE BILL 204.** With Emergency.

A BILL FOR AN ACT relating to the college of veterinary medicine; to amend section 85-107, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 28, Eighty-ninth Legislature, First Session, 1985; to change provisions relating to the authorized program; to change provisions relating to construction and operation

of facilities; to repeal the original section, and also sections 85-180 to 85-180.02 and 85-180.07 to 85-180.10, Reissue Revised Statutes of Nebraska, 1943, and sections 85-180.03 to 85-180.05 and 85-180.12, Revised Statutes Supplement, 1984; and to declare an emergency.

Whereupon the President stated: "All provisions of 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 | DeCamp | Hefner | Lynch | Rogers |
| Baack | Eret | Higgins | Marsh | Schmit |
| Barrett | Goll | Hoagland | Miller | Scofield |
| Beutler | Goodrich | Johnson, L. | Nelson | Sieck |
| Beyer | Haberman | Johnson, R. | Nichol | Smith |
| Carsten | Hall | Johnson, V. | Pappas | Vickers |
| Chizek | Hannibal | Lamb | Peterson | Warner |
| Chronister | Harris | Landis | Pirsch | Wesely |
| Conway | Hartnett | Lundy | Remmers | Withem |

Voting in the negative, 0.

Excused and not voting, 4:

| | | | |
|---|---|---|---|
| Chambers | Labedz | Morehead | Rupp |

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 247.**

A BILL FOR AN ACT relating to crimes and punishments; to amend section 28-431, Revised Statutes Supplement, 1984; to change provisions relating to seizure and forfeiture of certain property; to create funds; to create boards; to provide powers and duties; to define a term; to state intent; to authorize the receipt of certain property; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

| | | | | |
|---|---|---|---|---|
| Abboud | DeCamp | Higgins | Lynch | Schmit |
| Baack | Eret | Hoagland | Marsh | Scofield |
| Barrett | Goll | Johnson, L. | Nelson | Sieck |
| Beutler | Goodrich | Johnson, R. | Nichol | Smith |
| Beyer | Hall | Johnson, V. | Pappas | Vickers |
| Carsten | Hannibal | Labedz | Peterson | Warner |
| Chizek | Harris | Lamb | Pirsch | Wesely |
| Chronister | Hartnett | Landis | Remmers | Withem |
| Conway | Hefner | Lundy | Rogers | |

Voting in the negative, 1:

Haberman

Present and not voting, 1:

Miller

Excused and not voting, 3:

Chambers Morehead Rupp

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 460.** With Emergency.

A BILL FOR AN ACT relating to agriculture; to amend sections 2-1016, 2-1017, 2-1019, 2-1020, 81-216.04, 81-216.05, 81-216.24, and 81-2,147 to 81-2,147.09, Reissue Revised Statutes of Nebraska, 1943, and sections 81-201, 81-216.21, and 89-187, Revised Statutes Supplement, 1984; to create funds as prescribed; to provide for and change provisions relating to fees as prescribed; to change provisions relating to the powers and duties of the Department of Agriculture and its director; to redefine terms; to require certain persons who label seeds to obtain permits and pay fees as prescribed; to provide rules and regulations; 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, 46:

| | | | | |
|---|---|---|---|---|
| Abboud | Eret | Hoagland | Marsh | Rogers |
| Baack | Goll | Johnson, L. | Miller | Schmit |
| Barrett | Goodrich | Johnson, R. | Morehead | Scofield |
| Beutler | Hall | Johnson, V. | Nelson | Sieck |
| Beyer | Hannibal | Labedz | Nichol | Smith |
| Carsten | Harris | Lamb | Pappas | Vickers |
| Chizek | Hartnett | Landis | Peterson | Warner |
| Chronister | Hefner | Lundy | Pirsch | Wesely |
| Conway | Higgins | Lynch | Remmers | Withem |
| DeCamp | | | | |

Voting in the negative, 1:

Haberman

Excused and not voting, 2:

Chambers Rupp

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 518.**

A BILL FOR AN ACT relating to the care and education of handicapped children; to amend sections 43-626, 43-627.01, 43-649, 43-661, 43-662, 43-662.01, and 83-366, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to certain special education placements and plans; to change special education appeal procedures; to provide jurisdiction as prescribed; to change provisions relating to costs; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

| | | | | |
|---|---|---|---|---|
| Abboud | Carsten | Eret | Harris | Johnson, L. |
| Baack | Chizek | Goll | Hartnett | Johnson, R. |
| Barrett | Chronister | Goodrich | Hefner | Johnson, V. |
| Beutler | Conway | Haberman | Higgins | Labedz |
| Beyer | DeCamp | Hall | Hoagland | Lamb |

| | | | | |
|---|---|---|---|---|
| Landis | Miller | Pappas | Schmit | Vickers |
| Lundy | Morehead | Pirsch | Scofield | Wesely |
| Lynch | Nelson | Remmers | Sieck | Withem |
| Marsh | Nichol | Rogers | Smith | |

Voting in the negative, 1:

Warner

Present and not voting, 2:

Hannibal Peterson

Excused and not voting, 2:

Chambers Rupp

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 564.**

A BILL FOR AN ACT relating to land surveying; to amend section 81-8,118, Reissue Revised Statutes of Nebraska, 1943, and sections 81-8,119.01 and 81-8,120, Revised Statutes Supplement, 1984; to increase the maximum limit for certain fees; to change a date relating to professional development; 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 | Eret | Hoagland | Marsh | Rogers |
| Baack | Goll | Johnson, L. | Miller | Schmit |
| Barrett | Goodrich | Johnson, R. | Morehead | Scofield |
| Beutler | Haberman | Johnson, V. | Nelson | Sieck |
| Beyer | Hall | Labedz | Nichol | Smith |
| Carsten | Hannibal | Lamb | Pappas | Vickers |
| Chizek | Harris | Landis | Peterson | Warner |
| Chronister | Hartnett | Lundy | Pirsch | Wesely |
| Conway | Hefner | Lynch | Remmers | Withem |
| DeCamp | Higgins | | | |

Voting in the negative, 0.

Excused and not voting, 2:

Chambers Rupp

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**PRESIDENT MCGINLEY PRESIDING**

**MOTION - Return LB 653 to Select File**

Mr. Schmit moved to return LB 653 to Select File for the following specific amendment:
Strike the enacting clause.

Mr. Schmit asked unanimous consent to withdraw his pending motion to return. No objections. So ordered.

**MESSAGES FROM THE GOVERNOR**

June 5, 1985

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President and Senators:

I am returning LB 171 and LB 171A without my signature and with my objections.

These bills will cost the state $94,393 in FY 85/86 with the addition of a juvenile court judge in Douglas County. I recognize that effective July 1, 1985 Douglas County will no longer have the authority to use the services of an associate judge. Nevertheless, the additional burden on the state's scarce resources is unjustified at a time when many meritorious programs have to struggle for continued existence.

I urge you to sustain my veto during these difficult economic times.

Sincerely,
(Signed) ROBERT KERREY
Governor

RK/jbs

June 5, 1985

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President and Senators:

I am returning LB 717 and LB 717A without my signature and with my objections.

LB 717 revises the financial institutions tax. Because of constitutional questions and because it raises no additional revenue, I cannot sign the bill.

I urge you to sustain my veto of LB 717 and LB 717A.

Sincerely,
(Signed) ROBERT KERREY
Governor

RK/jbs

June 5, 1985

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President and Senators:

I have signed LB 496 and have sent it to the Secretary of State. In affixing my signature I believe I also need to provide a lengthy explanation.

The operative questions in deciding to sign this bill into law were: Will it promote the greater use of seat belts and will the bill in a reasonable and constitutional way, save lives and prevent injuries? The evidence, strikingly and convincingly, supports affirmative responses to both questions.

I appreciate how deeply held is the belief that government is overstepping its bounds in passing this law. I have seriously evaluated and listened to arguments that this is another example of big government this time getting "around our waists instead of on our backs". In reaching the conclusion that the law will save lives and

prevent injuries I had to first cross the threshold which separates government from the individual citizen.

Regarding the issue of government deciding what is good and acceptable behavior for drivers of automobiles, that threshold has long since been crossed. That driving is a privilege and not a right can clearly be seen in other driving laws and regulations.

Just as voluntary compliance and choice do not work to discourage the practice of speeding or the excessive use of alcohol, they have also not worked for seat belts. In Nebraska we have simply passed into law what has long been known and accepted as good public policy. Will the law promote a greater use of seat belts? The answer is yes. In New York, the first of thirteen states to pass a seat belt law, usage went from 15% to 65% almost immediately. In Nebraska, as in the entire Nation, most of us will obey the law just because it is law.

In Nebraska, after nearly two decades of individual and collective effort, we have managed to increase seat belt usage to 15%. We can expect a dramatic increase with the passage of this law.

Will the law save lives and prevent injuries? Again the answer is yes. When I signed the child restraint bill into law in 1983 many people said it was unenforceable and would not work. The results, however, prove the contrary.

From 1983 to 1984 when automobile accident injuries were increasing in all other age groups, they decreased 6.3% for the 0-4 age group affected by the child restraint law. Today when you check out of a hospital with your newborn child, the nurses will make sure you have a child restraint for your car. This and other actions by our people, as they complied with the new law, produced a decrease in injuries to these children.

To assess the potential impact of the seat belt law I look again to New York where there was a 27% decline in fatalities in the first month of the new law. In Nebraska our own statistics are also revealing.

In passenger vehicle accidents in 1984 there were 206 fatalities; only 7 were belted in. There were 15,732 injuries; only 2,342 of these were belted. In Nebraska, even after considering that only 15% of us wear seat belts, the relative risk of injury or death is five times greater if you are not belted in.

Stated differently, for every thousand automobile accidents in Nebraska where the driver is belted, two people will die. If the passengers are unbelted, eleven will die.

However, there still lingers, in the face of these arguments, the sense that government should not protect individuals from themselves. There is the final argument that asks why we don't intrude into other dangerous activities like smoking or drinking.

The answer is that with seat belts the problem is one for all of us. Not only is a non-belted person a greater potential danger to the rest of us, but the societal costs of non-belted accidents are enormous.

The total direct and non-direct costs of automobile accidents in 1984 was $170 million. The automobile accident is the leading cause of spinal cord injury and epilepsy in Nebraska. The cost is not just to the individual; the costs affect all of us.

This law then represents a reasonable balancing of individual liberty and community protection. It will, I believe, prove to be a very positive contribution to the quality of our lives.

Sincerely,
(Signed) ROBERT KERREY
Governor

RK/jbs

## PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 60, 127, 204, 247, 460, 518, and 564.

## MESSAGE FROM THE GOVERNOR

June 4, 1985

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

I return LB 598 without my signature and with my objections.

LB 598 would prohibit open alcoholic beverage containers in vehicles. As written, however, it is vague and unenforceable.

I, therefore, urge you to sustain my veto.

Sincerely,
(Signed) ROBERT KERREY
Governor

RK/kks

## BILL ON FINAL READING

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 653.** With Emergency.

A BILL FOR AN ACT relating to banks and banking; to amend sections 8-103, 8-108, 8-110, 8-140, 8-150, 8-164, 8-198, 8-199, 8-413, and 8-1506, Reissue Revised Statutes of Nebraska, 1943, and section 21-2079, Revised Statutes Supplement, 1984; to change provisions relating to the powers of the Director of Banking and Finance; to prohibit certain persons from borrowing money as prescribed; to provide a penalty; to change provisions relating to bonds; to eliminate obsolete language; to change provisions relating to the purchase and utilization of real estate by banks; to change provisions relating to the declaration of dividends; to change provisions relating to the department as receiver; to provide for the reorganization of certain financial institutions; to change provisions relating to industrial loan and investment companies; to provide for a hearing; to change provisions relating to the right of shareholders to obtain payment; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 44:

| | | | | |
|---|---|---|---|---|
| Abboud | Goll | Hoagland | Marsh | Schmit |
| Baack | Goodrich | Johnson, L. | Morehead | Scofield |
| Barrett | Haberman | Johnson, R. | Nelson | Sieck |
| Beyer | Hall | Johnson, V. | Nichol | Smith |
| Carsten | Hannibal | Labedz | Pappas | Vickers |
| Chronister | Harris | Lamb | Peterson | Warner |
| Conway | Hartnett | Landis | Pirsch | Wesely |
| DeCamp | Hefner | Lundy | Remmers | Withem |
| Eret | Higgins | Lynch | Rogers | |

Voting in the negative, 0.

Present and not voting, 4:

| | | | |
|---|---|---|---|
| Beutler | Chambers | Chizek | Miller |

Excused and not voting, 1:

Rupp

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 653A to Select File**

Mr. V. Johnson moved to return LB 653A to Select File for the following specific amendment:
Strike the enacting clause.

Mr. V. Johnson asked unanimous consent to withdraw his pending motion to return. No objections. So ordered.

**BILLS ON FINAL READING**

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 653A.**

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2608, Reissue Revised Statutes of Nebraska, 1943, and sections 77-2602 and 77-2602.03, Revised Statutes Supplement, 1984; to change provisions regarding the cigarette tax; to change provisions relating to the distribution of revenue received from the cigarette tax; to harmonize provisions; to provide operative dates; to provide severability; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 36:

| | | | | |
|---|---|---|---|---|
| Baack | Hall | Johnson, V. | Morehead | Scofield |
| Barrett | Hannibal | Lamb | Nelson | Sieck |
| Chronister | Harris | Landis | Nichol | Smith |
| Conway | Hefner | Lundy | Pappas | Vickers |
| DeCamp | Hoagland | Lynch | Peterson | Warner |
| Eret | Johnson, L. | Marsh | Pirsch | Wesely |
| Goll | Johnson, R. | Miller | Remmers | Withem |
| Goodrich | | | | |

Voting in the negative, 10:

| | | | | |
|---|---|---|---|---|
| Abboud | Beyer | Chizek | Hartnett | Labedz |
| Beutler | Carsten | Haberman | Higgins | Schmit |

Present and not voting, 2:

Chambers Rogers

Excused and not voting, 1:

Rupp

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 713.**

A BILL FOR AN ACT relating to claims; to amend section 84-612, Revised Statutes Supplement, 1984; to state intent; to provide for a transfer from the Cash Reserve Fund to pay a claim; 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:

| | | | | |
|---|---|---|---|---|
| Baack | Conway | Hoagland | Miller | Scofield |
| Barrett | DeCamp | Johnson, R. | Morehead | Sieck |
| Beutler | Goll | Johnson, V. | Nelson | Smith |
| Beyer | Hall | Lamb | Pappas | Vickers |
| Carsten | Hannibal | Landis | Pirsch | Warner |
| Chambers | Harris | Lynch | Remmers | Wesely |
| Chizek | Hartnett | Marsh | Schmit | Withem |
| Chronister | Hefner | | | |

Voting in the negative, 8:

| | | | | |
|---|---|---|---|---|
| Abboud | Goodrich | Higgins | Lundy | Nichol |
| Eret | Haberman | Johnson, L. | | |

Present and not voting, 3:

Labedz Peterson Rogers

Excused and not voting, 1:

Rupp

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 723.** With Emergency.

A BILL FOR AN ACT relating to appropriations; to make appropriations for capital construction projects; to provide an operative date; to repeal Laws 1984, LB 867, and Laws 1984, LB 1129, sections 18, 21, 26, 27, 29, 30, 37, 43, 44, 45, and 46; and to declare an emergency.

Whereupon the President stated: "All provisions of 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 | Goll | Hoagland | Marsh | Rogers |
| Baack | Goodrich | Johnson, L. | Miller | Schmit |
| Barrett | Haberman | Johnson, R. | Morehead | Scofield |
| Beyer | Hall | Johnson, V. | Nelson | Sieck |
| Carsten | Hannibal | Labedz | Nichol | Smith |
| Chizek | Harris | Lamb | Pappas | Vickers |
| Chronister | Hartnett | Landis | Peterson | Warner |
| Conway | Hefner | Lundy | Pirsch | Wesely |
| Eret | Higgins | Lynch | Remmers | Withem |

Voting in the negative, 1:

Chambers

Present and not voting, 2:

Beutler DeCamp

Excused and not voting, 1:

Rupp

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 724.** With Emergency.

A BILL FOR AN ACT relating to civil action claims against the state; to make appropriations for the payment of such claims; to provide how payment shall be made; and to declare an emergency.

Whereupon the President stated: "All provisions of 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 | DeCamp | Hefner | Marsh | Rogers |
| Baack | Eret | Higgins | Miller | Schmit |
| Barrett | Goll | Hoagland | Morehead | Scofield |
| Beyer | Goodrich | Johnson, L. | Nelson | Sieck |
| Carsten | Haberman | Johnson, V. | Nichol | Smith |
| Chambers | Hall | Labedz | Pappas | Vickers |
| Chizek | Hannibal | Lamb | Peterson | Warner |
| Chronister | Harris | Landis | Pirsch | Wesely |
| Conway | Hartnett | Lundy | Remmers | Withem |

Voting in the negative, 0.

Present and not voting, 3:

| | | |
|---|---|---|
| Beutler | Johnson, R. | Lynch |

Excused and not voting, 1:

Rupp

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**LEGISLATIVE BILL 727.**

A BILL FOR AN ACT relating to homestead exemptions; to amend section 77-3506.01, Revised Statutes Supplement, 1984; and to provide when an exemption shall apply.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 38:

| | | | | |
|---|---|---|---|---|
| Baack | Eret | Hefner | Miller | Rogers |
| Barrett | Goll | Higgins | Morehead | Schmit |
| Beutler | Goodrich | Johnson, L. | Nelson | Scofield |
| Carsten | Haberman | Johnson, V. | Nichol | Sieck |
| Chizek | Hall | Labedz | Pappas | Smith |
| Chronister | Hannibal | Lamb | Peterson | Vickers |
| Conway | Harris | Landis | Pirsch | Withem |
| DeCamp | Hartnett | Marsh | | |

Voting in the negative, 8:

| | | | | |
|---|---|---|---|---|
| Abboud | Chambers | Lundy | Warner | Wesely |
| Beyer | Hoagland | Remmers | | |

Present and not voting, 2:

Johnson, R. Lynch

Excused and not voting, 1:

Rupp

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 612.**

A BILL FOR AN ACT relating to children; to amend section 42-364, Reissue Revised Statutes of Nebraska, 1943; to provide for custody placements as prescribed; to provide for the ownership of child support; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

| | | | | |
|---|---|---|---|---|
| Abboud | Baack | Barrett | Beutler | Beyer |

| | | | | |
|---|---|---|---|---|
| Carsten | Hall | Johnson, V. | Morehead | Schmit |
| Chizek | Hannibal | Labedz | Nelson | Scofield |
| Chronister | Harris | Lamb | Nichol | Sieck |
| Conway | Hartnett | Landis | Pappas | Smith |
| DeCamp | Hefner | Lundy | Peterson | Vickers |
| Eret | Higgins | Lynch | Pirsch | Warner |
| Goll | Hoagland | Marsh | Remmers | Wesely |
| Goodrich | Johnson, L. | Miller | Rogers | Withem |
| Haberman | | | | |

Voting in the negative, 1:

Chambers

Present and not voting, 1:

Johnson, R.

Excused and not voting, 1:

Rupp

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

## UNANIMOUS CONSENT - Withdraw Amendments to LB 208

Mr. DeCamp asked unanimous consent to withdraw his amendments to LB 208: AM1043, page 1614; AM1044, page 1614; AM1045, page 1614; AM1245, page 1984; AM1237, page 1984; AM1241, page 1984; AM1240, page 1985; AM1239, page 1985; AM1238, page 1985; and AM1247, page 2006. No objections. So ordered.

## BILLS ON FINAL READING

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 208.**

A BILL FOR AN ACT relating to motor vehicle fuels; to amend section 66-414, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to shrinkage allowances; to provide an operative date; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

| | | | | |
|---|---|---|---|---|
| Abboud | DeCamp | Hoagland | Marsh | Rogers |
| Baack | Eret | Johnson, L. | Miller | Schmit |
| Barrett | Goll | Johnson, R. | Morehead | Scofield |
| Beutler | Goodrich | Johnson, V. | Nelson | Sieck |
| Beyer | Haberman | Labedz | Nichol | Smith |
| Carsten | Hall | Lamb | Pappas | Vickers |
| Chambers | Hannibal | Landis | Peterson | Warner |
| Chizek | Harris | Lundy | Pirsch | Wesely |
| Chronister | Hartnett | Lynch | Remmers | Withem |
| Conway | Higgins | | | |

Voting in the negative, 0.

Present and not voting, 1:

Hefner

Excused and not voting, 1:

Rupp

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 208A.**

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 208, Eighty-ninth Legislature, First Session, 1985.

Whereupon the 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 | Beutler | Chambers | Conway | Goll |
| Baack | Beyer | Chizek | DeCamp | Goodrich |
| Barrett | Carsten | Chronister | Eret | Haberman |

| | | | | |
|---|---|---|---|---|
| Hall | Johnson, L. | Lundy | Pappas | Smith |
| Hannibal | Johnson, R. | Marsh | Peterson | Vickers |
| Harris | Johnson, V. | Miller | Pirsch | Warner |
| Hartnett | Labedz | Morehead | Remmers | Wesely |
| Higgins | Lamb | Nelson | Rogers | Withem |
| Hoagland | Landis | Nichol | Scofield | |

Voting in the negative, 0.

Present and not voting, 4:

| | | | |
|---|---|---|---|
| Hefner | Lynch | Schmit | Sieck |

Excused and not voting, 1:

Rupp

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

## PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolutions: LRs 76, 250, 259, 260, 266, 274, 275, 278, 279, 280, 281, 282, 283, 284, 287, 288, 291, 293, 294, 295, and 296.

While the Legislature was in session and capable of transacting business, the President signed the following bills: LBs 653, 653A, 713, 723, 724, 727, 612, 208, and 208A.

## UNANIMOUS CONSENT - Print in Journal

Mrs. Higgins asked unanimous consent to print the following amendment to LB 667 in the Journal. No objections. So ordered.

AM1618

(Amendments to AM0723, Corrected)

1. On page 5, after line 20 insert a new subdivision as follows:

"(13) To know that there is no legal restriction requiring real estate agents to maintain confidentiality;"; in line 21 strike "(13)" and insert "(14)"; and in line 24 strike "(14)" and insert "(15)".

2. On page 6, after line 4 insert a new

subdivision as follows:

"(1) To know that REAL ESTATE COMMISSION RATES PAID TO REAL ESTATE AGENTS ARE NEGOTIABLE AND ARE NOT SET BY LAW;"; in line 5 strike "(1)" and insert "(2)"; in line 8 strike "(2)" and insert "(3)"; in line 12 strike "(3)" and insert "(4)"; in line 16 strike "(4)" and insert "(5)"; in line 19 strike "(5)" and insert "(6)"; and in line 22 strike "(6)" and insert "(7)".

3. On page 7, line 1 strike "(7)" and insert "(8)"; in line 4 strike "(8)" and insert "(9)"; after line 9 insert a new subdivision as follows:

"(10) To know that there is no legal restriction requiring real estate agents to maintain confidentiality;"; in line 10 strike "(9)" and insert "(11)"; and in line 13 strike "(10)" and insert "(12)".

**SPEAKER NICHOL PRESIDING**

## RESOLUTIONS

**LEGISLATIVE RESOLUTION 257.** Read. Considered.

Mr. Haberman asked unanimous consent to withdraw LR 257. No objections. So ordered.

**LEGISLATIVE RESOLUTION 268.** Read. Considered.

LR 268 was adopted with 26 ayes, 0 nays, and 23 not voting.

**LEGISLATIVE RESOLUTION 273.** Read. Considered.

LR 273 was adopted with 26 ayes, 0 nays, and 23 not voting.

**LEGISLATIVE RESOLUTION 285.** Read. Considered.

Mrs. Labedz and Mr. Barrett asked unanimous consent to be excused until they return. No objections. So ordered.

LR 285 was adopted with 25 ayes, 0 nays, and 24 not voting.

**LEGISLATIVE RESOLUTION 289.** Read. Considered.

Mr. DeCamp asked unanimous consent to withdraw LR 289. No objections. So ordered.

**LEGISLATIVE RESOLUTION 290.** Read. Considered.

Mr. Harris asked unanimous consent to be excused until he returns. No objections. So ordered.

LR 290 was adopted with 26 ayes, 0 nays, and 23 not voting.

**LEGISLATIVE RESOLUTION 301.** Read. Considered.

LR 301 was adopted with 27 ayes, 0 nays, and 22 not voting.

**LEGISLATIVE RESOLUTION 292.** Mr. Haberman asked unanimous consent to withdraw. No objections. So ordered.

## MESSAGE FROM THE GOVERNOR

June 5, 1985

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 718 and 722 were received in my office on June 4, 1985.

These bills were signed by me on June 5, 1985 and delivered to the Secretary of State.

Sincerely,
(Signed) ROBERT KERREY
Governor

RK/jm

## PRESENTED TO THE GOVERNOR

Presented to the Governor on June 5, 1985, at 11:20 a.m., were the following bills: 60, 127, 204, 247, 460, 518, and 564.

(Signed) Pam Moravec, Enrolling Clerk

Presented to the Governor on June 5, 1985, at 11:40 a.m., were the following bills: 653, 653A, 713, 723, 724, 727, 612, 208, and 208A.

(Signed) Pam Moravec, Enrolling Clerk

## REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of June 4, 1985. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Fowler, Steve - Lincoln, Department of Banking and Finance
Knudsen, Berkheimer, Richardson & Endacott:
Mueller, William J. - Lincoln, Great Western Sugar Company (Withdrawn 85/05/28)
Ruth, Larry L. - Lincoln, Great Western Sugar Company (Withdrawn 85/05/28)

## RECESS

At 11:57 a.m., on a motion by Mr. Miller, the Legislature recessed until 1:30 p.m.

## AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Nichol presiding.

## ROLL CALL

The roll was called and all members were present except Mr. Rupp who was excused; and Messrs. Chambers, Hannibal, Lamb, Vickers, Mesdames Higgins and Labedz who were excused until they arrive.

## MOTION - Suspend Rules on LB 158

Mr. Pappas moved to suspend the rules, Rule 5, Section 11 and withdraw LB 158.

The Pappas motion to suspend the rules and withdraw LB 158 prevailed with 31 ayes, 1 nay, 11 present and not voting, and 6

excused and not voting.

## RESOLUTIONS

**LEGISLATIVE RESOLUTION 297.** Read. Considered.

LR 297 was adopted with 26 ayes, 0 nays, and 23 not voting.

**LEGISLATIVE RESOLUTION 300.** Read. Considered.

Mr. Wesely offered the following amendment:

1. Insert the following as the fourth "WHEREAS";

"WHEREAS, recycling in Nebraska conserves resources, creates permanent jobs, and stimulates economic development in the state, and there is a need to develop markets for recycling and to provide access to recycling centers all across the state;"; and in the first "Resolved" strike "30%" and insert "25%", and before the period insert ", 50% for recycling and source separation, and 25% for public education."

Mr. DeCamp asked unanimous consent to be excused until he returns. No objections. So ordered.

The Wesely amendment was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

LR 300 was adopted with 27 ayes, 0 nays, and 22 not voting.

**LEGISLATIVE RESOLUTION 302.** Read. Considered.

LR 302 was adopted with 29 ayes, 0 nays, and 20 not voting.

## MOTION - Override Veto on LB 171

Messrs. Goodrich, Pappas, and Hall moved that LB 171 become law notwithstanding the objections of the Governor.

Mr. Warner moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 20:

| | | | | |
|---|---|---|---|---|
| Beutler | Eret | Hartnett | Labedz | Pappas |
| Beyer | Goodrich | Higgins | Lynch | Pirsch |
| Chambers | Hall | Hoagland | Marsh | Smith |
| Chizek | Hannibal | Johnson, V. | Miller | Withem |

Voting in the negative, 22:

| | | | | |
|---|---|---|---|---|
| Baack | DeCamp | Landis | Nichol | Schmit |
| Barrett | Goll | Lundy | Peterson | Scofield |
| Carsten | Haberman | Morehead | Remmers | Warner |
| Chronister | Hefner | Nelson | Rogers | Wesely |
| Conway | Lamb | | | |

Present and not voting, 6:

| | | | | |
|---|---|---|---|---|
| Abboud | Johnson, L. | Johnson, R. | Sieck | Vickers |
| Harris | | | | |

Excused and not voting, 1:

Rupp

Having failed to receive a constitutional three-fifths majority voting in the affirmative, the bill failed to pass notwithstanding the objections of the Governor.

## MESSAGE FROM THE GOVERNOR

June 5, 1985

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bill 60 was received in my office on June 5, 1985.

This bill was signed by me on June 5, 1985 and delivered to the Secretary of State.

Sincerely,
(Signed) ROBERT KERREY

Governor

RK/jm

**MOTION - Reconsider Action on LB 157**

Mr. Beutler moved to reconsider the final reading vote on LB 157.

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 motion to reconsider.

Voting in the affirmative, 25:

| | | | | |
|---|---|---|---|---|
| Baack | Goodrich | Higgins | Lynch | Scofield |
| Beutler | Hall | Hoagland | Miller | Sieck |
| Chambers | Hannibal | Johnson, L. | Morehead | Vickers |
| Chizek | Harris | Johnson, V. | Nelson | Wesely |
| DeCamp | Hartnett | Landis | Pappas | Withem |

Voting in the negative, 17:

| | | | | |
|---|---|---|---|---|
| Abboud | Goll | Lamb | Peterson | Rogers |
| Barrett | Haberman | Marsh | Pirsch | Smith |
| Beyer | Hefner | Nichol | Remmers | Warner |
| Carsten | Johnson, R. | | | |

Present and not voting, 6:

| | | | | |
|---|---|---|---|---|
| Chronister | Eret | Labedz | Lundy | Schmit |
| Conway | | | | |

Excused and not voting, 1:

Rupp

The Beutler motion to reconsider lost with 25 ayes, 17 nays, 6 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

**MOTION - Proposed Rules Changes**

Mrs. Morehead renewed her pending proposed rule change found in the Journal on page 2259.

## SPEAKER NICHOL PRESIDING

Messrs. Beutler and Vickers offered the following amendment to the proposed Morehead rule change:

Section 1. Purpose. The purpose of this rule is to establish special procedures for the Legislature to utilize during a special session. Such rule shall recognize the necessity of the Legislature to address the business for which they were called together in an expeditious and fair fashion, and shall provide that certain legislative procedures established for regular sessions shall not unduly burden the activities of the Legislature during a special session.

Section 2. Convening of the Legislature. Pursuant to the directive contained in the proclamation issued by the Governor, either upon the concurrence of 33 legislators 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/or resolutions, both of which shall be numbered consecutively beginning with the number one. Bills and resolutions shall be introduced on the first day only. 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 33 legislators, shall be introduced ahead of all other proposals. After introduction, all bills and resolutions shall be shown as placed on General File, notwithstanding the provisions of Rule 3, Section 4(e). The bills and resolutions shall remain on General File but shall not be considered by the Legislature until the appropriate committee reports its recommendation according to the procedures established by Section 3 of this rule.

Pending.

## PRESIDENT MCGINLEY PRESIDING

### PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolutions: LRs 268, 273, 285, 290, and 301.

### MOTION - Proposed Rules Changes

The pending Beutler-Vickers amendment to the proposed Morehead rule change was considered.

Mr. Hefner moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

The Beutler-Vickers amendment was adopted with 33 ayes, 0 nays, 15 present and not voting, and 1 excused and not voting.

Mr. DeCamp offered the following amendment to the proposed Morehead rule change:
AM1637

(Amendments to Morehead rule change)

1. In the Morehead proposed rule change found beginning on page 2259 of the Journal, strike the original sections and insert the following new proposed rule:

"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.

Sec. 3. Committee Hearings. As soon as

practicable following the introduction of bills and resolutions, the Reference Committee shall review each bill and resolution and refer the matter to the appropriate standing committee. The committee to which the bill or resolution is referred shall provide as much public notice of the time and place of the hearing on the matter as is reasonable under the circumstances by publication in the Legislative Journal, but in no case shall the hearing be more than five calendar days after the date the bill or resolution has been referred to the committee.

Sec. 4. Report of Bill or Resolution to Legislature. The committee to which a bill or resolution has been referred shall make a report on the bill or resolution to the Legislature within twenty-four hours after the committee has taken final action on the matter. If at the expiration of twenty-four hours from the time final action was taken the chairperson has not reported the bill or resolution, any senator may file with the Speaker a motion that the chairperson be compelled to submit a report. After determining that final action on the bill or resolution has been taken at least twenty-four hours prior to the time the motion was submitted, the Speaker shall accept the motion and compel the chairperson to file the committee's report on the matter.

Sec. 5. Indefinitely Postponed Bills and Resolutions. If the committee action on a bill or resolution is to postpone indefinitely, the bill shall stand indefinitely postponed, except that such bill or resolution may be placed on General File or referred back to the committee by a majority vote of the elected members. Not more than one bill or resolution shall be raised from committee on any one motion. A motion to raise shall not be amended to include any other bill, resolution, or subject matter. A motion to raise shall take precedence in order over all other motions, except a motion to adjourn.

Sec. 6. Bills and Resolutions Held by Committee. If the committee has not taken final action on a bill or resolution within two days after the committee hearing, any senator may move that the bill or resolution be placed on General File. If a majority of the elected members vote in favor of the motion, the bill shall be placed on General File.

Sec. 7. Pending proposals indefinitely postponed. At the conclusion of a special session, all bills and resolutions which have not been enacted shall stand indefinitely postponed and shall not carry over to the next legislative session.

Sec. 8. 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.".

Mr. Barrett 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. DeCamp moved for a call of the house. The motion prevailed with 20 ayes, 0 nays, and 29 not voting.

The DeCamp amendment was adopted with 30 ayes, 13 nays, 5 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

## MOTION - Advise Governor

Mrs. Pirsch moved that a committee of five be appointed to advise the Governor that the Eighty-Ninth Legislature, First Session, of the Nebraska State Legislature is about to complete its work, and to return with any message the Governor may have for the Legislature.

The motion prevailed with 30 ayes, 1 nay, and 18 not voting.

The Chair appointed Mesdames Labedz, Higgins, Messrs. Lundy, Goodrich, and Beutler to serve on said Committee.

The Committee returned and escorted Governor Robert Kerrey to the rostrum where he delivered a message to the members.

The Committee escorted the Governor from the Chamber.

## MOTION - Proposed Rules Changes

Mr. Beutler offered the following amendment to the proposed Morehead rule change referred to in this day's Journal:
Amend the DeCamp amendment as follows:

On page 2 lines 11 & 12 delete the words "As soon as practicable" and add the words "Within one legislative day"

On page 2 at the end of section 2 add the following sentence: "Bills and resolutions shall be introduced only during the 1st three days of the session"

Mr. V. Johnson requested a division of the question on the Beutler amendment.

The Chair sustained the division of the question on the Beutler amendment.

The first Beutler amendment is as follows:
On page 2 lines 11 & 12 delete the words "As soon as practicable" and add the words "Within one legislative day"

The first Beutler amendment was adopted with 36 ayes, 0 nays, 12 present and not voting, and 1 excused and not voting.

The second Beutler amendment is as follows:
On page 2 at the end of section 2 add the following sentence: "Bills and resolutions shall be introduced only during the 1st three days of the session"

Mr. Goodrich asked unanimous consent to be excused. No objections. So ordered.

The second Beutler amendment was adopted with 35 ayes, 0 nays, 12 present and not voting, and 2 excused and not voting.

The Morehead rule change, as amended, was adopted with 36 ayes, 0 nays, 11 present and not voting, and 2 excused and not voting.

## PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolutions: LRs 297, 300, and 302.

## MOTION - Reconsider Action on LB 157

Mr. DeCamp moved to suspend the rules, Rule 7, Section 7, and reconsider LB 157 on final passage.

Laid over.

## RESOLUTION

**LEGISLATIVE RESOLUTION 303.**

Introduced by Pappas, 42nd District.

A Resolution Proposed for Adoption by the Nebraska Legislature Regarding Winnebago Retrocession

WHEREAS, pursuant to Public Law 280, the State of Nebraska was granted criminal and civil jurisdiction over the Winnebago Indian Reservation in 1953; and

WHEREAS, the assumption of state jurisdiction over the Winnebago Reservation has led to steadily increasing costs for civil and criminal law enforcement in Thurston County, such costs falling heavily upon the taxpayers of Nebraska and Thurston County since the federal government has wholly failed to provide federal financial assistance for P.L. 280 law enforcement; and

WHEREAS, due to the tax-exempt status of tribal trust land and individual Indian allotments on the Winnebago Reservation, Thurston County has not had a sufficient tax base to meet the ever-increasing costs of law enforcement on the Winnebago Reservation; and

WHEREAS, since 1957 state assistance has been provided for law enforcement purposes in Thurston County, and the cost of this assistance has increased each biennium; and

WHEREAS, Public Law 90-284 adopted as an Act of Congress on April 11, 1968, contains a number of provisions dealing with civil rights and jurisdiction of Indians; and

WHEREAS, Section 403(a) of Public Law 90-284 provides that the United States is authorized to accept a retrocession of all or any measure of the jurisdiction acquired by a state pursuant to Public Law 280 of 1953; and

WHEREAS, the Winnebago Tribe has petitioned the State of Nebraska to effectuate a partial retrocession of criminal jurisdiction over the Winnebago Reservation to the United States and has demonstrated the capability to assume its portion of associated responsibilities; and

WHEREAS, the Bureau of Indian Affairs has confirmed that it will detail law enforcement personnel to the Winnebago Reservation immediately upon the effective date of retrocession, thereby assuring that a law enforcement "vacuum" will not result.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature hereby retrocedes criminal jurisdiction

over the Winnebago Reservation acquired by the State of Nebraska pursuant to Public Law 280 of 1953, except as provided in paragraph 2 of this resolution. Such retrocession shall be effective commencing 12:01 A.M., September 1, 1985.

2. That the Winnebago Tribe shall have jurisdiction to prosecute Indians committing offenses involving the operation of motor vehicles on the public highways and roadways within the exterior boundaries of the Winnebago Reservation, and the State of Nebraska shall have jurisdiction to prosecute non-Indians committing similar offenses.

3. That the State of Nebraska and its political subdivisions shall take all necessary action to effectuate this resolution, including cooperative agreements with the Winnebago Tribe, the Bureau of Indian Affairs and/or the Department of Interior deemed by the affected parties to be necessary to enhance the efficiency and effectiveness of criminal law enforcement on the Winnebago Reservation and in Thurston County.

Laid over.

**MOTION - Journal, Session Laws, and Index**

Mrs. Marsh moved that the Legislature approve the preparation and printing of the permanent Legislative Journal, Session Laws, and Index by Patrick O'Donnell, and that he be directed to send to each member of the Legislature a copy of the loose-leaf session laws and of the permanent Journal and Session Laws.

The motion prevailed.

**MOTION - Approve Journal**

Mr. Chronister moved that the Journal for the Ninetieth Day, as prepared by the Clerk, be approved.

The motion prevailed.

**MOTION - Adjourn Sine Die**

Mr. Carsten moved that the Eighty-Ninth Legislature, First Session of the Legislature, having finished all business before it, now at 4:37 p.m. adjourn sine die.

The motion prevailed.

Patrick J. O'Donnell
Clerk of the Legislature

## RECEIVED AFTER ADJOURNMENT

## LEGISLATIVE JOURNAL

## EIGHTY-NINTH LEGISLATURE
## FIRST SESSION

## MESSAGES FROM THE GOVERNOR

June 7, 1985

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 154, 501, 87, 87A, 342, 343, 420, 445, 668, 725, 726, 728, 269, 269A, 608 and 608A were received in my office on June 4, 1985.

These bills were signed by me on June 7, 1985 and delivered to the Secretary of State.

Sincerely,
(Signed) ROBERT KERREY
Governor

RK/jm

June 7, 1985

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 127, 204, 460, 518, 564, 653, 653A, 713, 724, 727, 612, 208 and 208A were received in my office on June 5,

1985.

These bills were signed by me on June 7, 1985 and delivered to the Secretary of State.

Sincerely,
(Signed) ROBERT KERREY
Governor

RK/jm

June 10, 1985

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bill 723 was received in my office on June 5, 1985.

This bill was signed by me on June 10, 1985 and delivered to the Secretary of State.

Sincerely,
(Signed) ROBERT KERREY
Governor

RK/jm

June 7, 1985

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bill 247 was received in my office on June 5, 1985.

This bill was signed by me on June 7, 1985 and delivered to the Secretary of State.

Sincerely,
(Signed) ROBERT KERREY
Governor

RK/jm

## 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 Eighty-Ninth Legislature, First Session and other correspondence.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

June 12, 1985
Lincoln, Nebraska

2738

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# EIGHTY-NINTH LEGISLATURE

# FIRST SESSION 1985

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Compiled by

PATRICK J. O'DONNELL

Clerk of the Legislature

03-01-49-85

# CHRONOLOGY OF BILLS

## EIGHTY-NINTH LEGISLATURE
## FIRST SESSION
## 1985

### LEGISLATIVE BILL 1. By Executive Board

| | | | | |
|---|---|---|---|---|
| Jan. | 10 | 2 | Read first time | 65 |
| Jan. | 11 | 3 | Placed on General File | 105 |
| Jan. | 16 | 6 | Advanced for Review | 200 |
| Jan. | 28 | 11 | Placed on Select File with AM0051 | 373 |
| Jan. | 30 | 13 | AM0051 (E & R) adopted. Advanced for Engrossment | 398 |
| Feb. | 1 | 15 | Correctly Engrossed | 429 |
| Feb. | 6 | 18 | Final Reading 39-0-10 | 472 |
| Feb. | 6 | 18 | President signed | 493 |
| Feb. | 7 | 19 | Presented to Governor (2/6) | 498 |
| Feb. | 11 | 21 | Approved by Governor (2/8) | 537 |

### LEGISLATIVE BILL 2. By Executive Board

| | | | | |
|---|---|---|---|---|
| Jan. | 10 | 2 | Read first time | 65 |
| Jan. | 11 | 3 | Placed on General File | 105 |
| Jan. | 16 | 6 | Advanced for Review | 200 |
| Jan. | 28 | 11 | Placed on Select File with AM0050 | 374 |
| Jan. | 30 | 13 | AM0050 (E & R) adopted. Advanced for Engrossment | 399 |
| Feb. | 1 | 15 | Correctly Engrossed | 429 |
| Feb. | 6 | 18 | Final Reading 40-0-9 | 473 |
| Feb. | 6 | 18 | President signed | 493 |
| Feb. | 7 | 19 | Presented to Governor (2/6) | 498 |
| Feb. | 11 | 21 | Approved by Governor (2/8) | 537 |

### LEGISLATIVE BILL 3. By Executive Board

| | | | | |
|---|---|---|---|---|
| Jan. | 10 | 2 | Read first time | 65 |
| Jan. | 11 | 3 | Placed on General File | 105 |
| Jan. | 16 | 6 | Advanced for Review | 200 |
| Jan. | 28 | 11 | Placed on Select File | 374 |

Jan. 30 13 Advanced for Engrossment ..... 399
Feb. 1 15 Correctly Engrossed ..... 429
Feb. 6 18 Final Reading 40-0-9 ..... 473
Feb. 6 18 President signed ..... 493
Feb. 7 19 Presented to Governor (2/6) ..... 498
Feb. 11 21 Approved by Governor (2/8) ..... 537

**LEGISLATIVE BILL 4. By Executive Board**

Jan. 10 2 Read first time ..... 65
Jan. 11 3 Placed on General File ..... 105
Jan. 16 6 Advanced for Review ..... 200
Jan. 28 11 Placed on Select File with AM0052 ..... 374
Jan. 30 13 AM0052 (E & R) adopted.
Advanced for Engrossment ..... 399
Feb. 1 15 Correctly Engrossed. ER0010 change ..... 429
Feb. 6 18 Final Reading 40-0-9 ..... 474
Feb. 6 18 President signed ..... 493
Feb. 7 19 Presented to Governor (2/6) ..... 498
Feb. 11 21 Approved by Governor (2/8) ..... 537

**LEGISLATIVE BILL 5. By Executive Board**

Jan. 10 2 Read first time ..... 66
Jan. 11 3 Placed on General File ..... 105
Jan. 16 6 Advanced for Review ..... 200
Jan. 28 11 Placed on Select File ..... 375
Jan. 30 13 Beutler amendment #0009 adopted.
Advanced for Engrossment ..... 399
Feb. 1 15 Correctly Engrossed. ER0011 change ..... 429
Feb. 6 18 Final Reading 40-0-9 ..... 475
Feb. 6 18 President signed ..... 493
Feb. 7 19 Presented to Governor (2/6) ..... 498
Feb. 11 21 Approved by Governor (2/8) ..... 537

**LEGISLATIVE BILL 6. By Executive Board**

Jan. 10 2 Read first time ..... 66
Jan. 11 3 Placed on General File ..... 105
Jan. 16 6 Advanced for Review ..... 200
Jan. 28 11 Placed on Select File ..... 375
Jan. 30 13 Advanced for Engrossment ..... 399
Feb. 1 15 Correctly Engrossed ..... 429
Feb. 6 18 Final Reading 39-0-10 ..... 475
Feb. 6 18 President signed ..... 493

Feb. 7 19 Presented to Governor (2/6) ..... 498
Feb. 11 21 Approved by Governor (2/8) ..... 537

**LEGISLATIVE BILL 7. By Executive Board**

Jan. 10 2 Read first time ..... 66
Jan. 11 3 Placed on General File ..... 105
Jan. 17 7 Advanced for Review ..... 221
Jan. 28 11 Placed on Select File ..... 375
Jan. 30 13 Advanced for Engrossment ..... 399
Feb. 1 15 Correctly Engrossed ..... 429
Feb. 6 18 Final Reading 39-0-10 ..... 476
Feb. 6 18 President signed ..... 493
Feb. 7 19 Presented to Governor (2/6) ..... 498
Feb. 11 21 Approved by Governor (2/8) ..... 537

**LEGISLATIVE BILL 8. By Executive Board**

Jan. 10 2 Read first time ..... 66
Jan. 11 3 Placed on General File ..... 105
Jan. 17 7 Advanced for Review ..... 221
Jan. 28 11 Placed on Select File ..... 375
Jan. 30 13 Advanced for Engrossment ..... 399
Feb. 1 15 Correctly Engrossed ..... 429
Feb. 6 18 Final Reading 40-0-9 ..... 477
Feb. 6 18 President signed ..... 493
Feb. 7 19 Presented to Governor (2/6) ..... 498
Feb. 11 21 Approved by Governor (2/8) ..... 537

**LEGISLATIVE BILL 9. By Executive Board**

Jan. 10 2 Read first time ..... 66
Jan. 11 3 Placed on General File ..... 105
Jan. 17 7 Advanced for Review ..... 221
Jan. 28 11 Placed on Select File ..... 375
Jan. 30 13 Advanced for Engrossment ..... 399
Feb. 1 15 Correctly Engrossed ..... 429
Feb. 6 18 Final Reading 40-0-9 ..... 478
Feb. 6 18 President signed ..... 493
Feb. 7 19 Presented to Governor (2/6) ..... 498
Feb. 11 21 Approved by Governor (2/8) ..... 537

**LEGISLATIVE BILL 10. By Executive Board**

Jan. 10 2 Read first time ..... 67

Jan. 11 3 Placed on General File ..... 105
Jan. 17 7 Advanced for Review ..... 221
Jan. 28 11 Placed on Select File - AM0053 ..... 375
Jan. 30 13 AM0053 (E & R) adopted.
Advanced for Engrossment ..... 399
Feb. 1 15 Correctly Engrossed ..... 429
Feb. 6 18 Final Reading 39-0-10 ..... 479
Feb. 6 18 President signed ..... 493
Feb. 7 19 Presented to Governor (2/6) ..... 498
Feb. 11 21 Approved by Governor (2/8) ..... 537

**LEGISLATIVE BILL 11. By Executive Board**

Jan. 10 2 Read first time ..... 67
Jan. 11 3 Placed on General File ..... 105
Jan. 17 7 Advanced for Review ..... 221
Jan. 28 11 Placed on Select File - AM0054 ..... 375
Jan. 30 13 AM0054 (E & R) adopted.
Advanced for Engrossment ..... 399
Feb. 1 15 Correctly Engrossed ..... 429
Feb. 6 18 Final Reading 40-0-9 ..... 479
Feb. 6 18 President signed ..... 493
Feb. 7 19 Presented to Governor (2/6) ..... 498
Feb. 11 21 Approved by Governor (2/8) ..... 537

**LEGISLATIVE BILL 12. By Executive Board**

Jan. 10 2 Read first time ..... 67
Jan. 11 3 Placed on General File ..... 105
Jan. 17 7 Advanced for Review ..... 221
Jan. 28 11 Placed on Select File ..... 375
Jan. 30 13 Advanced for Engrossment ..... 399
Feb. 1 15 Correctly Engrossed ..... 429
Feb. 6 18 Final Reading 40-0-9 ..... 480
Feb. 6 18 President signed ..... 493
Feb. 7 19 Presented to Governor (2/6) ..... 498
Feb. 11 21 Approved by Governor (2/8) ..... 537

**LEGISLATIVE BILL 13. By Executive Board**

Jan. 10 2 Read first time ..... 67
Jan. 11 3 Placed on General File ..... 105
Jan. 18 8 Advanced for Review ..... 257
Jan. 28 11 Placed on Select File - AM0055 ..... 375
Jan. 30 13 AM0055 (E & R) adopted.

Advanced for Engrossment ..... 399
Feb. 1 15 Correctly Engrossed ..... 429
Feb. 6 18 Final Reading 40-0-9 ..... 481
Feb. 6 18 President signed ..... 493
Feb. 7 19 Presented to Governor (2/6) ..... 498
Feb. 11 21 Approved by Governor (2/8) ..... 537

**LEGISLATIVE BILL 14. By Executive Board**

Jan. 10 2 Read first time ..... 67
Jan. 11 3 Placed on General File ..... 106
Jan. 18 8 Advanced for Review ..... 257
Jan. 28 11 Placed on Select File ..... 375
Jan. 30 13 Advanced for Engrossment ..... 400
Feb. 1 15 Correctly Engrossed ..... 429
Feb. 6 18 Final Reading 40-0-9 ..... 482
Feb. 6 18 President signed ..... 493
Feb. 7 19 Presented to Governor (2/6) ..... 498
Feb. 11 21 Approved by Governor (2/8) ..... 537

**LEGISLATIVE BILL 15. By Executive Board**

Jan. 10 2 Read first time ..... 67
Jan. 11 3 Placed on General File ..... 106
Jan. 18 8 Advanced for Review ..... 257
Jan. 28 11 Placed on Select File ..... 375
Jan. 30 13 Advanced for Engrossment ..... 400
Feb. 1 15 Correctly Engrossed ..... 429
Feb. 6 18 Final Reading 40-0-9 ..... 482
Feb. 6 18 President signed ..... 493
Feb. 7 19 Presented to Governor (2/6) ..... 498
Feb. 11 21 Approved by Governor (2/8) ..... 537

**LEGISLATIVE BILL 16. By Executive Board**

Jan. 10 2 Read first time ..... 68
Jan. 11 3 Placed on General File ..... 106
Jan. 18 8 Advanced for Review ..... 257
Jan. 28 11 Placed on Select File ..... 375
Jan. 30 13 Advanced for Engrossment ..... 400
Feb. 1 15 Correctly Engrossed ..... 429
Feb. 6 18 Final Reading 40-0-9 ..... 483
Feb. 6 18 President signed ..... 493
Feb. 7 19 Presented to Governor (2/6) ..... 498
Feb. 11 21 Approved by Governor (2/8) ..... 537

**LEGISLATIVE BILL 17. By Executive Board**

| | | | | |
|---|---|---|---|---|
| Jan. | 10 | 2 | Read first time | 68 |
| Jan. | 11 | 3 | Placed on General File | 106 |
| Jan. | 18 | 8 | Advanced for Review | 258 |
| Jan. | 28 | 11 | Placed on Select File | 375 |
| Jan. | 30 | 13 | Advanced for Engrossment | 400 |
| Feb. | 1 | 15 | Correctly Engrossed | 429 |
| Feb. | 6 | 18 | Final Reading 40-0-9 | 484 |
| Feb. | 6 | 18 | President signed | 493 |
| Feb. | 7 | 19 | Presented to Governor (2/6) | 498 |
| Feb. | 11 | 21 | Approved by Governor (2/8) | 537 |

**LEGISLATIVE BILL 18. By Executive Board**

| | | | | |
|---|---|---|---|---|
| Jan. | 10 | 2 | Read first time | 68 |
| Jan. | 11 | 3 | Placed on General File | 106 |
| Jan. | 18 | 8 | Advanced for Review | 258 |
| Jan. | 28 | 11 | Placed on Select File | 375 |
| Jan. | 30 | 13 | Advanced for Engrossment | 400 |
| Feb. | 1 | 15 | Correctly Engrossed | 429 |
| Feb. | 6 | 18 | Final Reading 40-0-9 | 484 |
| Feb. | 6 | 18 | President signed | 493 |
| Feb. | 7 | 19 | Presented to Governor (2/6) | 498 |
| Feb. | 11 | 21 | Approved by Governor (2/8) | 537 |

**LEGISLATIVE BILL 19. By Executive Board**

| | | | | |
|---|---|---|---|---|
| Jan. | 10 | 2 | Read first time | 68 |
| Jan. | 11 | 3 | Placed on General File | 106 |
| Jan. | 21 | 9 | Advanced for Review | 278 |
| Jan. | 29 | 12 | Placed on Select File | 383 |
| Jan. | 31 | 14 | Advanced for Engrossment | 413 |
| Feb. | 1 | 15 | Correctly Engrossed | 436 |
| Feb. | 6 | 18 | Final Reading 40-0-9 | 485 |
| Feb. | 6 | 18 | President signed | 493 |
| Feb. | 7 | 19 | Presented to Governor (2/6) | 498 |
| Feb. | 11 | 21 | Approved by Governor (2/8) | 537 |

**LEGISLATIVE BILL 20. By Executive Board**

| | | | | |
|---|---|---|---|---|
| Jan. | 10 | 2 | Read first time | 68 |
| Jan. | 11 | 3 | Placed on General File | 106 |
| Jan. | 21 | 9 | Advanced for Review | 278 |

| | | | | |
|---|---|---|---|---|
| Jan. | 29 | 12 | Placed on Select File | 383 |
| Jan. | 31 | 14 | Advanced for Engrossment | 413 |
| Feb. | 1 | 15 | Correctly Engrossed | 436 |
| Feb. | 6 | 18 | Final Reading 40-0-9 | 486 |
| Feb. | 6 | 18 | President signed | 493 |
| Feb. | 7 | 19 | Presented to Governor (2/6) | 498 |
| Feb. | 11 | 21 | Approved by Governor (2/8) | 537 |

**LEGISLATIVE BILL 21. By Executive Board**

| | | | | |
|---|---|---|---|---|
| Jan. | 10 | 2 | Read first time | 69 |
| Jan. | 11 | 3 | Placed on General File | 106 |
| Jan. | 21 | 9 | Advanced for Review | 278 |
| Jan. | 29 | 12 | Placed on Select File | 383 |
| Jan. | 31 | 14 | Advanced for Engrossment | 413 |
| Feb. | 1 | 15 | Correctly Engrossed | 436 |
| Feb. | 6 | 18 | Final Reading 40-0-9 | 487 |
| Feb. | 6 | 18 | President signed | 493 |
| Feb. | 7 | 19 | Presented to Governor (2/6) | 498 |
| Feb. | 11 | 21 | Approved by Governor (2/8) | 537 |

**LEGISLATIVE BILL 22. By Executive Board**

| | | | | |
|---|---|---|---|---|
| Jan. | 10 | 2 | Read first time | 69 |
| Jan. | 11 | 3 | Placed on General File | 106 |
| Jan. | 21 | 9 | Advanced for Review | 278 |
| Jan. | 29 | 12 | Placed on Select File | 384 |
| Jan. | 31 | 14 | Advanced for Engrossment | 413 |
| Feb. | 1 | 15 | Correctly Engrossed | 436 |
| Feb. | 6 | 18 | Final Reading 40-0-9 | 487 |
| Feb. | 6 | 18 | President signed | 493 |
| Feb. | 7 | 19 | Presented to Governor (2/6) | 498 |
| Feb. | 11 | 21 | Approved by Governor (2/8) | 537 |

**LEGISLATIVE BILL 23. By Executive Board**

| | | | | |
|---|---|---|---|---|
| Jan. | 10 | 2 | Read first time | 69 |
| Jan. | 11 | 3 | Placed on General File | 106 |
| Jan. | 21 | 9 | Advanced for Review | 278 |
| Jan. | 29 | 12 | Placed on Select File | 384 |
| Jan. | 31 | 14 | Advanced for Engrossment | 413 |
| Feb. | 1 | 15 | Correctly Engrossed | 436 |
| Feb. | 6 | 18 | Final Reading 40-0-9 | 488 |
| Feb. | 6 | 18 | President signed | 493 |
| Feb. | 7 | 19 | Presented to Governor (2/6) | 498 |

Feb. 11 21 Approved by Governor (2/8) ..... 537

**LEGISLATIVE BILL 24. By Executive Board**

Jan. 10 2 Read first time ..... 69
Jan. 11 3 Placed on General File ..... 106
Jan. 21 9 Advanced for Review ..... 278
Jan. 29 12 Placed on Select File ..... 384
Jan. 31 14 Advanced for Engrossment ..... 413
Feb. 1 15 Correctly Engrossed ..... 436
Feb. 6 18 Final Reading 40-0-9 ..... 489
Feb. 6 18 President signed ..... 493
Feb. 7 19 Presented to Governor (2/6) ..... 498
Feb. 11 21 Approved by Governor (2/8) ..... 537

**LEGISLATIVE BILL 25. By Executive Board**

Jan. 10 2 Read first time ..... 69
Jan. 11 3 Placed on General File ..... 106
Jan. 21 9 Advanced for Review ..... 279
Jan. 29 12 Placed on Select File ..... 384
Jan. 31 14 Advanced for Engrossment ..... 413
Feb. 1 15 Correctly Engrossed ..... 436
Feb. 6 18 Final Reading 40-0-9 ..... 489
Feb. 6 18 President signed ..... 493
Feb. 7 19 Presented to Governor (2/6) ..... 498
Feb. 11 21 Approved by Governor (2/8) ..... 537

**LEGISLATIVE BILL 26. By Executive Board**

Jan. 10 2 Read first time ..... 69
Jan. 11 3 Placed on General File ..... 106
Jan. 21 9 Advanced for Review ..... 279
Jan. 29 12 Placed on Select File ..... 384
Jan. 31 14 Advanced for Engrossment ..... 413
Feb. 1 15 Correctly Engrossed ..... 436
Feb. 6 18 Final Reading 40-0-9 ..... 490
Feb. 6 18 President signed ..... 493
Feb. 7 19 Presented to Governor (2/6) ..... 498
Feb. 11 21 Approved by Governor (2/8) ..... 537

**LEGISLATIVE BILL 27. By Executive Board**

Jan. 10 2 Read first time ..... 70
Jan. 11 3 Placed on General File ..... 106

Jan. 21 9 Advanced for Review ..... 279
Jan. 29 12 Placed on Select File - AM0056 ..... 384
Jan. 31 14 AM0056 (E & R) adopted.
Advanced for Engrossment ..... 413
Feb. 1 15 Correctly Engrossed ..... 436
Feb. 6 18 Final Reading 40-0-9 ..... 491
Feb. 6 18 President signed ..... 493
Feb. 7 19 Presented to Governor (2/6) ..... 498
Feb. 11 21 Approved by Governor (2/8) ..... 537

**LEGISLATIVE BILL 28. By Marsh**

Jan. 10 2 Read first time ..... 70
Jan. 11 3 Referred to Committee on Education ..... 106
Feb. 4 16 Notice of hearing (2/12) ..... 453
Mar. 8 36 Placed on General File ..... 893
Mar. 14 40 Advanced for Review ..... 996
Mar. 18 41 Placed on Select File ..... 1020
Mar. 20 43 Advanced for Engrossment ..... 1084
Mar. 22 45 Correctly Engrossed ..... 1153
Mar. 29 50 Final Reading w/E 46-0-3 ..... 1269
Mar. 29 50 Speaker signed ..... 1287
Mar. 29 50 Presented to Governor (3/29) ..... 1289
Apr. 3 53 Approved by Governor (4/2) ..... 1351

**LEGISLATIVE BILL 29. By Marsh**

Jan. 10 2 Read first time ..... 70
Jan. 11 3 Referred to Committee on Agriculture
and Environment ..... 106
Jan. 22 10 Notice of hearing (2/1) ..... 302
Feb. 19 26 Indefinitely postponed ..... 644

**LEGISLATIVE BILL 30. By Carsten**

Jan. 10 2 Read first time ..... 70
Jan. 11 3 Referred to Committee on Revenue ..... 106
Jan. 11 3 Hefner name added ..... 115
Jan. 21 9 Notice of hearing (1/28) ..... 287
Jan. 31 14 Placed on General File - Com am #0034 ..... 423
Feb. 4 16 Division of question sustained.
Committee amendments #1 and #2
adopted. Advanced for Review ..... 450
Feb. 4 16 Expedited ..... 451
Feb. 5 17 Placed on Select File - AM5010 ..... 459

Feb. 6 18 AM5010 (E & R) adopted. Advanced for Engrossment ..... 495
Feb. 8 20 Correctly Engrossed ..... 512
Feb. 13 23 Beutler motion to return to Select File withdrawn ..... 572
Feb. 13 23 Final Reading w/E 47-0-2 ..... 573
Feb. 13 23 President signed ..... 584
Feb. 13 23 Presented to Governor (2/13) ..... 586
Feb. 19 26 Approved by Governor (2/15) ..... 635

**LEGISLATIVE BILL 31. By Warner**

Jan. 10 2 Read first time ..... 70
Jan. 11 3 Referred to Committee on Appropriations ..... 106
Mar. 4 32 Notice of hearing (3/20) ..... 814
May 16 80 Placed on General File - Com am #1452 ..... 2333
May 17 81 V. Johnson amendment to committee amendment ruled not germane. Committee amendment #1452 adopted. Labedz motion to indefinitely postpone lost. Advanced for Review ..... 2375
May 20 82 Placed on Select File - AM5172 ..... 2396
June 3 88 AM5172 (E & R) adopted. Labedz amendment adopted ..... 2636

**LEGISLATIVE BILL 32. By Warner**

Jan. 10 2 Read first time ..... 70
Jan. 11 3 Referred to Committee on Government, Military and Veterans Affairs ..... 106
Jan. 30 13 Notice of hearing (2/15) ..... 404
Feb. 28 30 Placed on General File - Com am #0333 ..... 747

**LEGISLATIVE BILL 33. By Warner**

Jan. 10 2 Read first time ..... 71
Jan. 11 3 Referred to Committee on Miscellaneous Subjects ..... 106
Feb. 5 17 Notice of hearing (3/1) ..... 466
Mar. 5 33 Placed on General File ..... 827
Mar. 14 40 Advanced for Review ..... 995
Mar. 18 41 Placed on Select File - AM5087 ..... 1015
Mar. 20 43 AM5087 (E & R) adopted. Advanced for Engrossment ..... 1083
Mar. 22 45 Correctly Engrossed ..... 1153

| | | | | |
|---|---|---|---|---|
| Mar. | 29 | 50 | Final Reading 48-0-1 | 1270 |
| Mar. | 29 | 50 | Speaker signed | 1287 |
| Mar. | 29 | 50 | Presented to Governor (3/29) | 1289 |
| Apr. | 3 | 53 | Approved by Governor (4/2) | 1351 |

**LEGISLATIVE BILL 34. By Warner**

| | | | | |
|---|---|---|---|---|
| Jan. | 10 | 2 | Read first time | 71 |
| Jan. | 11 | 3 | Referred to Committee on Revenue | 106 |
| Jan. | 21 | 9 | Notice of hearing (1-29) | 287 |
| Apr. | 17 | 61 | Indefinitely postponed | 1634 |

**LEGISLATIVE BILL 35. By Warner**

| | | | | |
|---|---|---|---|---|
| Jan. | 10 | 2 | Read first time | 71 |
| Jan. | 11 | 3 | Referred to Committee on Appropriations | 106 |
| Jan. | 22 | 10 | Notice of hearing (1-29) | 305 |

**LEGISLATIVE BILL 36. By Warner**

| | | | | |
|---|---|---|---|---|
| Jan. | 10 | 2 | Read first time | 71 |
| Jan. | 11 | 3 | Referred to Committee on Judiciary | 106 |
| Jan. | 22 | 10 | Notice of hearing (1-30) | 336 |
| Feb. | 12 | 22 | Placed on General File - Com am #0142 | 568 |
| Feb. | 19 | 26 | Committee amendment #0142 adopted as amended by Warner amendment. Advanced for Review | 641 |
| Feb. | 21 | 28 | Placed on Select File - AM5055 | 683 |
| Mar. | 7 | 35 | AM5055 (E & R) adopted. Warner amendment #0467 adopted. Advanced for Engrossment | 873 |
| Mar. | 12 | 38 | Correctly Engrossed | 917 |
| Mar. | 12 | 38 | ER0022 change | 918 |
| Mar. | 21 | 44 | Final Reading 48-0-1 | 1092 |
| Mar. | 21 | 44 | Speaker signed | 1106 |
| Mar. | 21 | 44 | Presented to Governor (3/21) | 1118 |
| Mar. | 26 | 47 | Approved by Governor (3/25) | 1181 |

**LEGISLATIVE BILL 37. By Lamb**

| | | | | |
|---|---|---|---|---|
| Jan. | 10 | 2 | Read first time | 72 |
| Jan. | 11 | 3 | Referred to Committee on Revenue | 106 |
| Jan. | 28 | 11 | Notice of hearing (2/4) | 372 |
| Feb. | 15 | 25 | Indefinitely postponed | 624 |

**LEGISLATIVE BILL 38. By Lamb**


Jan. 10 2 Read first time ..... 72
Jan. 11 3 Referred to Committee on Revenue ..... 106
Jan. 28 11 Notice of hearing (2/4) ..... 372
Jan. 29 12 Attorney General's Opinion #8 to Lamb ..... 388
Feb. 15 25 Placed on General File - Com am #0199 ..... 620
Mar. 6 34 DeCamp name added ..... 856
Mar. 7 35 DeCamp amendments #0472 (1), #0473 (2), and #0474 (3) printed ..... 882
Mar. 11 37 Lamb amendment to committee amendment printed ..... 909
Mar. 12 38 Lamb pending amendment p. 909 and DeCamp pending amendment #0474 (3) p. 883 to committee amendment adopted. DeCamp pending amendments #0472 (1) and #0473 (2) p. 882 withdrawn. Warner amendment lost. Lamb amendment to committee amendment adopted. Pending ..... 927
Mar. 13 39 Lamb amendment to committee amendment printed ..... 968
Mar. 14 40 DeCamp amendment #0588 (1) to committee amendment printed ..... 1006
Mar. 14 40 DeCamp amendment (2) and (3) to committee amendment printed ..... 1007
Mar. 14 40 DeCamp amendment (4) to committee amendment printed ..... 1008
Mar. 19 42 Lamb amendment #0601 to committee amendment printed ..... 1047
Mar. 19 42 DeCamp amendment #0694 to committee amendment printed ..... 1061
Mar. 21 44 Lamb pending amendment p. 968 withdrawn. Lamb pending amendment #0601 p. 1047 to committee amendment adopted. DeCamp pending amendments (2), (3) and (4) pgs. 1007-1008 and amendment #0694 withdrawn. DeCamp pending amendment #0588 (1) p. 1006 pending ..... 1106
Mar. 21 44 DeCamp pending amendment #0588 (1) p. 1006 lost. Higgins motion to bracket withdrawn. Nelson amendment to committee amendment adopted ..... 1107
Mar. 21 44 Lamb priority bill ..... 1119
Mar. 22 45 Committee amendment #0199 lost as amended by Lamb amendment. DeCamp

reoffered amendment #0694 p. 1061 withdrawn. DeCamp motion to recommit to Revenue Committee lost ..... 1147
Mar. 25 46 Wesely motion to indefinitely postpone laid over ..... 1162
Mar. 25 46 Lamb-Hefner-DeCamp amendment #0767 printed ..... 1174
Mar. 26 47 Wesely pending motion p. 1162 to indefinitely postpone prevailed ..... 1192
Mar. 27 48 R. Johnson motion to reconsider action laid over ..... 1207
Apr. 3 53 R. Johnson pending motion to reconsider action lost ..... 1352

**LEGISLATIVE BILL 38A. By Lamb**

Feb. 28 30 Read first time. Placed on General File ..... 755

**LEGISLATIVE BILL 39. By Harris**

Jan. 10 2 Read first time ..... 72
Jan. 11 3 Referred to Committee on Revenue ..... 106
Feb. 4 16 Notice of hearing (2/12) ..... 449
Feb. 19 26 Indefinitely postponed ..... 650

**LEGISLATIVE BILL 40. By Beutler**

Jan. 10 2 Read first time ..... 72
Jan. 11 3 Referred to Committee on Government, Military and Veterans Affairs ..... 106
Jan. 30 13 Notice of hearing (2/8) ..... 404
Feb. 15 25 Placed on General File ..... 613
Mar. 4 32 Advanced for Review ..... 801
Mar. 5 33 Placed on Select File ..... 831
Mar. 7 35 Advanced for Engrossment ..... 884
Mar. 13 39 Correctly Engrossed ..... 942
Mar. 22 40 Final Reading 45-0-4 ..... 1127
Mar. 22 45 Speaker signed ..... 1146
Mar. 22 45 Presented to Governor (3/22) ..... 1154
Mar. 26 47 Approved by Governor (3/25) ..... 1182

**LEGISLATIVE BILL 41. By Beutler**

Jan. 10 2 Read first time ..... 75
Jan. 11 3 Referred to Committee on Judiciary ..... 106

Jan. 21 9 Notice of hearing (1-28) ..... 292
Jan. 31 14 Placed on General File ..... 416
Feb. 1 15 Advanced for Review ..... 446
Feb. 5 17 Placed on Select File ..... 459
Feb. 6 18 Advanced for Engrossment ..... 496
Feb. 8 20 Correctly Engrossed ..... 512
Feb. 13 23 Final Reading w/E 47-0-2 ..... 573
Feb. 13 23 President signed ..... 584
Feb. 13 23 Presented to Governor (2/13) ..... 586
Feb. 19 26 Approved by Governor (2-15) ..... 635

**LEGISLATIVE BILL 42. By Miller**

Jan. 10 2 Read first time ..... 76
Jan. 11 3 Referred to Committee on Public Health and Welfare ..... 106
Jan. 21 9 Notice of hearing (1-28) ..... 292
Jan. 31 14 Placed on General File - Com am #0027 ..... 417
Feb. 4 16 Committee amendment #0027 adopted. Advanced for Review ..... 450
Feb. 6 18 Placed on Select File - AM5013 ..... 496
Feb. 7 19 AM5013 (E & R) adopted. Advanced for Engrossment ..... 510
Feb. 11 21 Correctly Engrossed ..... 541
Feb. 20 27 Final Reading 44-0-5 ..... 658
Feb. 20 27 President signed ..... 668
Feb. 20 27 Presented to Governor (2/20) ..... 670
Feb. 22 29 Approved by Governor (2/21) ..... 701

**LEGISLATIVE BILL 43. By Warner**

Jan. 10 2 Read first time ..... 76
Jan. 11 3 Referred to Committee on Government, Military and Veterans Affairs ..... 106
Jan. 22 10 Notice of hearing (1-31) ..... 311
Feb. 15 25 Placed on General File - Com am #0251 ..... 617
Mar. 4 32 Landis amendment #0335 printed ..... 816
Mar. 6 34 Committee amendment #0251 adopted as amended by Landis pending amendment #0335 p. 816. Hefner motion to bracket until 1/10/86 lost. Laid over ..... 854
Mar. 13 39 Morehead amendment #0558 printed ..... 972
Mar. 13 39 Morehead amendment #0541 printed ..... 974
Mar. 19 42 DeCamp amendments #0646 (1), #0637 (2), #0638 (3), and #0639 (4) printed ..... 1060

**LEGISLATIVE BILL 43A. By Warner**

Mar. 29 50 Read first time. Placed on General File ..... 1288

**LEGISLATIVE BILL 44. By Barrett**

Jan. 10 2 Read first time ..... 76
Jan. 11 3 Referred to Committee on Public Health and Welfare ..... 106
Jan. 21 9 Notice of hearing (1-28) ..... 292
Jan. 22 10 Rogers name added ..... 310
Jan. 22 10 Lamb name added ..... 315
Mar. 18 41 Placed on General File - Com am #0599 ..... 1030
Apr. 23 64 Higgins name added ..... 1730

**LEGISLATIVE BILL 45. By Warner**

Jan. 10 2 Read first time ..... 76
Jan. 11 3 Referred to Committee on Government, Military and Veterans Affairs ..... 106
Jan. 22 10 Notice of hearing (1-31) ..... 311

**LEGISLATIVE BILL 46. By Warner**

Jan. 10 2 Read first time ..... 76
Jan. 11 3 Referred to Committee on Urban Affairs ..... 106
Jan. 17 7 Notice of hearing (1-30) ..... 205

**LEGISLATIVE BILL 47. By Warner**

Jan. 10 2 Read first time ..... 77
Jan. 11 3 Referred to Committee on Banking, Commerce and Insurance ..... 106
Jan. 18 8 Notice of hearing (1-29) ..... 257
Feb. 14 24 Placed on General File - Com am #0198 ..... 593
Feb. 19 26 Committee amendment #0198 adopted as amended by Beutler amendment. Beutler amendment lost. Advanced for Review ..... 643
Feb. 22 29 Placed on Select File - AM5059 ..... 702
Mar. 7 35 AM5059 (E & R) adopted. Beutler amendments #0286, #0287, #0284, #0282, Morehead amendment #0280, and Warner amendment #0478 adopted. Beutler

amendment #0285 lost ..... 874
Mar. 7 35 Beutler amendment adopted.
Advanced for Engrossment ..... 883
Mar. 13 39 Correctly Engrossed. ER0027 change ..... 942
Mar. 22 45 Final Reading w/E 43-2-4 ..... 1128
Mar. 22 45 Speaker signed ..... 1146
Mar. 22 45 Presented to Governor (3/22) ..... 1154
Mar. 26 47 Approved by Governor (3/25) ..... 1182

**LEGISLATIVE BILL 48. By Barrett**

Jan. 10 2 Read first time ..... 77
Jan. 11 3 Referred to Committee on Banking,
Commerce and Insurance ..... 106
Jan. 18 8 Notice of hearing (1/29) ..... 257
Jan. 31 14 Placed on General File - Com am #0028 ..... 422
Feb. 7 19 Committee amendment #0028 - division
of question sustained - #1 lost and
#2 adopted. Advanced for Review ..... 505
Feb. 11 21 Placed on Select File - AM5029 ..... 541
Feb. 12 22 AM5029 (E & R) adopted.
Advanced for Engrossment ..... 563
Feb. 13 23 Correctly Engrossed ..... 590
Feb. 22 29 Final Reading w/E 41-0-8 ..... 709
Feb. 22 29 Higgins explanation of vote ..... 722
Feb. 22 29 President signed ..... 725
Feb. 28 30 Presented to Governor (2/22).
Approved by Governor (2/27) ..... 741

**LEGISLATIVE BILL 49. By Hefner**

Jan. 10 2 Read first time ..... 77
Jan. 11 3 Referred to Committee on Government,
Military and Veterans Affairs ..... 106
Jan. 30 13 Notice of hearing (2/7) ..... 404
Feb. 8 20 Placed on General File ..... 520
Feb. 12 22 Advanced for Review ..... 562
Feb. 13 23 Placed on Select File ..... 581
Feb. 15 25 Advanced for Engrossment ..... 627
Feb. 21 28 Correctly Engrossed ..... 682
Mar. 4 32 Final Reading 48-0-1 ..... 807
Mar. 4 32 Speaker signed ..... 811
Mar. 5 33 Presented to Governor (3/4) ..... 818
Mar. 8 36 Approved by Governor (3/7) ..... 888

**LEGISLATIVE BILL 50. By Rogers**

| | | | | |
|---|---|---|---|---|
| Jan. | 10 | 2 | Read first time | 77 |
| Jan. | 11 | 3 | Referred to Committee on Education | 106 |
| Feb. | 4 | 16 | Notice of hearing (3/18) | 454 |
| Mar. | 28 | 49 | Placed on General File | 1236 |

**LEGISLATIVE BILL 51. By Chronister**

| | | | | |
|---|---|---|---|---|
| Jan. | 10 | 2 | Read first time | 77 |
| Jan. | 11 | 3 | Referred to Committee on Urban Affairs | 106 |
| Jan. | 17 | 7 | Notice of hearing (1/30) | 205 |
| Jan. | 31 | 14 | Placed on General File | 415 |
| Feb. | 1 | 15 | Advanced for Review | 430 |
| Feb. | 5 | 17 | Placed on Select File - AM5007 | 460 |
| Feb. | 6 | 18 | AM5007 (E & R) adopted. Advanced for Engrossment | 495 |
| Feb. | 8 | 20 | Correctly Engrossed | 512 |
| Feb. | 13 | 23 | Final Reading 47-0-2 | 574 |
| Feb. | 13 | 23 | President signed | 584 |
| Feb. | 13 | 23 | Presented to Governor (2/13) | 586 |
| Feb. | 19 | 26 | Approved by Governor (2/15) | 635 |

**LEGISLATIVE BILL 52. By Lynch**

| | | | | |
|---|---|---|---|---|
| Jan. | 10 | 2 | Read first time | 78 |
| Jan. | 11 | 3 | Referred to Committee on Urban Affairs | 106 |
| Jan. | 17 | 7 | Notice of hearing (1/30) | 206 |
| Jan. | 31 | 14 | Placed on General File | 415 |
| Feb. | 1 | 15 | Advanced for Review | 430 |
| Feb. | 5 | 17 | Placed on Select File - AM5008 | 460 |
| Feb. | 6 | 18 | AM5008 (E & R) adopted. Advanced for Engrossment | 495 |
| Feb. | 8 | 20 | Correctly Engrossed | 512 |
| Feb. | 13 | 23 | Final Reading 39-7-3 | 575 |
| Feb. | 13 | 23 | President signed | 584 |
| Feb. | 13 | 23 | Presented to Governor (2/13) | 586 |
| Feb. | 19 | 26 | Approved by Governor (2/15) | 635 |

**LEGISLATIVE BILL 53. By Sieck**

| | | | | |
|---|---|---|---|---|
| Jan. | 10 | 2 | Read first time | 78 |
| Jan. | 11 | 3 | Referred to Committee on Government, | |

Military and Veterans Affairs ..... 106
Jan. 22 10 Notice of hearing (2/1) ..... 311
Feb. 4 16 Placed on General File ..... 451
Feb. 6 18 Advanced for Review ..... 493
Feb. 8 20 Placed on Select File - AM5025 ..... 519
Feb. 11 21 AM5025 (E & R) adopted.
Advanced for Engrossment ..... 553
Feb. 13 23 Correctly Engrossed ..... 571
Feb. 22 29 Final Reading 40-0-9 ..... 710
Feb. 22 29 Higgins explanation of vote ..... 722
Feb. 22 29 President signed ..... 725
Feb. 28 30 Presented to Governor (2/22).
Approved by Governor (2/27) ..... 741

**LEGISLATIVE BILL 54. By Sieck**

Jan. 10 2 Read first time ..... 78
Jan. 11 3 Referred to Committee on Revenue ..... 106
Mar. 7 35 Notice of hearing (3/26) ..... 865

**LEGISLATIVE BILL 55. By Pappas**

Jan. 10 2 Read first time ..... 78
Jan. 11 3 Referred to Committee on Judiciary ..... 106
Mar. 11 37 Notice of hearing (3/25) ..... 910

**LEGISLATIVE BILL 56. By Pappas**

Jan. 10 2 Read first time ..... 78
Jan. 11 3 Referred to Committee on Agriculture
and Environment ..... 106
Feb. 6 18 Notice of hearing (2/14) ..... 494
Feb. 20 27 Indefinitely postponed ..... 670

**LEGISLATIVE BILL 57. By Pappas**

Jan. 10 2 Read first time ..... 78
Jan. 11 3 Referred to Committee on Education ..... 106
Feb. 4 16 Notice of hearing (3/11) ..... 453
Mar. 28 49 Placed on General File - Com am #0818 ..... 1245

**LEGISLATIVE BILL 58. By Pappas**

Jan. 10 2 Read first time ..... 79
Jan. 11 3 Referred to Committee on Miscellaneous

Subjects ..... 106
Feb. 13 23 Notice of hearing (3/8) ..... 590

**LEGISLATIVE BILL 59. By Pappas**

Jan. 10 2 Read first time ..... 79
Jan. 11 3 Referred to Committee on Appropriations ..... 107
Feb. 1 15 Notice of hearing (2/22) ..... 443
Apr. 25 66 Placed on General File - Com am #1160 ..... 1900

**LEGISLATIVE BILL 60. By Pappas, Rogers**

Jan. 10 2 Read first time ..... 79
Jan. 11 3 Referred to Committee on Agriculture and Environment ..... 107
Jan. 22 10 Notice of hearing (1/31) ..... 301
Mar. 12 38 Placed on General File - Com am #0519 ..... 922
Mar. 12 38 Vickers amendment #0516 printed ..... 930
Mar. 12 38 Vickers amendment #0515 printed ..... 932
Mar. 21 44 Rogers priority bill ..... 1119
Mar. 27 48 Schmit amendment printed ..... 1229
Apr. 2 52 Committee amendment #0519 adopted. Vickers pending amendment #0516 p. 930 pending ..... 1334
Apr. 2 52 Vickers pending amendment #0516 p. 930 lost. Vickers pending amendment #0515 p. 932 and Schmit pending amendment p. 1229 withdrawn. Vickers-Warner motion to indefinitely postpone prevailed ..... 1340
Apr. 3 53 Haberman motion to reconsider action laid over ..... 1360
Apr. 4 54 Wesely amendment #0898 printed ..... 1395
Apr. 11 57 Haberman pending motion p. 1360 to reconsider indefinitely postponement prevailed ..... 1482
May 2 71 Warner amendment #1235 printed ..... 2014
May 3 72 Vickers-Warner amendment #1261 printed ..... 2045
May 20 82 Wesely pending amendment #0898 p. 1395 and Schmit amendment adopted. Vickers-Warner pending amendment #1261 p. 2045 withdrawn. Haberman amendment #0990 lost. Advanced for Review ..... 2397
May 21 83 Placed on Select File - AM5176 ..... 2440
May 21 83 Wesely amendment #1508 printed ..... 2441
June 3 88 AM5176 (E & R) adopted. Warner pending

amendment #1235 p. 2014 withdrawn. Vickers-Warner amendment lost. Wesely pending amendment #1508 p. 2441 adopted. Advanced for Engrossment ..... 2618
June 3 88 Correctly Engrossed ..... 2632
June 5 90 Attorney General's Opinion #100 to Vickers ..... 2700
June 5 90 Nichol motion to suspend rules prevailed ..... 2701
June 5 90 Final Reading 26-19-4 ..... 2702
June 5 90 President signed ..... 2712
June 5 90 Presented to Governor (6/5) ..... 2723
June 12 AJ Approved by Governor (6/5) ..... 2726

**LEGISLATIVE BILL 61. By Pappas**

Jan. 10 2 Read first time ..... 79
Jan. 11 3 Referred to Committee on Public Health and Welfare ..... 107
Jan. 28 11 Notice of hearing (2/4) ..... 381
Feb. 19 26 Attorney General's Opinion #21 to Wesely ..... 638
Feb. 28 30 Placed on General File - Com am #0330 ..... 756
Mar. 21 44 Smith priority bill ..... 1119
Mar. 29 50 Smith name added. Committee amendment #0330 adopted as amended by Smith amendment #0860. Advanced for Review ..... 1289
Apr. 2 52 Placed on Select File - AM5113 ..... 1331
Apr. 3 53 AM5113 (E & R) adopted. Advanced for Engrossment ..... 1376
Apr. 10 56 Correctly Engrossed ..... 1447
Apr. 15 59 Final Reading 40-0-9. President signed ..... 1560
Apr. 15 59 Presented to Governor (4/15) ..... 1563
Apr. 19 63 Approved by Governor (4/19) ..... 1702

**LEGISLATIVE BILL 62. By Schmit, Pappas, Lynch, Rogers**

Jan. 10 2 Read first time ..... 79
Jan. 11 3 Referred to Committee on Public Health and Welfare ..... 107
Feb. 1 15 Notice of hearing (2/12) ..... 438
Feb. 15 25 Indefinitely postponed ..... 624

**LEGISLATIVE BILL 63. By Eret, DeCamp**

Jan. 10 2 Read first time ..... 79
Jan. 11 3 Referred to Committee on Banking,

Commerce and Insurance ..... 107
Feb.. 4 16 Notice of hearing (2/11) ..... 452
Feb. 20 27 Placed on General File - Com am #0264 ..... 665
Mar. 14 40 Committee amendment #0264 adopted.
Advanced for Review ..... 997
Mar. 18 41 Placed on Select File - AM5088 ..... 1020
Mar. 20 43 AM5088 (E & R) adopted.
Advanced for Engrossment ..... 1084
Mar. 22 45 Correctly Engrossed ..... 1153
Mar. 29 50 Failed on Final Reading w/E 31-17-1 ..... 1271
Mar. 29 50 Returned to Select File for Chambers
amendment. Considered - laid over ..... 1272

**LEGISLATIVE BILL 64. By R. Johnson**

Jan. 10 2 Read first time ..... 80
Jan. 14 4 Referred to Committee on Appropriations ..... 149
Feb. 1 15 Notice of hearing (2/21) ..... 443
Apr. 12 58 Indefinitely postponed ..... 1528

**LEGISLATIVE BILL 65. By R. Johnson**

Jan. 10 2 Read first time ..... 80
Jan. 14 4 Referred to Committee on Education ..... 149
Feb. 4 16 Notice of hearing (3/4) ..... 453

**LEGISLATIVE BILL 66. By Pappas, Haberman**

Jan. 10 2 Read first time ..... 80
Jan. 11 3 Referred to Committee on Public Works ..... 107
Jan. 17 7 Haberman name withdrawn ..... 207
Jan. 22 10 Notice of hearing (2/1) ..... 300
Jan. 22 10 Notice of hearing (2/1) (Cancelled) ..... 363
Feb. 7 19 Notice of hearing (2/28) ..... 507
Mar. 11 37 Indefinitely postponed ..... 911

**LEGISLATIVE BILL 67. By Landis**

Jan. 10 2 Read first time ..... 80
Jan. 11 3 Referred to Committee on Miscellaneous
Subjects ..... 107
Jan. 29 12 Notice of hearing (2/8) ..... 384
Feb. 11 21 Placed on General File ..... 555
Feb. 15 25 Advanced for Review ..... 614
Feb. 20 27 Placed on Select File - AM5050 ..... 675

Mar. 5 33 AM5050 (E & R) adopted.
Advanced for Engrossment ..... 836
Mar. 8 36 Correctly Engrossed ..... 891
Mar. 13 39 Final Reading 44-0-5 ..... 956
Mar. 13 39 President signed ..... 962
Mar. 13 39 Presented to Governor (3/13) ..... 969
Mar. 18 41 Approved by Governor (3/15) ..... 1011

**LEGISLATIVE BILL 68. By Landis**

Jan. 10 2 Read first time ..... 80
Jan. 11 3 Referred to Committee on Education ..... 107
Feb. 4 16 Notice of hearing (2/11) ..... 453
Mar. 28 49 Placed on General File - Com am #0824 ..... 1245

**LEGISLATIVE BILL 69. By Landis, Pirsch, Lundy**

Jan. 10 2 Read first time ..... 80
Jan. 11 3 Referred to Committee on Judiciary ..... 107
Jan. 22 10 Notice of hearing (1/29) ..... 336

**LEGISLATIVE BILL 70. By Chambers**

Jan. 10 2 Read first time ..... 81
Jan. 11 3 Referred to Committee on Judiciary ..... 107
Jan. 29 12 Notice of hearing (2/5) ..... 386
Feb. 8 20 Placed on General File ..... 520
Mar. 19 42 Chambers priority bill ..... 1039

**LEGISLATIVE BILL 71. By Chambers**

Jan. 10 2 Read first time ..... 81
Jan. 11 3 Referred to Committee on Public Works ..... 107
Jan. 29 12 Notice of hearing (2/8) ..... 386
Mar. 4 32 Placed on General File - Com am #0407 ..... 813
Mar. 20 43 Hoagland amendment #0647 printed ..... 1085

**LEGISLATIVE BILL 72. By Chambers**

Jan. 10 2 Read first time ..... 81
Jan. 11 3 Referred to Committee on Miscellaneous
Subjects ..... 107
Jan. 29 12 Notice of hearing (2/7) ..... 384
Feb. 8 20 Placed on General File ..... 535
Feb. 11 21 Chambers letter to Attorney General

printed ..... 547
Feb. 28 30 Attorney General's Opinion #25 to Chambers ..... 737
Mar. 8 36 Hoagland-Peterson-Hefner motion to indefinitely postpone pending ..... 898
Mar. 11 37 Hoagland-Peterson-Hefner pending motion to indefinitely postpone prevailed ..... 904
Mar. 11 37 DeCamp motion to reconsider action laid over ..... 906
Mar. 12 38 Chambers motion to reconsider action laid over ..... 936
Mar. 20 43 Chambers pending motion p. 936 to reconsider action prevailed ..... 1069
Mar. 20 43 DeCamp amendment #0535 printed ..... 1077
Apr. 9 55 DeCamp amendment #0904 printed ..... 1439
Apr. 17 61 Attorney General's Opinion to DeCamp ..... 1604

**LEGISLATIVE BILL 72A. By Chambers**

Feb. 14 24 Read first time. Placed on General File ..... 599

**LEGISLATIVE BILL 73. By Chambers**

Jan. 10 2 Read first time ..... 81
Jan. 11 3 Referred to Committee on Judiciary ..... 107
Mar. 11 37 Notice of hearing (3/25) ..... 910

**LEGISLATIVE BILL 74. By Pappas**

Jan. 10 2 Read first time ..... 81
Jan. 14 4 Referred to Committee on Banking, Commerce and Insurance ..... 149
Jan. 28 11 Notice of hearing (2/5) ..... 372
Feb. 28 30 Placed on General File ..... 760

**LEGISLATIVE BILL 75. By Lamb**

Jan. 10 2 Read first time ..... 82
Jan. 11 3 Referred to Committee on Public Works ..... 107
Jan. 22 10 Notice of hearing (1/30) ..... 300
Feb. 1 15 Placed on General File ..... 427
Feb. 4 16 Advanced for Review ..... 454
Feb. 7 19 Placed on Select File ..... 501
Feb. 8 20 Advanced for Engrossment ..... 531
Feb. 12 22 Correctly Engrossed ..... 559
Feb. 20 27 Final Reading 41-3-5 ..... 659

Feb. 20 27 President signed ..... 668
Feb. 20 27 Presented to Governor (2/20) ..... 670
Feb. 22 29 Approved by Governor (2/21) ..... 701

**LEGISLATIVE BILL 76. By Vickers**

Jan. 10 2 Read first time ..... 82
Jan. 11 3 Referred to Committee on Banking, Commerce and Insurance ..... 107
Jan. 28 11 Notice of hearing (2/5) ..... 372
Feb. 14 24 Placed on General File - Com am #0204 ..... 594
Feb. 21 28 Committee amendment #0204 adopted. Advanced for Review ..... 686
Feb. 28 30 Placed on Select File - AM5061 ..... 742
Mar. 7 35 AM5061 (E & R) adopted. Advanced for Engrossment ..... 883
Mar. 13 39 Correctly Engrossed ..... 942
Mar. 22 45 Final Reading 43-0-6 ..... 1129
Mar. 22 45 Speaker signed ..... 1146
Mar. 22 45 Presented to Governor (3/22) ..... 1154
Mar. 26 47 Approved by Governor (3/25) ..... 1182

**LEGISLATIVE BILL 77. By Vickers**

Jan. 10 2 Read first time ..... 82
Jan. 11 3 Referred to Committee on Public Health and Welfare ..... 107
Jan. 21 9 Notice of hearing (1/28) ..... 292
Mar. 21 44 Indefinitely postponed ..... 1109

**LEGISLATIVE BILL 78. By Pappas, Rupp, Chronister, DeCamp**

Jan. 10 2 Read first time ..... 82
Jan. 11 3 Referred to Committee on Government, Military and Veterans Affairs ..... 107
Jan. 22 10 Notice of hearing (2/1) ..... 311
Feb. 22 29 Placed on General File - Com am #0252 ..... 707

**LEGISLATIVE BILL 79. By Marsh**

Jan. 10 2 Read first time ..... 82
Jan. 11 3 Referred to Committee on Judiciary ..... 107
Mar. 11 37 Notice of hearing (3/19) ..... 910
May 14 78 Placed on General File - Com am #1388 ..... 2255

**LEGISLATIVE BILL 80. By Marsh**

| | | | | |
|---|---|---|---|---|
| Jan. | 10 | 2 | Read first time | 83 |
| Jan. | 11 | 3 | Referred to Committee on Government, Military and Veterans Affairs | 107 |
| Jan. | 30 | 13 | Notice of hearing (2/15) | 404 |
| Mar. | 12 | 38 | Indefinitely postponed | 924 |

**LEGISLATIVE BILL 81. By Marsh**

| | | | | |
|---|---|---|---|---|
| Jan. | 10 | 2 | Read first time | 83 |
| Jan. | 11 | 3 | Referred to Committee on Public Works | 107 |
| Jan. | 22 | 10 | Notice of hearing (1/31) | 300 |
| Feb. | 1 | 15 | Placed on General File | 427 |
| Feb. | 4 | 16 | Advanced for Review | 454 |
| Feb. | 7 | 19 | Placed on Select File | 501 |
| Feb. | 8 | 20 | Advanced for Engrossment | 531 |
| Feb. | 12 | 22 | Correctly Engrossed. ER0015 change | 559 |
| Feb. | 20 | 27 | Final Reading 43-0-6 | 660 |
| Feb. | 20 | 27 | President signed | 668 |
| Feb. | 20 | 27 | Presented to Governor (2/20) | 670 |
| Feb. | 22 | 29 | Approved by Governor (2/21) | 701 |

**LEGISLATIVE BILL 82. By Lynch**

| | | | | |
|---|---|---|---|---|
| Jan. | 10 | 2 | Read first time | 86 |
| Jan. | 11 | 3 | Referred to Committee on Public Health and Welfare | 107 |
| Jan. | 21 | 9 | Notice of hearing (1/29) | 292 |
| Feb. | 13 | 23 | Placed on General File - Com am #0114 | 590 |
| Feb. | 19 | 26 | Committee amendment #0114 adopted. Failed to advance for Review | 642 |
| Apr. | 10 | 56 | Smith amendment #0935 printed | 1460 |

**LEGISLATIVE BILL 82A. By Lynch**

| | | | | |
|---|---|---|---|---|
| Feb. | 15 | 25 | Read first time. Placed on General File | 632 |

**LEGISLATIVE BILL 83. By Lynch**

| | | | | |
|---|---|---|---|---|
| Jan. | 10 | 2 | Read first time | 86 |
| Jan. | 11 | 3 | Referred to Committee on Public Works | 107 |
| Jan. | 22 | 10 | Notice of hearing (1/31) | 300 |
| Feb. | 12 | 22 | Indefinitely postponed | 559 |
| May | 16 | 80 | Warner motion to place on General | |

File laid over ..... 2339
May 17 81 Warner pending motion to place on General File lost ..... 2377
May 20 82 Marsh motion to reconsider Warner motion laid over ..... 2416

**LEGISLATIVE BILL 84. By Wesely**

Jan. 10 2 Read first time ..... 86
Jan. 11 3 Referred to Committee on Education ..... 107
Feb. 4 16 Notice of hearing (3/11) ..... 453
Mar. 28 49 Placed on General File - Com am #0823 ..... 1245

**LEGISLATIVE BILL 85. By Wesely**

Jan. 10 2 Read first time ..... 86
Jan. 11 3 Referred to Committee on Government, Military and Veterans Affairs ..... 107
Jan. 30 13 Notice of hearing (3/1) ..... 404
Mar. 12 38 Indefinitely postponed ..... 924

**LEGISLATIVE BILL 86. By Wesely**

Jan. 10 2 Read first time ..... 86
Jan. 11 3 Referred to Committee on Banking, Commerce and Insurance ..... 107
Jan. 18 8 Notice of hearing (1/29) ..... 257
Feb. 5 17 Placed on General File - Com am #0030 ..... 465
Feb. 7 19 Committee amendment #0030 adopted. Advanced for Review ..... 505
Feb. 11 21 Placed on Select File - AM5031 ..... 542
Feb. 12 22 AM5031 (E & R) adopted. Advanced for Engrossment ..... 564
Feb. 13 23 Correctly Engrossed ..... 590
Feb. 22 29 Final Reading w/E 41-0-8 ..... 710
Feb. 22 29 Higgins explanation of vote ..... 722
Feb. 22 29 President signed ..... 725
Feb. 28 30 Presented to Governor (2/22). Approved by Governor (2/27) ..... 741

**LEGISLATIVE BILL 87. By Wesely**

Jan. 10 2 Read first time ..... 86
Jan. 11 3 Referred to Committee on Public Health and Welfare ..... 107

| | | | | |
|---|---|---|---|---|
| Jan. | 29 | 12 | Notice of hearing (2/5) | 386 |
| Feb. | 4 | 16 | Schmit name added | 454 |
| Feb. | 8 | 20 | Placed on General File - Com am #0119 | 529 |
| Feb. | 14 | 24 | Committee amendment #0119 adopted. Advanced for Review | 597 |
| Feb. | 19 | 26 | Placed on Select File - AM5041 | 635 |
| Feb. | 22 | 29 | AM5041 (E & R) adopted. Advanced for Engrossment | 725 |
| Feb. | 28 | 30 | Correctly Engrossed | 743 |
| May | 3 | 72 | Wesely amendment #1263 printed | 2074 |
| May | 6 | 73 | Correction | 2077 |
| May | 8 | 75 | Returned to Select File for Wesely amendment. Wesely pending amendment #1263 p. 2074 adopted. Advanced for Re-Engrossment | 2163 |
| May | 9 | 76 | Correctly Re-Engrossed | 2209 |
| June | 4 | 89 | Nichol motion to suspend rules prevailed | 2658 |
| June | 4 | 89 | Final Reading 47-1-1 | 2665 |
| June | 4 | 89 | Speaker signed | 2671 |
| June | 4 | 89 | Presented to Governor (6/4) | 2677 |
| June | 12 | AJ | Approved by Governor (6/7) | 2735 |

**LEGISLATIVE BILL 87A. By Wesely**

| | | | | |
|---|---|---|---|---|
| May | 3 | 72 | Read first time. Placed on General File | 2056 |
| May | 14 | 78 | Advanced for Review | 2282 |
| May | 15 | 79 | Placed on Select File - AM5170 | 2311 |
| May | 15 | 79 | Smith explanation of vote | 2324 |
| May | 31 | 87 | AM5170 (E & R) adopted. Advanced for Engrossment | 2579 |
| May | 31 | 87 | Correctly Engrossed | 2606 |
| June | 4 | 89 | Nichol motion to suspend rules prevailed | 2658 |
| June | 4 | 89 | Final Reading 47-0-2 | 2666 |
| June | 4 | 89 | Speaker signed | 2671 |
| June | 4 | 89 | Presented to Governor (6/4) | 2677 |
| June | 12 | AJ | Approved by Governor (6/7) | 2735 |

**LEGISLATIVE BILL 88. By Nichol**

| | | | | |
|---|---|---|---|---|
| Jan. | 10 | 2 | Read first time | 87 |
| Jan. | 11 | 3 | Referred to Committee on Revenue | 107 |
| Mar. | 7 | 35 | Notice of hearing (3/25) | 865 |
| Mar. | 28 | 49 | Placed on General File - Com am #0828 | 1241 |

**LEGISLATIVE BILL 89. By Marsh**

Jan. 10 2 Read first time ..... 87
Jan. 11 3 Referred to Committee on Judiciary ..... 107
Jan. 16 6 Lundy name added ..... 200
Jan. 22 10 Notice of hearing (1/30) ..... 336
Feb. 12 22 Placed on General File - Com am #0136 ..... 562
Feb. 19 26 Committee amendment #0136 adopted.
Advanced for Review ..... 643
Feb. 21 28 Placed on Select File - AM5057 ..... 684
Mar. 6 34 Marsh amendment #0479 printed ..... 861
Mar. 7 35 AM5057 (E & R) adopted. Marsh pending amendment #0479 p. 861 adopted.
Advanced for Engrossment ..... 873
Mar. 12 38 Correctly Engrossed ..... 917
Mar. 12 38 ER0023 change ..... 918
Mar. 21 44 Final Reading w/E 48-0-1 ..... 1093
Mar. 21 44 Speaker signed ..... 1106
Mar. 21 44 Presented to Governor (3/21) ..... 1118
Mar. 26 47 Approved by Governor (3/25) ..... 1181

**LEGISLATIVE BILL 90. By Scofield**

Jan. 10 2 Read first time ..... 87
Jan. 11 3 Referred to Committee on Judiciary ..... 107
Jan. 16 6 Lundy name added ..... 194
Jan. 22 10 Notice of hearing (1/30) ..... 336
May 14 78 Placed on General File - Com am #1327 ..... 2255

**LEGISLATIVE BILL 91. By Goodrich**

Jan. 10 2 Read first time ..... 87
Jan. 14 4 Referred to Committee on Appropriations ..... 149
Feb. 1 15 Notice of hearing (2/21) ..... 443

**LEGISLATIVE BILL 92. By Schmit**

Jan. 10 2 Read first time ..... 87
Jan. 11 3 Referred to Committee on Nebraska Retirement Systems ..... 107
Jan. 30 13 Notice of hearing (3/5) ..... 405
Feb. 7 19 Notice of hearing (3/5) (Cancelled).
Notice of hearing (2/20) (Reset) ..... 506
Feb. 28 30 Placed on General File - Com am #0360 ..... 744
Mar. 4 32 Harris amendment #0368 printed ..... 812

**LEGISLATIVE BILL 93. By Schmit**

| | | | | |
|---|---|---|---|---|
| Jan. | 10 | 2 | Read first time | 88 |
| Jan. | 11 | 3 | Referred to Committee on Nebraska Retirement Systems | 107 |
| Jan. | 30 | 13 | Notice of hearing (3/5) | 405 |

**LEGISLATIVE BILL 94. By Rupp**

| | | | | |
|---|---|---|---|---|
| Jan. | 10 | 2 | Read first time | 88 |
| Jan. | 11 | 3 | Referred to Committee on Public Works | 107 |
| Jan. | 29 | 12 | Notice of hearing (2/8) | 386 |
| Feb. | 12 | 22 | Placed on General File | 559 |
| Feb. | 15 | 25 | Advanced for Review | 614 |
| Feb. | 20 | 27 | Placed on Select File - AM5051 | 676 |
| Mar. | 5 | 33 | AM5051 (E & R) adopted. Advanced for Engrossment | 836 |
| Mar. | 7 | 35 | Rupp amendment #0481 printed | 872 |
| Mar. | 8 | 36 | Correctly Engrossed | 891 |
| Mar. | 20 | 43 | Rupp amendment #0707 printed | 1079 |
| Mar. | 22 | 45 | Rupp pending amendment #0481 p. 872 withdrawn. Rupp motion to return to Select File for pending amendment #0707 p. 1079 - amendment ruled not germane. Rupp motion to suspend rules prevailed. Returned to Select File for Rupp amendment. Rupp pending amendment #0707 adopted. Advanced for Re-Engrossment | 1126 |
| Mar. | 25 | 46 | Correctly Re-Engrossed. ER0040 change | 1163 |
| Mar. | 29 | 50 | Final Reading 47-0-2 | 1281 |
| Mar. | 29 | 50 | Speaker signed | 1287 |
| Mar. | 29 | 50 | Presented to Governor (3/29) | 1289 |
| Apr. | 3 | 53 | Approved by Governor (4/2) | 1351 |

**LEGISLATIVE BILL 95. By Rupp, Marsh**

| | | | | |
|---|---|---|---|---|
| Jan. | 10 | 2 | Read first time | 88 |
| Jan. | 11 | 3 | Referred to Committee on Miscellaneous Subjects | 107 |
| Feb. | 13 | 23 | Notice of hearing (3/14) | 591 |
| Mar. | 18 | 41 | Placed on General File | 1034 |

**LEGISLATIVE BILL 96. By Rupp**

Jan. 10 2 Read first time ..... 88
Jan. 11 3 Referred to Committee on Public Works ..... 107
Jan. 22 10 Notice of hearing (1/30) ..... 300
Feb. 1 15 Placed on General File ..... 427
Feb. 4 16 Advanced for Review ..... 454
Feb. 7 19 Placed on Select File ..... 501
Feb. 8 20 Advanced for Engrossment ..... 531
Feb. 12 22 Correctly Engrossed ..... 559
Feb. 20 27 Final Reading 43-0-6 ..... 661
Feb. 20 27 President signed ..... 668
Feb. 20 27 Presented to Governor (2/20) ..... 670
Feb. 22 29 Approved by Governor (2/21) ..... 701

**LEGISLATIVE BILL 97. By Schmit**

Jan. 10 2 Read first time ..... 88
Jan. 11 3 Referred to Committee on Agriculture and Environment ..... 107
Feb. 6 18 Notice of hearing (2/21) ..... 494
Mar. 4 32 Placed on General File ..... 794
Mar. 14 40 Advanced for Review ..... 995
Mar. 18 41 Placed on Select File ..... 1015
Mar. 19 42 Schmit amendment #0659 printed ..... 1059
Apr. 1 51 Schmit amendment #0724 printed ..... 1307
Apr. 17 61 Schmit pending amendment #0659 p. 1059 withdrawn. Schmit pending amendment #0724 p. 1307 adopted. Advanced for Engrossment ..... 1629
Apr. 23 64 Correctly Engrossed. ER0060 change ..... 1762
Apr. 30 69 Final Reading 38-0-11 ..... 1956
Apr. 30 69 Lamb explanation of vote ..... 1965
Apr. 30 69 President signed ..... 1967
Apr. 30 69 Abboud explanation of vote ..... 1968
Apr. 30 69 Presented to Governor (4/30) ..... 1970
May 3 72 Approved by Governor (5/3) ..... 2058

**LEGISLATIVE BILL 98. By DeCamp**

Jan. 10 2 Read first time ..... 99
Jan. 11 3 Referred to Committee on Banking, Commerce and Insurance ..... 107
Jan. 17 7 Rereferred to Committee on Revenue ..... 206
Jan. 21 9 Notice of hearing (1/29) ..... 287
Feb. 19 26 Indefinitely postponed ..... 650

**LEGISLATIVE BILL 99. By DeCamp**

| | | | | |
|---|---|---|---|---|
| Jan. | 10 | 2 | Read first time | 99 |
| Jan. | 11 | 3 | Referred to Committee on Appropriations | 107 |
| Feb. | 1 | 15 | Notice of hearing (2/22) | 443 |
| Apr. | 12 | 58 | Indefinitely postponed | 1528 |

**LEGISLATIVE BILL 100. By Pappas**

| | | | | |
|---|---|---|---|---|
| Jan. | 10 | 2 | Read first time | 99 |
| Jan. | 11 | 3 | Referred to Committee on Revenue | 107 |
| Feb. | 22 | 29 | Notice of hearing (3/6) | 726 |
| Apr. | 15 | 59 | Indefinitely postponed | 1572 |

**LEGISLATIVE BILL 101. By Goodrich**

| | | | | |
|---|---|---|---|---|
| Jan. | 10 | 2 | Read first time | 100 |
| Jan. | 11 | 3 | Referred to Committee on Banking, Commerce and Insurance | 107 |
| Jan. | 18 | 8 | Notice of hearing (1/29) | 257 |
| Feb. | 1 | 15 | Placed on General File - Com am #0029 | 438 |
| Feb. | 5 | 17 | Committee amendment #0029 lost. Pappas amendment lost. Hannibal amendment withdrawn. Advanced for Review | 461 |
| Feb. | 8 | 20 | Placed on Select File | 514 |
| Feb. | 8 | 20 | Higgins amendment #0126 printed | 532 |
| Feb. | 11 | 21 | Hannibal amendment printed | 555 |
| Feb. | 14 | 24 | Higgins pending amendment #0126 p. 532 lost. Hannibal pending amendment p. 555 adopted. Advanced for Engrossment | 600 |
| Feb. | 15 | 25 | Higgins amendment #0249 printed | 624 |
| Feb. | 19 | 26 | Correctly Engrossed | 645 |
| Mar. | 6 | 34 | Higgins pending amendment #0249 p. 624 withdrawn | 848 |
| Mar. | 6 | 34 | Final Reading w/E 40-1-8 | 849 |
| Mar. | 6 | 34 | Speaker signed | 854 |
| Mar. | 6 | 34 | Presented to Governor (3/6) | 856 |
| Mar. | 8 | 36 | Approved by Governor (3/7) | 887 |

**LEGISLATIVE BILL 101A. By Goodrich**

| | | | | |
|---|---|---|---|---|
| Feb. | 7 | 19 | Read first time. Placed on General File | 508 |
| Feb. | 13 | 23 | Advanced for Review | 584 |
| Feb. | 14 | 24 | Placed on Select File | 600 |

Feb. 19 26 Advanced for Engrossment ..... 646
Feb. 22 29 Correctly Engrossed ..... 702
Mar. 6 34 Final Reading w/E 40-1-8 ..... 849
Mar. 6 34 Speaker signed ..... 854
Mar. 6 34 Presented to Governor (3/6) ..... 856
Mar. 8 36 Approved by Governor (3/7) ..... 887

**LEGISLATIVE BILL 102. By Schmit, Beyer, Lamb, DeCamp**

Jan. 10 2 Read first time ..... 100
Jan. 11 3 Referred to Committee on Public Works ..... 108
Jan. 29 12 Notice of hearing (2/7) ..... 386
Mar. 21 44 Public Works Committee priority bill ..... 1120
Mar. 22 45 Placed on General File - Com am #0717 ..... 1146
Apr. 18 62 Committee amendment #0717 adopted.
Advanced for Review ..... 1673
Apr. 24 65 Placed on Select File - AM5146 ..... 1849
May 2 71 Schmit-Wesely amendment printed ..... 2036
May 6 73 AM5146 (E & R) adopted. Schmit-
Wesely pending amendment p. 2036
adopted. Advanced for Engrossment ..... 2090
May 9 76 Correctly Engrossed ..... 2209
May 14 78 Nichol motion to suspend rules prevailed ..... 2260
May 14 78 Final Reading w/E 45-0-4 ..... 2273
May 14 78 Speaker signed ..... 2300
May 15 79 Presented to Governor (5/14) ..... 2312
May 15 79 Smith explanation of vote ..... 2324
May 20 82 Approved by Governor (5/17) ..... 2391

**LEGISLATIVE BILL 103. By Schmit, Beyer, Lamb, DeCamp**

Jan. 10 2 Read first time ..... 100
Jan. 11 3 Referred to Committee on Public Works ..... 108
Jan. 22 10 Notice of hearing (1-31) ..... 300
Feb. 1 15 Placed on General File ..... 441
Feb. 5 17 Advanced for Review ..... 467
Feb. 8 20 Placed on Select File - AM5023 ..... 514
Feb. 11 21 AM5023 (E & R) adopted.
Advanced for Engrossment ..... 553
Feb. 13 23 Correctly Engrossed ..... 571
Feb. 22 29 Final Reading 37-0-12 ..... 711
Feb. 22 29 Higgins explanation of vote ..... 722
Feb. 22 29 President signed ..... 725
Feb. 28 30 Presented to Governor (2/22).
Approved by Governor (2-27) ..... 741

**LEGISLATIVE BILL 104. By Barrett**

| | | | | |
|---|---|---|---|---|
| Jan. | 10 | 2 | Read first time | 100 |
| Jan. | 11 | 3 | Referred to Committee on Banking, Commerce and Insurance | 108 |
| Jan. | 28 | 11 | Notice of hearing (2/5) | 372 |
| Feb. | 11 | 21 | Placed on General File | 552 |
| Feb. | 14 | 24 | Advanced for Review | 600 |
| Feb. | 19 | 26 | Placed on Select File - AM5046 | 637 |
| Mar. | 5 | 33 | AM5046 (E & R) adopted. Advanced for Engrossment | 835 |
| Mar. | 8 | 36 | Correctly Engrossed | 891 |
| Mar. | 13 | 39 | Final Reading 46-0-3 | 957 |
| Mar. | 13 | 39 | President signed | 962 |
| Mar. | 13 | 39 | Presented to Governor (3/13) | 969 |
| Mar. | 18 | 41 | Approved by Governor (3/15) | 1011 |

**LEGISLATIVE BILL 105. By L. Johnson, DeCamp, Nichol, Chronister, Hartnett, Lynch, Labedz, Schmit, Higgins, Rupp**

| | | | | |
|---|---|---|---|---|
| Jan. | 10 | 2 | Read first time | 101 |
| Jan. | 11 | 3 | Referred to Committee on Judiciary | 108 |
| Jan. | 11 | 3 | Remmers name added | 115 |
| Mar. | 11 | 37 | Notice of hearing (3/25) | 910 |
| Apr. | 23 | 64 | Labedz-L. Johnson motion to place on General File laid over | 1724 |
| Apr. | 26 | 67 | Placed on General File - Com am #1204 | 1926 |
| May | 8 | 75 | Hoagland-Vickers amendment #1346 to committee amendment printed | 2190 |
| May | 9 | 76 | Vickers-Wesely motion to bracket until 1/86 lost. Hoagland-Vickers pending amendment #1346 and Hoagland amendment lost. L. Johnson motion to suspend rules and vote without debate pending. V. Johnson motion to overrule Speaker's order withdrawn | 2196 |
| May | 9 | 76 | Hoagland amendment #1376 printed | 2207 |

**LEGISLATIVE BILL 106. By Abboud**

| | | | | |
|---|---|---|---|---|
| Jan. | 11 | 3 | Read first time | 115 |
| Jan. | 14 | 4 | Referred to Committee on Miscellaneous Subjects | 149 |
| Feb. | 1 | 15 | Notice of hearing (2/14) | 437 |

Mar. 5 33 Indefinitely postponed ..... 827

**LEGISLATIVE BILL 107. By DeCamp**

Jan. 11 3 Read first time ..... 115
Jan. 14 4 Referred to Committee on Banking, Commerce and Insurance ..... 149
Feb. 14 24 Notice of hearing (3/4) ..... 599
Mar. 18 41 Placed on General File - Com am #0595 ..... 1012
Mar. 22 45 Nichol priority bill ..... 1154
Apr. 3 53 Pappas amendment to committee amendment printed ..... 1353

**LEGISLATIVE BILL 108. By DeCamp**

Jan. 11 3 Read first time ..... 115
Jan. 14 4 Referred to Committee on Banking, Commerce and Insurance ..... 149
Feb. 8 20 Notice of hearing (2/19) ..... 529
Feb. 28 30 Placed on General File - Com am #0346 ..... 761
Mar. 27 48 Committee amendment #0346 adopted. Advanced for Review ..... 1222
Apr. 1 51 Placed on Select File ..... 1310
Apr. 3 53 Advanced for Engrossment ..... 1376
Apr. 10 56 Correctly Engrossed ..... 1459
Apr. 15 59 Final Reading w/E 43-0-6 ..... 1535
Apr. 15 59 President signed ..... 1541
Apr. 15 59 Presented to Governor (4/15) ..... 1550
Apr. 19 63 Approved by Governor (4/19) ..... 1702

**LEGISLATIVE BILL 109. By Barrett**

Jan. 11 3 Read first time ..... 115
Jan. 14 4 Referred to Committee on Banking, Commerce and Insurance ..... 149
Jan. 18 8 Notice of hearing (1/29) ..... 257
Jan. 31 14 Placed on General File - Com am #0033 ..... 416
Feb. 1 15 Committee amendment #0033 adopted. V. Johnson amendment withdrawn. Advanced for Review ..... 442
Feb. 5 17 Placed on Select File - AM5009 ..... 460
Feb. 6 18 AM5009 (E & R) adopted. Hannibal-Barrett amendment adopted. Advanced for Engrossment ..... 495
Feb. 8 20 Correctly Engrossed. ER0012 change ..... 512

Feb. 13 23 Final Reading 44-1-4 ..... 576
Feb. 13 23 President signed ..... 584
Feb. 13 23 Presented to Governor (2/13) ..... 586
Feb. 19 26 Approved by Governor (2/15) ..... 635

**LEGISLATIVE BILL 110. By Wesely, Scofield, Hartnett, Pirsch**

Jan. 11 3 Read first time ..... 116
Jan. 14 4 Referred to Committee on Revenue ..... 149
Feb. 22 29 Notice of hearing (3/5) ..... 726
Mar. 20 43 Placed on General File - Com am #0680 ..... 1087

**LEGISLATIVE BILL 111. By Withem**

Jan. 11 3 Read first time ..... 116
Jan. 14 4 Referred to Committee on Revenue ..... 149
Mar. 7 35 Notice of hearing (3/25) ..... 865
Mar. 28 49 Indefinitely postponed ..... 1242

**LEGISLATIVE BILL 112. By Withem, Hartnett**

Jan. 11 3 Read first time ..... 116
Jan. 14 4 Referred to Committee on Revenue ..... 149
Feb. 8 20 Notice of hearing (2/20) ..... 516
Mar. 20 43 Placed on General File ..... 1086
Mar. 21 44 Hartnett priority bill ..... 1118
Mar. 27 48 Haberman motion to indefinitely postpone laid over ..... 1215
Apr. 4 54 Advanced for Review ..... 1395
Apr. 11 57 Placed on Select File - AM5125 ..... 1473
Apr. 29 68 AM5125 (E & R) adopted. Haberman pending motion p. 1215 to indefinitely postpone withdrawn. Haberman motion to bracket until 1/15/86 withdrawn. Advanced for Engrossment ..... 1951
May 2 71 Correctly Engrossed ..... 2035
May 6 73 Lundy name added ..... 2098
May 7 74 Final Reading 32-11-6 ..... 2123
May 7 74 President signed ..... 2129
May 7 74 Presented to Governor (5/7) ..... 2136
May 9 76 Approved by Governor (5/9) ..... 2195

**LEGISLATIVE BILL 113. By Withem, Goodrich**

Jan. 11 3 Read first time ..... 116

Jan. 14 4 Referred to Committee on Judiciary ..... 149
Jan. 21 9 Notice of hearing (1/28) ..... 292
Feb. 8 20 Placed on General File - Com am #0037 ..... 520
Feb. 13 23 Committee amendment #0037 adopted.
Advanced for Review ..... 584
Feb. 15 25 Placed on Select File - AM5038 ..... 606
Feb. 19 26 AM5038 (E & R) adopted.
Advanced for Engrossment ..... 646
Feb. 22 29 Correctly Engrossed ..... 702
Mar. 6 34 Final Reading 26-17-6 ..... 850
Mar. 6 34 Speaker signed ..... 854
Mar. 6 34 Presented to Governor ..... 856
Mar. 13 39 Returned by Governor without approval (3/7) ..... 941
Mar. 18 41 Withem motion to override veto
laid over ..... 1036
Mar. 20 43 Withem pending motion to override
veto prevailed 32-13-4 ..... 1077
Mar. 20 43 Communication ..... 1080
Mar. 20 43 Certificate ..... 1081
Mar. 21 44 Message from Secretary of State ..... 1090
Mar. 21 44 Certificate ..... 1091

**LEGISLATIVE BILL 114. By Withem**

Jan. 11 3 Read first time ..... 116
Jan. 14 4 Referred to Committee on Government,
Military and Veterans Affairs ..... 149
Jan. 22 10 Notice of hearing (1/31) ..... 311
Feb. 15 25 Placed on General File - Com am #0250 ..... 613
Mar. 4 32 Committee amendment #0250 adopted as
amended by Withem amendment.
Advanced for Review ..... 814
Mar. 5 33 Placed on Select File - AM5065 ..... 831
Mar. 7 35 AM5065 (E & R) adopted.
Advanced for Engrossment ..... 884
Mar. 13 39 Correctly Engrossed ..... 942
Mar. 13 39 ER0031 change ..... 943
Mar. 22 45 Final Reading 45-0-4 ..... 1129
Mar. 22 45 Speaker signed ..... 1146
Mar. 22 45 Presented to Governor (3/22) ..... 1154
Mar. 26 47 Approved by Governor (3/25) ..... 1182

**LEGISLATIVE BILL 115. By Withem**

Jan. 11 3 Read first time ..... 117

Jan. 14 4 Referred to Committee on Education ..... 149
Jan. 21 9 Notice of hearing (1/28) ..... 292
Jan. 31 14 Indefinitely postponed ..... 417

**LEGISLATIVE BILL 116. By Landis**

Jan. 11 3 Read first time ..... 117
Jan. 14 4 Referred to Committee on Revenue ..... 149
Jan. 28 11 Notice of hearing (2/4) ..... 372
Feb. 6 18 Pappas amendment printed ..... 493
Feb. 8 20 Placed on General File - Com am #0138 ..... 530
Feb. 13 23 Committee amendment #0138 adopted. Pappas pending amendment p. 493 lost. Haberman amendment ruled not germane. Advanced for Review ..... 585
Feb. 15 25 Haberman amendment #0237 printed ..... 606
Feb. 15 25 Placed on Select File - AM5039 ..... 607
Feb. 22 29 AM5039 (E & R) adopted. Lamb et al motion to bracket until 5/1 pending ..... 726
Feb. 28 30 Lamb pending motion p. 726 withdrawn. Landis amendment adopted. Advanced for Engrossment ..... 752
Mar. 4 32 Correctly Engrossed. ER0019 change ..... 789
Mar. 13 39 Haberman pending amendment #0237 p. 606 withdrawn. Final Reading w/E 33-10-6 ..... 953
Mar. 13 39 President signed ..... 962
Mar. 13 39 Presented to Governor (3/13) ..... 969
Mar. 14 40 Hefner explanation of vote ..... 986
Mar. 18 41 Approved by Governor (3/15) ..... 1011

**LEGISLATIVE BILL 117. By Haberman**

Jan. 11 3 Read first time ..... 117
Jan. 14 4 Referred to Committee on Public Health and Welfare ..... 149
Jan. 21 9 Notice of hearing (1/29) ..... 292
Feb. 15 25 Haberman amendment #0238 printed ..... 604
Feb. 20 27 Placed on General File - Com am #0269 ..... 676
Mar. 25 46 Committee amendment #0269 adopted. Haberman pending amendment #0238 p. 604 withdrawn. Vickers amendment #0771 adopted. Advanced for Review ..... 1164
Mar. 25 46 Hoagland amendment to Vickers amendment printed ..... 1174
Mar. 26 47 Placed on Select File - AM5094 ..... 1181

Mar. 26 47 Abboud name added ..... 1193
Apr. 3 53 AM5094 (E & R) adopted. Hoagland pending amendment p. 1174 withdrawn. Advanced for Engrossment ..... 1357
Apr. 9 55 Correctly Engrossed ..... 1445
Apr. 12 58 Final Reading 44-0-5 ..... 1517
Apr. 12 58 Speaker signed ..... 1527
Apr. 12 58 Presented to Governor (4/12) ..... 1531
Apr. 15 59 Approved by Governor (4/15) ..... 1555

**LEGISLATIVE BILL 118. By Haberman**

Jan. 11 3 Read first time ..... 117
Jan. 14 4 Referred to Committee on Revenue ..... 149
Jan. 17 7 Sieck name added ..... 222
Jan. 22 10 Remmers name added ..... 300
Jan. 28 11 Notice of hearing (2/5) ..... 373
Feb. 19 26 Indefinitely postponed ..... 650

**LEGISLATIVE BILL 119. By Haberman**

Jan. 11 3 Read first time ..... 117
Jan. 14 4 Referred to Committee on Revenue ..... 149
Jan. 17 7 Sieck name added ..... 222
Jan. 22 10 Remmers name added ..... 300
Jan. 28 11 Notice of hearing (2/5) ..... 373
Feb. 19 26 Indefinitely postponed ..... 650

**LEGISLATIVE BILL 120. By Haberman**

Jan. 11 3 Read first time ..... 117
Jan. 14 4 Referred to Committee on Revenue ..... 149
Jan. 17 7 Sieck name added ..... 222
Jan. 28 11 Notice of hearing (2/5) ..... 373
Feb. 13 23 Indefinitely postponed ..... 570

**LEGISLATIVE BILL 121. By Haberman**

Jan. 11 3 Read first time ..... 117
Jan. 14 4 Referred to Committee on Revenue ..... 149
Jan. 28 11 Notice of hearing (2/5) ..... 373
Mar. 11 37 Indefinitely postponed ..... 905

**LEGISLATIVE BILL 122. By Haberman**

Jan. 11 3 Read first time ..... 118
Jan. 14 4 Referred to Committee on Public Works ..... 149
Jan. 22 10 Notice of hearing (2/1) ..... 300
Feb. 21 28 Placed on General File - Com am #0257 ..... 697
Mar. 22 45 Nichol priority bill ..... 1154
May 14 78 Haberman amendment #1425 to committee amendment printed ..... 2255

**LEGISLATIVE BILL 123. By Haberman**

Jan. 11 3 Read first time ..... 118
Jan. 14 4 Referred to Committee on Public Works ..... 149
Jan. 22 10 Notice of hearing (2/1) ..... 300
Feb. 15 25 Placed on General File - Com am #0183 ..... 613

**LEGISLATIVE BILL 124. By R. Johnson**

Jan. 11 3 Read first time ..... 118
Jan. 14 4 Referred to Committee on Public Works ..... 149
Jan. 29 12 Notice of hearing (2/8) ..... 386
Feb. 21 28 Placed on General File ..... 692
Mar. 14 40 Beutler-Vickers amendment #0606 lost ..... 990

**LEGISLATIVE BILL 125. By Hefner**

Jan. 11 3 Read first time ..... 118
Jan. 14 4 Referred to Committee on Judiciary ..... 149
Feb. 12 22 Notice of hearing (2/19) ..... 569
Mar. 1 31 Placed on General File - Com am #0337 ..... 787

**LEGISLATIVE BILL 126. By DeCamp, Landis, Wesely, Beyer, Scofield, Sieck, Vickers, Barrett, Conway, Higgins, Lynch, Labedz, Haberman, Schmit**

Jan. 11 3 Read first time ..... 118
Jan. 14 4 Referred to Committee on Banking, Commerce and Insurance ..... 149
Jan. 18 8 Notice of hearing (1/29) ..... 257
Jan. 31 14 Placed on General File - Com am #0031 ..... 416
Feb. 1 15 Committee amendment #0031 adopted as amended by Wesely amendment #0064. Advanced for Review ..... 446
Feb. 5 17 Placed on Select File - AM5011 ..... 460
Feb. 6 18 AM5011 (E & R) adopted. Remmers motion

to indefinitely postpone laid over ..... 496
Feb. 12 22 Remmers motion to indefinitely postpone pending ..... 563
Feb. 12 22 Wesely amendment #0102 printed ..... 564
Mar. 12 38 Remmers pending motion to indefinitely postpone p. 496 lost ..... 921
Mar. 12 38 Wesely pending amendment #0102 p. 564 adopted. Advanced for Engrossment ..... 924
Mar. 13 39 Barrett name withdrawn ..... 970
Mar. 14 40 Correctly Engrossed ..... 978
Mar. 14 40 ER0032 change ..... 979
May 6 73 Wesely-Remmers-DeCamp amendment #1307 printed ..... 2110
May 8 75 Wesely-Remmers-DeCamp pending amendment #1307 p. 2110 withdrawn. Returned to Select File for Wesely-Remmers-DeCamp amendment. Wesely-Remmers-DeCamp pending amendment #1339 adopted. Advanced for Re-Engrossment ..... 2163
May 13 77 Correctly Re-Engrossed. ER0083 change ..... 2245
May 16 80 V. Johnson amendment #1454 printed ..... 2340
May 17 81 V. Johnson motion to return to Select File for amendment #1454 - amendment ruled not germane. V. Johnson motion to suspend rules lost. Final Reading 44-0-5 ..... 2357
May 17 81 Speaker signed ..... 2372
May 17 81 Presented to Governor (5/17) ..... 2375
May 22 84 Approved by Governor (5/22) ..... 2456

**LEGISLATIVE BILL 127. By DeCamp**

Jan. 11 3 Read first time ..... 119
Jan. 14 4 Referred to Committee on Agriculture and Environment ..... 149
Feb. 6 18 Notice of hearing (3/7) ..... 495
Mar. 19 42 Placed on General File - Com am #0630 ..... 1048
Mar. 21 44 Sieck amendment #0704 printed ..... 1110
Mar. 22 45 Nichol priority bill ..... 1154
May 3 72 Wesely amendment #1117 printed ..... 2057
May 22 84 Rupp amendment to committee amendment withdrawn. Committee amendment #0630 adopted. Sieck pending amendment #0704 p. 1110 and Wesely pending amendment #1117 p. 2057 withdrawn. Advanced for Review ..... 2465

May 22 84 Schmit amendment #1365 printed ..... 2467
May 29 85 Placed on Select File ..... 2475
May 29 85 Wesely amendment #1569 printed ..... 2510
June 3 88 Schmit pending amendment #1365 p. 2467 and Wesely pending amendment #1569 p. 2510 withdrawn. Pappas amendment #1629 ruled not germane. DeCamp motion to suspend rules to consider Pappas amendment #1629 prevailed. Pappas motion to overrule chair withdrawn. Pappas pending amendment #1629 adopted. Lamb motion to reconsider Pappas amendment #1629 lost. Chambers amendment #1611 lost. V. Johnson motion to suspend rules prevailed. Failed to advance for Engrossment ..... 2637
June 3 88 DeCamp-Schmit motion to reconsider Pappas amendment #1629 prevailed. Pappas reconsidered amendment #1629 p. 2637 withdrawn. Advanced for Engrossment ..... 2652
June 3 88 Correctly Engrossed ..... 2654
June 4 89 Correction ..... 2658
June 5 90 Nichol motion to suspend rules prevailed ..... 2701
June 5 90 Final Reading 37-6-6 ..... 2703
June 5 90 President signed ..... 2712
June 5 90 Presented to Governor (6/5) ..... 2723
June 12 AJ Approved by Governor (6/7) ..... 2735

**LEGISLATIVE BILL 128. By Goodrich, L. Johnson**

Jan. 11 3 Read first time ..... 119
Jan. 14 4 Referred to Committee on Banking, Commerce and Insurance ..... 149
Jan. 18 8 Notice of hearing (1/28) ..... 257
Jan. 31 14 Placed on General File ..... 416
Feb. 1 15 Advanced for Review ..... 430
Feb. 5 17 Placed on Select File ..... 459
Feb. 6 18 Advanced for Engrossment ..... 495
Feb. 8 20 Correctly Engrossed ..... 512
Feb. 13 23 Final Reading w/E 48-0-1 ..... 577
Feb. 13 23 President signed ..... 584
Feb. 13 23 Presented to Governor (2/13) ..... 586
Feb. 19 26 Approved by Governor (2/15) ..... 635

**LEGISLATIVE BILL 129. By Marsh**

Jan. 11 3 Read first time ..... 119
Jan. 14 4 Referred to Committee on Public Health and Welfare ..... 149
Jan. 21 9 Notice of hearing (1/29) ..... 292
Jan. 31 14 Placed on General File - Com am #0026 ..... 417
Feb. 4 16 Committee amendment #0026 adopted. Advanced for Review ..... 450
Feb. 6 18 Placed on Select File - AM5014 ..... 496
Feb. 7 19 AM5014 (E & R) adopted. Vickers amendment adopted. Advanced for Engrossment ..... 510
Feb. 11 21 Correctly Engrossed. ER0013 change ..... 541
Feb. 22 29 Final Reading w/E 40-0-9 ..... 712
Feb. 22 29 Higgins explanation of vote ..... 722
Feb. 22 29 President signed ..... 725
Feb. 28 30 Presented to Governor (2/22). Approved by Governor (2-27) ..... 741

**LEGISLATIVE BILL 129A. By Marsh**

Feb. 4 16 Read first time. Placed on General File ..... 452
Feb. 7 19 Advanced for Review ..... 503
Feb. 11 21 Placed on Select File ..... 541
Feb. 12 22 Advanced for Engrossment ..... 563
Feb. 13 23 Correctly Engrossed ..... 590
Feb. 22 29 Final Reading w/E 40-0-9 ..... 713
Feb. 22 29 Higgins explanation of vote ..... 722
Feb. 22 29 President signed ..... 725
Feb. 28 30 Presented to Governor (2/22). Approved by Governor (2-27) ..... 741

**LEGISLATIVE BILL 130. By Marsh**

Jan. 11 3 Read first time ..... 119
Jan. 14 4 Referred to Committee on Judiciary ..... 149
Jan. 16 6 Wesely motion to rerefer to Public Health and Welfare Committee laid over ..... 202
Jan. 17 7 Wesely pending motion p. 202 prevailed. Rereferred to Committee on Public Health and Welfare Committee ..... 208
Jan. 29 12 Notice of hearing (2/5) ..... 386
Feb. 20 27 Placed on General File - Com am #0268 ..... 676
Mar. 21 44 Marsh priority bill ..... 1119
Mar. 28 49 Committee amendment #0268 adopted. Advanced for Review ..... 1265

Apr. 1 51 Placed on Select File - AM5110 ..... 1315
Apr. 3 53 AM5110 (E & R) adopted.
Advanced for Engrossment ..... 1376
Apr. 10 56 Correctly Engrossed ..... 1447
Apr. 15 59 Final Reading w/E 41-0-8 ..... 1535
Apr. 15 59 President signed ..... 1541
Apr. 15 59 Presented to Governor (4/15) ..... 1550
Apr. 19 63 Approved by Governor (4/19) ..... 1702

**LEGISLATIVE BILL 131. By Remmers, Sieck, Carsten, Higgins, Chronister, Hartnett, Chizek**

Jan. 11 3 Read first time ..... 120
Jan. 14 4 Referred to Committee on Public
Health and Welfare ..... 149
Feb. 1 15 Notice of hearing (2/11) ..... 438

**LEGISLATIVE BILL 132. By Conway, Schmit, L. Johnson, Chronister, Vickers**

Jan. 14 4 Read first time ..... 123
Jan. 15 5 Referred to Committee on Public
Health and Welfare ..... 152
Feb. 1 15 Notice of hearing (2/11) ..... 438
Feb. 28 30 Placed on General File - Com am #0332 ..... 756
Mar. 20 43 Conway amendment #0692 printed ..... 1079
Mar. 21 44 L. Johnson priority bill ..... 1118
Mar. 27 48 Committee amendment #0332 adopted.
Conway pending amendment #0692
p. 1079 adopted. Advanced for Review ..... 1221
Apr. 1 51 Placed on Select File - AM5105 ..... 1303
Apr. 3 53 AM5105 (E & R) adopted.
Advanced for Engrossment ..... 1357
Apr. 9 55 Correctly Engrossed ..... 1445
Apr. 12 58 Final Reading w/E 46-0-3 ..... 1518
Apr. 12 58 Speaker signed ..... 1527
Apr. 12 58 Presented to Governor (4/12) ..... 1531
Apr. 15 59 Approved by Governor (4-15) ..... 1555

**LEGISLATIVE BILL 132A. By Conway, Schmit, L. Johnson**

Mar. 7 35 Read first time. Placed on General File ..... 872
Mar. 27 48 Advanced for Review ..... 1221
Apr. 1 51 Placed on Select File ..... 1303
Apr. 3 53 Advanced for Engrossment ..... 1358

Apr. 9 55 Correctly Engrossed ..... 1445
Apr. 12 58 Final Reading 44-0-5 ..... 1519
Apr. 12 58 Speaker signed ..... 1527
Apr. 12 58 Presented to Governor (4/12) ..... 1531
Apr. 15 59 Approved by Governor (4/15) ..... 1555

**LEGISLATIVE BILL 133. By Conway, Vickers**

Jan. 14 4 Read first time ..... 123
Jan. 15 5 Referred to Committee on Education ..... 152
Feb. 4 16 Notice of hearing (3/12) ..... 453

**LEGISLATIVE BILL 134. By Lamb**

Jan. 14 4 Read first time ..... 124
Jan. 15 5 Referred to Committee on Government, Military and Veterans Affairs ..... 152
Jan. 30 13 Notice of hearing (2/7) ..... 404
Feb. 8 20 Placed on General File - Com am #0132 ..... 520
Feb. 12 22 Committee amendment #0132 adopted. Advanced for Review ..... 563
Feb. 13 23 Placed on Select File ..... 581
Feb. 15 25 Advanced for Engrossment ..... 627
Feb. 21 28 Correctly Engrossed ..... 682
Mar. 4 32 Final Reading 48-0-1 ..... 808
Mar. 4 32 Speaker signed ..... 811
Mar. 5 33 Presented to Governor (3/4) ..... 818
Mar. 8 36 Approved by Governor (3/7) ..... 888

**LEGISLATIVE BILL 135. By Lamb**

Jan. 14 4 Read first time ..... 124
Jan. 15 5 Referred to Committee on Banking, Commerce and Insurance ..... 152
Feb. 4 16 Notice of hearing (2/11) ..... 452
Mar. 20 43 Placed on General File - Com am #0697 ..... 1079

**LEGISLATIVE BILL 136. By Lamb**

Jan. 14 4 Read first time ..... 124
Jan. 16 6 Referred to Committee on Banking, Commerce and Insurance ..... 194
Jan. 18 8 Notice of hearing (1/29) ..... 257
Jan. 31 14 Placed on General File ..... 416
Feb. 1 15 Beutler-Wesely motion to indefinitely

postpone lost. Higgins amendment withdrawn. Chambers amendment adopted. Failed to advanced for Review ..... 432

**LEGISLATIVE BILL 137. By Scofield**

Jan. 14 4 Read first time ..... 124
Jan. 15 5 Referred to Committee on Agriculture and Environment ..... 152
Feb. 6 18 Notice of hearing (2/22) ..... 494
Mar. 18 41 Placed on General File - Com am #0635 ..... 1034

**LEGISLATIVE BILL 138. By Vickers**

Jan. 14 4 Read first time ..... 124
Jan. 15 5 Referred to Committee on Banking, Commerce and Insurance ..... 152
Feb. 14 24 Notice of hearing (3/11) ..... 599
Mar. 26 47 Indefinitely postponed ..... 1196

**LEGISLATIVE BILL 139. By Hefner**

Jan. 14 4 Read first time ..... 124
Jan. 15 5 Referred to Committee on Revenue ..... 153
Feb. 8 20 Notice of hearing (2/19) ..... 516
Mar. 1 31 Indefinitely postponed ..... 770

**LEGISLATIVE BILL 140. By Pappas, Hoagland**

Jan. 14 4 Read first time ..... 125
Jan. 15 5 Referred to Committee on Revenue ..... 153
Jan. 16 6 Hartnett name added ..... 194
Jan. 16 6 Labedz name added ..... 200
Jan. 18 8 Hall name added ..... 257
Mar. 7 35 Notice of hearing (3/18) ..... 864
Mar. 25 46 Indefinitely postponed ..... 1173

**LEGISLATIVE BILL 141. By V. Johnson**

Jan. 14 4 Read first time ..... 125
Jan. 15 5 Referred to Committee on Miscellaneous Subjects ..... 153
Feb. 5 17 Notice of hearing (2/28) ..... 466
Mar. 5 33 Indefinitely postponed ..... 827

**LEGISLATIVE BILL 142. By V. Johnson**

Jan. 14 4 Read first time ..... 125
Jan. 15 5 Referred to Committee on Judiciary ..... 153
Jan. 29 12 Notice of hearing (2/5) ..... 386

**LEGISLATIVE BILL 143. By Pappas**

Jan. 14 4 Read first time ..... 125
Jan. 15 5 Referred to Committee on Banking, Commerce and Insurance ..... 153
Jan. 28 11 Notice of hearing (2/4) ..... 372
Feb. 11 21 Placed on General File ..... 552
Feb. 15 25 Vickers amendment adopted. Advanced for Review ..... 608
Feb. 20 27 Placed on Select File - AM5047 ..... 674

**LEGISLATIVE BILL 144. By Pappas, V. Johnson, Higgins, Haberman, Conway, Hartnett**

Jan. 14 4 Read first time ..... 125
Jan. 15 5 Referred to Committee on Miscellaneous Subjects ..... 153
Jan. 21 9 Notice of hearing (1/31) ..... 296
Mar. 21 44 Pappas priority bill ..... 1119
May 2 71 Placed on General File - Com am #1291 ..... 2035
May 14 78 Pirsch amendments (1) and (2) to committee amendment printed ..... 2298
May 15 79 Pirsch pending amendments (1) and (2) p. 2298 withdrawn. Committee amendment #1291 adopted as amended by Pappas amendment. Pappas motion to indefinitely postpone lost. Failed to advance for Review ..... 2321

**LEGISLATIVE BILL 144A. By Pappas**

May 13 77 Read first time. Placed on General File ..... 2214

**LEGISLATIVE BILL 145. By V. Johnson**

Jan. 14 4 Read first time ..... 125
Jan. 15 5 Referred to Committee on Nebraska Retirement Systems ..... 153
Jan. 22 10 Notice of hearing (2-1) ..... 337

**LEGISLATIVE BILL 146. By Beutler, Haberman**

| | | | | |
|---|---|---|---|---|
| Jan. | 14 | 4 | Read first time | 126 |
| Jan. | 15 | 5 | Referred to Committee on Judiciary | 153 |
| Feb. | 4 | 16 | Notice of hearing (2/11) | 455 |
| Mar. | 1 | 31 | Placed on General File | 787 |
| Mar. | 14 | 40 | Advanced for Review | 995 |
| Mar. | 18 | 41 | Placed on Select File - AM5076 | 1014 |
| Mar. | 27 | 48 | Hoagland amendment #0726 printed | 1216 |
| Apr. | 3 | 53 | Hoagland amendment #0894 printed | 1362 |
| Apr. | 4 | 54 | Hoagland amendment #0920 printed | 1398 |

**LEGISLATIVE BILL 147. By Sieck, Hefner**

| | | | | |
|---|---|---|---|---|
| Jan. | 14 | 4 | Read first time | 131 |
| Jan. | 15 | 5 | Referred to Committee on Public Health and Welfare | 153 |
| Feb. | 7 | 19 | Notice of hearing (3/25) | 511 |

**LEGISLATIVE BILL 148. By Pappas**

| | | | | |
|---|---|---|---|---|
| Jan. | 14 | 4 | Read first time | 131 |
| Jan. | 15 | 5 | Referred to Committee on Public Works | 153 |
| Feb. | 5 | 17 | Notice of hearing (2/15) | 459 |
| Mar. | 29 | 50 | Indefinitely postponed | 1268 |

**LEGISLATIVE BILL 149. By Pappas**

| | | | | |
|---|---|---|---|---|
| Jan. | 14 | 4 | Read first time | 131 |
| Jan. | 15 | 5 | Referred to Committee on Public Works | 153 |
| Jan. | 29 | 12 | Notice of hearing (2/6) | 386 |
| Feb. | 12 | 22 | Indefinitely postponed | 559 |

**LEGISLATIVE BILL 150. By Pappas**

| | | | | |
|---|---|---|---|---|
| Jan. | 14 | 4 | Read first time | 131 |
| Jan. | 15 | 5 | Referred to Committee on Public Works | 153 |
| Jan. | 29 | 12 | Notice of hearing (2/6) | 386 |

**LEGISLATIVE BILL 151. By Goodrich**

| | | | | |
|---|---|---|---|---|
| Jan. | 14 | 4 | Read first time | 131 |
| Jan. | 15 | 5 | Referred to Committee on Appropriations | 153 |
| Jan. | 22 | 10 | Notice of hearing (1-30) | 305 |

Jan. 31 14 Placed on General File ..... 416
Feb. 4 16 Advanced for Review ..... 449
Feb. 5 17 Placed on Select File ..... 463
Feb. 6 18 Advanced for Engrossment ..... 496
Feb. 8 20 Correctly Engrossed ..... 512
Feb. 13 23 Final Reading 47-0-2 ..... 578
Feb. 13 23 President signed ..... 584
Feb. 13 23 Presented to Governor (2/13) ..... 586
Feb. 19 26 Approved by Governor (2-15) ..... 635

**LEGISLATIVE BILL 152. By Goodrich**

Jan. 14 4 Read first time ..... 131
Jan. 15 5 Referred to Committee on Appropriations ..... 153
Jan. 22 10 Notice of hearing (1-30) ..... 305
Feb. 1 15 Placed on General File - Com am #0056 ..... 445
Feb. 5 17 Committee amendment #0056 adopted.
Advanced for Review ..... 469
Feb. 8 20 Placed on Select File ..... 514
Feb. 11 21 Advanced for Engrossment ..... 553
Feb. 13 23 Correctly Engrossed ..... 571
Feb. 22 29 Final Reading w/E 40-0-9 ..... 714
Feb. 22 29 Higgins explanation of vote ..... 722
Feb. 22 29 President signed ..... 725
Feb. 28 30 Presented to Governor (2/22).
Approved by Governor (2-27) ..... 741

**LEGISLATIVE BILL 153. By V. Johnson**

Jan. 14 4 Read first time ..... 132
Jan. 15 5 Referred to Committee on Public Works ..... 153
Jan. 29 12 Notice of hearing (2/6) ..... 386
Feb. 21 28 Placed on General File - Com am #0301 ..... 692
Mar. 27 48 Committee amendment #0301 adopted.
Chambers motion to indefinitely
postpone laid over ..... 1215
May 8 75 Hefner amendment #1172 printed ..... 2156

**LEGISLATIVE BILL 153A. By V. Johnson**

Mar. 29 50 Read first time. Placed on General File ..... 1288

**LEGISLATIVE BILL 154. By Conway, Hefner, Rupp, Goll**

Jan. 14 4 Read first time ..... 132

Jan. 15 5 Referred to Committee on Revenue ..... 153
Feb. 22 29 Notice of hearing (3/6) ..... 726
Mar. 22 45 Nichol priority bill ..... 1154
Apr. 15 59 Placed on General File - Com am #1021 ..... 1571
Apr. 19 63 Pending ..... 1685
Apr. 19 63 Chambers amendment withdrawn. Committee amendment #1021 adopted. Chambers amendment adopted. Nelson name added. Advanced for Review ..... 1693
Apr. 24 65 Placed on Select File - AM5147 ..... 1850
Apr. 30 69 DeCamp amendment printed ..... 1970
May 1 70 DeCamp amendment #1257 printed ..... 2008
May 6 73 AM5147 (E & R) adopted. DeCamp pending amendment #1257 p. 2008 lost. Advanced for Engrossment ..... 2090
May 9 76 Correctly Engrossed ..... 2209
May 14 78 Nichol motion to suspend rules prevailed ..... 2260
May 14 78 Conway motion to pass over prevailed ..... 2274
May 14 78 DeCamp amendment #1424 printed ..... 2279
May 16 80 Warner-Wesely amendment #1446 printed ..... 2336
May 21 83 DeCamp pending amendment p. 1970 withdrawn. Returned to Select File for DeCamp amendment. Chambers motion to reconsider vote on DeCamp motion lost. DeCamp pending amendment #1424 p. 2279 adopted. Advanced for Re-Engrossment ..... 2426
May 21 83 Chambers motion to return to committee lost. Warner-Wesely pending amendment #1446 p. 2336 withdrawn. Nelson motion to return to Select File withdrawn. Returned to Select File for Chambers amendment. Chambers amendment adopted. Advanced for Re-Engrossment. DeCamp motion to suspend rules withdrawn. Wesely-Warner motion to return to Select File lost. Warner motion to return to Select File withdrawn. Conway motion to reconsider Warner-Wesely amendment #1446 p. 2336 prevailed. Returned to Select File for Warner-Wesely amendment. Warner-Wesely pending amendment #1446 p. 2336 considered and pending ..... 2432
May 21 83 Warner-Wesely amendment #1521 printed ..... 2446
May 29 85 Warner-Wesely pending amendment #1446 p. 2336 and reoffered p. 2435 adopted. Advanced for Re-Engrossment. Warner-

Wesely pending amendment #1521 p. 2446 withdrawn. Warner motion to return to Select File for amendment lost ..... 2498
May 29 85 Correctly Re-Engrossed ..... 2517
June 4 89 Final Reading w/E 41-1-7 ..... 2659
June 4 89 Speaker signed ..... 2671
June 4 89 Presented to Governor (6/4) ..... 2677
June 12 AJ Approved by Governor (6/7) ..... 2735

**LEGISLATIVE BILL 155. By Pappas, Haberman, Lamb, Barrett, Baack, Vickers, Nichol, Scofield**

Jan. 14 4 Read first time ..... 132
Jan. 15 5 Referred to Committee on Government, Military and Veterans Affairs ..... 153
Jan. 30 13 Notice of hearing (2/7) ..... 404
Feb. 15 25 Indefinitely postponed ..... 613

**LEGISLATIVE BILL 156. By Vickers**

Jan. 14 4 Read first time ..... 132
Jan. 15 5 Referred to Committee on Education ..... 153
Feb. 4 16 Notice of hearing (2/19) ..... 453

**LEGISLATIVE BILL 157. By Banking, Commerce and Insurance Committee**

Jan. 14 4 Read first time ..... 132
Jan. 15 5 Referred to Committee on Banking, Commerce and Insurance ..... 153
Jan. 18 8 Notice of hearing (1-28) ..... 257
Feb. 15 25 Placed on General File - Com am #0225 ..... 607
Feb. 21 28 Committee amendment #0225 adopted as amended by Conway amendment. Beyer motion to indefinitely postpone lost. Haberman motion to bracket until 3/4 prevailed ..... 687
Mar. 1 31 Higgins amendment #0394 printed ..... 785
Mar. 8 36 Landis amendment #0475 printed ..... 888
Mar. 8 36 DeCamp-Lundy-Hannibal-Labedz amendment #0506 printed ..... 900
Mar. 21 44 Landis amendment #0728 printed ..... 1115
Mar. 21 44 Banking, Commerce and Insurance Committee priority bill ..... 1119
Apr. 4 54 V. Johnson amendment #0815 printed ..... 1398

| | | | | |
|---|---|---|---|---|
| Apr. | 9 | 55 | Higgins pending amendment #0394 p. 785 adopted. Landis pending amendment #0475 p. 888 withdrawn. DeCamp et al pending amendment #0506 considered | 1442 |
| Apr. | 9 | 55 | DeCamp et al pending amendment #0475 p. 900 adopted | 1446 |
| Apr. | 11 | 57 | Landis amendment #1000 printed | 1508 |
| Apr. | 15 | 59 | Landis pending amendment #0728 p. 1115 withdrawn. Landis pending amendment #1000 p. 1500 lost | 1562 |
| Apr. | 16 | 60 | V. Johnson pending amendment #0815 p. 1398 withdrawn. Advanced for Review | 1579 |
| Apr. | 17 | 61 | Placed on Select File - AM5134 | 1615 |
| Apr. | 24 | 65 | Hall amendment #1084 to AM5134 printed | 1873 |
| Apr. | 24 | 65 | DeCamp amendment #1100 printed | 1879 |
| Apr. | 26 | 67 | Barrett amendments #1203 and #1202 printed | 1926 |
| May | 2 | 71 | AM5134 (E & R) adopted. Haberman et al motion to bracket until 1/15/86 lost | 2026 |
| May | 2 | 71 | Hall pending amendment #1084 p. 1873 lost. V. Johnson-Hoagland amendment to Hall amendment lost. DeCamp pending amendment #1100 p. 1879 lost. Hall motion to reconsider Haberman et al motion p. 2026 to bracket prevailed. Haberman et al motion to bracket reconsidered. Haberman et al motion to bracket until 5/15/85 adopted as amended by Beutler amendment | 2035 |
| May | 13 | 77 | Hannibal-Hall-DeCamp amendment #1415 printed | 2241 |
| May | 21 | 83 | Barrett-Beyer amendment #1505 printed | 2447 |
| May | 29 | 85 | Barrett-Beyer amendment #1558 printed | 2512 |
| June | 3 | 88 | Barrett pending amendment #1202 p. 1926 withdrawn. Barrett amendment #1472 lost. Hall-DeCamp-Hannibal pending amendment #1415 p. 2241 adopted. Barrett-Beyer pending amendments #1505 p. 2447 and #1558 p. 2512 withdrawn. Advanced for Engrossment | 2615 |
| June | 3 | 88 | Correctly Engrossed. ER0105 change | 2632 |
| June | 4 | 89 | Attorney General's Opinion #98 to Barrett | 2690 |
| June | 5 | 90 | Nichol motion to suspend rules prevailed | 2701 |
| June | 5 | 90 | Failed on Final Reading 21-20-8 | 2703 |
| June | 5 | 90 | Beutler motion to reconsider action lost | 2727 |

June 5 90 DeCamp motion to reconsider action laid over ..... 2732

**LEGISLATIVE BILL 158. By Pappas**

Jan. 14 4 Read first time ..... 132
Jan. 15 5 Referred to Committee on Banking, Commerce and Insurance ..... 153
Jan. 28 11 Notice of hearing (2/4) ..... 372
Feb. 12 22 Placed on General File ..... 560
Mar. 25 46 Attorney General's Opinion #40 to Remmers ..... 1159
Mar. 29 50 Attorney General's Opinion #50 to Remmers ..... 1292
June 5 90 Pappas motion to suspend rules prevailed. Withdrawn ..... 2724

**LEGISLATIVE BILL 159. By Schmit, Warner**

Jan. 14 4 Read first time ..... 133
Jan. 15 5 Referred to Committee on Judiciary ..... 153
Jan. 22 10 Notice of hearing (1-30) ..... 336
Feb. 22 29 Warner name withdrawn ..... 728

**LEGISLATIVE BILL 160. By Warner, Lundy**

Jan. 14 4 Read first time ..... 133
Jan. 15 5 Referred to Committee on Revenue ..... 153
Feb. 8 20 Notice of hearing (2/19) ..... 516
Mar. 1 31 Indefinitely postponed ..... 770

**LEGISLATIVE BILL 161. By Pappas**

Jan. 14 4 Read first time ..... 133
Jan. 15 5 Referred to Committee on Public Works ..... 153
Feb. 7 19 Notice of hearing (2/28) ..... 507
Mar. 12 38 Placed on General File - Com am #0531 ..... 923
Mar. 13 39 Attorney General's Opinion #33 to Pappas ..... 970

**LEGISLATIVE BILL 162. By Pappas, Rogers**

Jan. 14 4 Read first time ..... 133
Jan. 15 5 Referred to Committee on Agriculture and Environment ..... 153
Jan. 22 10 Notice of hearing (1-31) ..... 301
Feb. 6 18 Indefinitely postponed ..... 494

**LEGISLATIVE BILL 163. By Pappas**

| | | | | |
|---|---|---|---|---|
| Jan. | 14 | 4 | Read first time | 133 |
| Jan. | 15 | 5 | Referred to Committee on Education | 153 |
| Jan. | 22 | 10 | Notice of hearing (1-29) | 300 |
| Jan. | 31 | 14 | Indefinitely postponed | 417 |

**LEGISLATIVE BILL 164. By Withem, Hartnett**

| | | | | |
|---|---|---|---|---|
| Jan. | 14 | 4 | Read first time | 134 |
| Jan. | 15 | 5 | Referred to Committee on Nebraska Retirement Systems | 153 |
| Jan. | 30 | 13 | Notice of hearing (3/12) | 405 |
| Feb. | 1 | 15 | Hall name added | 442 |

**LEGISLATIVE BILL 165. By DeCamp**

| | | | | |
|---|---|---|---|---|
| Jan. | 14 | 4 | Read first time | 134 |
| Jan. | 15 | 5 | Referred to Committee on Banking, Commerce and Insurance | 153 |
| Jan. | 28 | 11 | Notice of hearing (2/4) | 372 |
| Feb. | 12 | 22 | Placed on General File | 560 |
| Feb. | 15 | 25 | Advanced for Review | 614 |
| Feb. | 21 | 28 | Placed on Select File | 683 |
| Mar. | 5 | 33 | Advanced for Engrossment | 836 |
| Mar. | 8 | 36 | Correctly Engrossed | 891 |
| Mar. | 13 | 39 | Final Reading w/E 45-0-4 | 958 |
| Mar. | 13 | 39 | President signed | 962 |
| Mar. | 13 | 39 | Presented to Governor (3/13) | 969 |
| Mar. | 18 | 41 | Approved by Governor (3/15) | 1011 |

**LEGISLATIVE BILL 166. By Eret, Rupp**

| | | | | |
|---|---|---|---|---|
| Jan. | 14 | 4 | Read first time | 134 |
| Jan. | 15 | 5 | Referred to Committee on Government, Military and Veterans Affairs | 153 |
| Jan. | 30 | 13 | Notice of hearing (2/8) | 404 |
| Feb. | 15 | 25 | Indefinitely postponed | 613 |

**LEGISLATIVE BILL 167. By Wesely**

| | | | | |
|---|---|---|---|---|
| Jan. | 14 | 4 | Read first time | 134 |
| Jan. | 15 | 5 | Referred to Committee on Public Health and Welfare | 153 |
| Feb. | 7 | 19 | Notice of hearing (3/12) | 510 |

**LEGISLATIVE BILL 168. By Wesely**

Jan. 14 4 Read first time ..... 134
Jan. 15 5 Referred to Committee on Education ..... 153
Jan. 22 10 Notice of hearing (1-29) ..... 300
Jan. 31 14 Indefinitely postponed ..... 417

**LEGISLATIVE BILL 169. By Wesely**

Jan. 14 4 Read first time ..... 134
Jan. 15 5 Referred to Committee on Appropriations ..... 153
Feb. 22 29 Notice of hearing (3/6) ..... 722

**LEGISLATIVE BILL 170. By Beutler**

Jan. 14 4 Read first time ..... 135
Jan. 15 5 Referred to Committee on Judiciary ..... 153
Mar. 11 37 Notice of hearing (3/19) ..... 910

**LEGISLATIVE BILL 171. By Beutler, Labedz**

Jan. 14 4 Read first time ..... 135
Jan. 15 5 Referred to Committee on Judiciary ..... 153
Feb. 5 17 Notice of hearing (2/13) ..... 467
Feb. 15 25 Placed on General File ..... 613
Feb. 22 29 Failed to advance for Review ..... 722
Mar. 27 48 Lamb amendment lost ..... 1207
Apr. 2 52 Lamb amendment #0887 withdrawn.
Advanced for Review ..... 1333
Apr. 9 55 Placed on Select File - AM5119 ..... 1413
Apr. 12 58 AM5119 (E & R) adopted.
Advanced for Engrossment ..... 1530
Apr. 16 60 Correctly Engrossed ..... 1596
June 4 89 Final Reading w/E 43-1-5 ..... 2683
June 4 89 President signed ..... 2692
June 4 89 Presented to Governor (6/4) ..... 2695
June 5 90 Returned by Governor without approval (6/5) ... 2709
June 5 90 Goodrich-Pappas-Hall motion to override
veto failed 20-22-7 ..... 2725

**LEGISLATIVE BILL 171A. By Labedz, Beutler**

Feb. 20 27 Read first time. Placed on General File ..... 673
Apr. 2 52 Advanced for Review ..... 1333

Apr. 9 55 Placed on Select File ..... 1414
Apr. 12 58 Advanced for Engrossment ..... 1530
Apr. 16 60 Correctly Engrossed ..... 1596
June 4 89 Final Reading w/E 41-0-8 ..... 2684
June 4 89 President signed ..... 2692
June 4 89 Presented to Governor (6/4) ..... 2695
June 5 90 Returned by Governor without approval (6/5) ... 2709

**LEGISLATIVE BILL 172. By Abboud, Labedz, Hannibal, V. Johnson, Pappas, Lynch, Chizek, Hartnett, Beyer, Hoagland, Pirsch, Withem, Hall**

Jan. 14 4 Read first time ..... 150
Jan. 15 5 Referred to Committee on Revenue ..... 153
Feb. 4 16 Notice of hearing (2/11) ..... 448
Mar. 19 42 Placed on General File - Com am #0273 ..... 1038
Mar. 22 45 Nichol priority bill ..... 1154

**LEGISLATIVE BILL 173. By DeCamp**

Jan. 15 5 Read first time ..... 177
Jan. 16 6 Referred to Committee on Judiciary ..... 194
Jan. 17 7 Nelson name added ..... 207
Feb. 22 29 Notice of hearing (3/11) ..... 727
Mar. 18 41 Indefinitely postponed ..... 1037

**LEGISLATIVE BILL 174. By DeCamp**

Jan. 15 5 Read first time ..... 177
Jan. 16 6 Referred to Committee on Revenue ..... 194
Feb. 4 16 Notice of hearing (2/12) ..... 449
Mar. 28 49 Placed on General File - Com am #0830 ..... 1242

**LEGISLATIVE BILL 175. By DeCamp**

Jan. 15 5 Read first time ..... 177
Jan. 16 6 Referred to Committee on Appropriations ..... 194
Mar. 4 32 Notice of hearing (3/13) ..... 814
Apr. 12 58 Indefinitely postponed ..... 1528

**LEGISLATIVE BILL 176. By DeCamp**

Jan. 15 5 Read first time ..... 177
Jan. 16 6 Referred to Committee on Judiciary ..... 194
Jan. 29 12 Notice of hearing (2/5) ..... 386

Feb. 8 20 Indefinitely postponed ..... 525

**LEGISLATIVE BILL 177. By DeCamp**

Jan. 15 5 Read first time ..... 177
Jan. 16 6 Referred to Committee on Judiciary ..... 194
Mar. 11 37 Notice of hearing (3/20) ..... 910
May 13 77 Placed on General File ..... 2249

**LEGISLATIVE BILL 178. By DeCamp**

Jan. 15 5 Read first time ..... 177
Jan. 16 6 Referred to Committee on Government, Military and Veterans Affairs ..... 194
Jan. 30 13 Notice of hearing (3/1) ..... 404

**LEGISLATIVE BILL 179. By DeCamp**

Jan. 15 5 Read first time ..... 177
Jan. 16 6 Referred to Committee on Public Works ..... 194
Jan. 22 10 Notice of hearing (1-30) ..... 300
Feb. 1 15 Placed on General File - Com am #0060 ..... 445
Feb. 7 19 Beutler amendment printed ..... 505
Feb. 11 21 Beutler pending amendment p. 505 withdrawn. Committee amendment #0060 adopted as amended by Beutler and Warner amendments. Warner motion to indefinitely postpone lost. DeCamp amendment withdrawn. Advanced for Review .. 545
Feb. 12 22 Placed on Select File - AM5035 ..... 560
Feb. 14 24 AM5035 (E & R) adopted. Nelson amendment adopted. Laid over ..... 602
Feb. 19 26 Sieck motion to indefinitely postpone lost. Failed to advance for Engrossment ..... 645

**LEGISLATIVE BILL 180. By DeCamp**

Jan. 15 5 Read first time ..... 178
Jan. 16 6 Referred to Committee on Judiciary ..... 194
Mar. 11 37 Notice of hearing (3/19) ..... 910
Mar. 21 44 Indefinitely postponed ..... 1115

**LEGISLATIVE BILL 181. By DeCamp, V. Johnson, Conway, Pappas**

| | | | | |
|---|---|---|---|---|
| Jan. | 15 | 5 | Read first time | 178 |
| Jan. | 16 | 6 | Referred to Committee on Revenue | 194 |
| Jan. | 28 | 11 | Notice of hearing (2/4) | 373 |
| Feb. | 15 | 25 | Indefinitely postponed | 624 |

**LEGISLATIVE BILL 182. By DeCamp**

| | | | | |
|---|---|---|---|---|
| Jan. | 15 | 5 | Read first time | 178 |
| Jan. | 16 | 6 | Referred to Committee on Education | 194 |
| Feb. | 4 | 16 | Notice of hearing (3/5) | 453 |
| Apr. | 4 | 54 | Indefinitely postponed | 1400 |

**LEGISLATIVE BILL 183. By DeCamp**

| | | | | |
|---|---|---|---|---|
| Jan. | 15 | 5 | Read first time | 178 |
| Jan. | 16 | 6 | Referred to Committee on Miscellaneous Subjects | 194 |
| Feb. | 1 | 15 | Notice of hearing (2/21) | 437 |
| Feb. | 28 | 30 | Placed on General File - Com am #0342 | 730 |
| Mar. | 6 | 34 | DeCamp amendment #0419 to committee amendment printed | 838 |
| Mar. | 21 | 44 | Haberman priority bill | 1118 |
| Mar. | 29 | 50 | Committee amendment #0342 adopted as amended by DeCamp pending amendment #0419. Advanced for Review | 1287 |
| Apr. | 2 | 52 | Placed on Select File - AM5112 | 1330 |
| Apr. | 4 | 54 | Hefner amendment #0907 to committee amendment printed | 1407 |
| Apr. | 12 | 58 | AM5112 (E & R) adopted. Hefner pending amendment #0907 p. 1407 adopted. Lundy amendment lost. Hoagland amendment withdrawn. Advanced for Engrossment | 1525 |
| Apr. | 16 | 60 | Correctly Engrossed | 1596 |
| Apr. | 23 | 64 | Failed on Final Reading w/E 26-14-9 | 1718 |
| Apr. | 23 | 64 | Returned to Select File for Landis amendment. Landis amendment adopted. Advanced for Re-Engrossment | 1719 |
| Apr. | 23 | 64 | Correctly Re-Engrossed | 1779 |
| Apr. | 23 | 64 | ER0063 change | 1780 |
| Apr. | 30 | 69 | Final Reading w/E 39-0-10 | 1956 |
| Apr. | 30 | 69 | President signed | 1967 |
| Apr. | 30 | 69 | Abboud explanation of vote | 1968 |
| Apr. | 30 | 69 | Presented to Governor (4/30) | 1970 |
| May | 3 | 72 | Approved by Governor (5/3) | 2058 |

**LEGISLATIVE BILL 184. By DeCamp**

Jan. 15 5 Read first time ..... 178
Jan. 16 6 Referred to Committee on Government, Military and Veterans Affairs ..... 194
Jan. 22 10 Notice of hearing (1/31) ..... 311
Feb. 4 16 Indefinitely postponed ..... 452

**LEGISLATIVE BILL 185. By DeCamp**

Jan. 15 5 Read first time ..... 179
Jan. 16 6 Referred to Committee on Education ..... 194
Feb. 4 16 Notice of hearing (3/11) ..... 453
Mar. 28 49 Indefinitely postponed ..... 1249

**LEGISLATIVE BILL 186. By DeCamp, Pappas, V. Johnson**

Jan. 15 5 Read first time ..... 179
Jan. 16 6 Referred to Committee on Revenue ..... 194
Feb. 22 29 Notice of hearing (3/4) ..... 726
Mar. 19 42 Indefinitely postponed ..... 1039

**LEGISLATIVE BILL 187. By Chizek**

Jan. 15 5 Read first time ..... 179
Jan. 16 6 Referred to Committee on Judiciary ..... 194
Jan. 21 9 Notice of hearing (1-28) ..... 292
Jan. 31 14 Placed on General File - Com am #0015 ..... 416
Feb. 4 16 Committee amendment #0015 adopted. Advanced for Review ..... 449
Feb. 5 17 Placed on Select File - AM5012 ..... 463
Feb. 6 18 AM5012 (E & R) adopted. Advanced for Engrossment ..... 496
Feb. 8 20 Correctly Engrossed ..... 512
Feb. 13 23 Final Reading w/E 49-0-0 ..... 578
Feb. 13 23 President signed ..... 584
Feb. 13 23 Presented to Governor (2/13) ..... 586
Feb. 19 26 Approved by Governor (2/15) ..... 635

**LEGISLATIVE BILL 188. By Haberman**

Jan. 15 5 Read first time ..... 179
Jan. 16 6 Referred to Committee on Revenue ..... 194
Mar. 7 35 Notice of hearing (3/25) ..... 865

Apr. 17 61 Indefinitely postponed ..... 1634

**LEGISLATIVE BILL 189. By Peterson**

Jan. 15 5 Read first time ..... 179
Jan. 16 6 Referred to Committee on Judiciary ..... 194
Feb. 22 29 Notice of hearing (3/11) ..... 727

**LEGISLATIVE BILL 190. By Chronister, Hoagland, Smith, Eret, Goodrich, Nichol, Hartnett, Barrett, Nelson, Miller, Pappas, Lynch, R. Johnson, Withem, Hefner, Baack, Sieck, Scofield**

Jan. 15 5 Read first time ..... 179
Jan. 16 6 Referred to Committee on Revenue ..... 194
Feb. 4 16 Notice of hearing (2/12) ..... 448
Feb. 14 24 Haberman amendment #0218 printed ..... 596
Feb. 21 28 Placed on General File - Com am #0315 ..... 695
Mar. 5 33 Warner amendment #0444 to committee amendment printed ..... 832
Mar. 20 43 Chronister priority bill ..... 1086
Mar. 26 47 V. Johnson amendment #0749 printed ..... 1193
Apr. 9 55 Committee amendment #0315 lost as amended by Warner pending amendment #0444 p. 832 and V. Johnson amendment #0882. V. Johnson pending amendment #0749 p. 1193, DeCamp amendment and Haberman pending amendment #0218 p. 596 withdrawn. Remmers motion to bracket until 1/1986 withdrawn. Warner motion to indefinitely postpone prevailed ..... 1434
Apr. 9 55 V. Johnson-Wesely motion to reconsider action laid over ..... 1444
Apr. 16 60 V. Johnson-Wesely pending motion to reconsider indefinitely postponement prevailed ..... 1576
Apr. 19 63 V. Johnson-Warner amendment #1058 printed ... 1686
Apr. 25 66 Warner amendment #1185 printed ..... 1907
Apr. 30 69 Lynch amendment #1225 and Vickers amendment #1130 printed ..... 1973

**LEGISLATIVE BILL 191. By Banking, Commerce and Insurance Committee**

Jan. 15 5 Read first time ..... 180
Jan. 16 6 Referred to Committee on Banking,

Commerce and Insurance ..... 194
Jan. 18 8 Notice of hearing (1-29) ..... 257
Jan. 31 14 Placed on General File - Com am #0032 ..... 423
Feb. 4 16 Committee amendment #0032 adopted.
Advanced for Review ..... 450
Feb. 7 19 Placed on Select File - AM5016 ..... 501
Feb. 8 20 AM5016 (E & R) adopted.
Advanced for Engrossment ..... 531
Feb. 12 22 Correctly Engrossed ..... 559
Feb. 20 27 Vickers amendment printed ..... 673
Mar. 4 32 Returned to Select File for Vickers amendment. Vickers pending amendment p. 673 adopted.
Advanced for Re-Engrossment ..... 810
Mar. 6 34 Correctly Re-Engrossed. ER0021 change ..... 856
Mar. 13 39 Final Reading 41-1-7 ..... 955
Mar. 13 39 President signed ..... 962
Mar. 13 39 Presented to Governor (3/13) ..... 969
Mar. 18 41 Approved by Governor (3/15) ..... 1011

**LEGISLATIVE BILL 192. By DeCamp**

Jan. 15 5 Read first time ..... 180
Jan. 16 6 Referred to Committee on Banking, Commerce and Insurance ..... 194
Jan. 28 11 Notice of hearing (2/4) ..... 372

**LEGISLATIVE BILL 193. By DeCamp**

Jan. 15 5 Read first time ..... 180
Jan. 16 6 Referred to Committee on Public Works ..... 194
Jan. 22 10 Notice of hearing (1-31) ..... 300
Feb. 1 15 Placed on General File ..... 427
Feb. 4 16 Advanced for Review ..... 455
Feb. 7 19 Placed on Select File - AM5018 ..... 501
Feb. 8 20 AM5018 (E & R) adopted.
Advanced for Engrossment ..... 531
Feb. 12 22 Correctly Engrossed ..... 559
Feb. 20 27 Final Reading 43-0-6 ..... 662
Feb. 20 27 President signed ..... 668
Feb. 20 27 Presented to Governor (2/20) ..... 670
Feb. 22 29 Approved by Governor (2/21) ..... 701

**LEGISLATIVE BILL 194. By DeCamp**

| | | | | |
|---|---|---|---|---|
| Jan. | 15 | 5 | Read first time | 180 |
| Jan. | 16 | 6 | Referred to Committee on Banking, Commerce and Insurance | 194 |
| Feb. | 14 | 24 | Notice of hearing (3/12) | 600 |
| Mar. | 22 | 45 | Placed on General File | 1150 |

**LEGISLATIVE BILL 195. By Speaker Nichol at request of Governor**

| | | | | |
|---|---|---|---|---|
| Jan. | 15 | 5 | Read first time | 181 |
| Jan. | 16 | 6 | Referred to Committee on Appropriations | 194 |
| Jan. | 31 | 14 | Notice of hearing (2/14) | 414 |
| Feb. | 15 | 25 | Indefinitely postponed | 617 |

**LEGISLATIVE BILL 196. By Speaker Nichol at request of Governor**

| | | | | |
|---|---|---|---|---|
| Jan. | 15 | 5 | Read first time | 181 |
| Jan. | 16 | 6 | Referred to Committee on Appropriations | 194 |
| Feb. | 19 | 26 | Notice of hearing (2/26) | 653 |
| Apr. | 19 | 63 | Placed on General File | 1704 |
| Apr. | 29 | 68 | Advanced for Review | 1933 |
| May | 1 | 70 | Placed on Select File | 1989 |
| May | 15 | 79 | Advanced for Engrossment | 2313 |
| May | 16 | 80 | Correctly Engrossed | 2332 |
| May | 21 | 83 | Final Reading w/E 44-0-5 | 2424 |
| May | 21 | 83 | Speaker signed | 2436 |
| May | 21 | 83 | Presented to Governor (5/21) | 2438 |
| May | 29 | 85 | Approved by Governor (5/24) | 2474 |

**LEGISLATIVE BILL 197. By Speaker Nichol at request of Governor**

| | | | | |
|---|---|---|---|---|
| Jan. | 15 | 5 | Read first time | 181 |
| Jan. | 16 | 6 | Referred to Committee on Appropriations | 194 |
| Feb. | 19 | 26 | Notice of hearing (2/26) | 653 |
| Apr. | 19 | 63 | Placed on General File - Com am #1105 | 1704 |
| Apr. | 29 | 68 | Committee amendment #1105 adopted. Advanced for Review | 1933 |
| May | 1 | 70 | Placed on Select File | 1989 |
| May | 15 | 79 | Advanced for Engrossment | 2313 |
| May | 16 | 80 | Correctly Engrossed | 2332 |
| May | 21 | 83 | Final Reading w/E 43-0-6 | 2424 |
| May | 21 | 83 | Speaker signed | 2436 |
| May | 21 | 83 | Presented to Governor (5/21) | 2438 |
| May | 29 | 85 | Approved by Governor (5/24) | 2474 |

**LEGISLATIVE BILL 198. By Speaker Nichol at request of Governor**

Jan. 15 5 Read first time ..... 181
Jan. 16 6 Referred to Committee on Appropriations ..... 194
Feb. 19 26 Notice of hearing (2/26) ..... 653

**LEGISLATIVE BILL 199. By Speaker Nichol at request of Governor**

Jan. 15 5 Read first time ..... 181
Jan. 16 6 Referred to Committee on Appropriations ..... 195
Feb. 19 26 Notice of hearing (2/26) ..... 653
Apr. 10 56 Smith amendment #0936 printed ..... 1460
Apr. 23 64 DeCamp amendment #0770 printed ..... 1726

**LEGISLATIVE BILL 200. By V. Johnson**

Jan. 15 5 Read first time ..... 185
Jan. 16 6 Referred to Committee on Revenue ..... 195
Feb. 4 16 Notice of hearing (2/11) ..... 448
Feb. 19 26 Indefinitely postponed ..... 650

**LEGISLATIVE BILL 201. By V. Johnson**

Jan. 15 5 Read first time ..... 185
Jan. 16 6 Referred to Committee on Public Health and Welfare ..... 195
Feb. 1 15 Notice of hearing (2/19) ..... 438
Mar. 8 36 Placed on General File - Com am #0502 ..... 898
Mar. 8 36 Wesely name added ..... 899
Mar. 21 44 Public Health and Welfare Committee priority bill ..... 1120
Apr. 16 60 Committee amendment #0502 adopted as amended by V. Johnson amendment. Advanced for Review ..... 1593
Apr. 16 60 Chambers name added ..... 1594
Apr. 17 61 Placed on Select File ..... 1623
May 6 73 Advanced for Engrossment ..... 2087
May 9 76 Correctly Engrossed. ER0080 change ..... 2198
May 14 78 Wesely-V. Johnson amendment #1444 printed ... 2287

**LEGISLATIVE BILL 201A. By V. Johnson**

Mar. 14 40 Read first time. Placed on General File ..... 993
Apr. 16 60 Advanced for Review ..... 1594
Apr. 17 61 Placed on Select File ..... 1623
Apr. 18 62 V. Johnson amendment #1111 printed ..... 1671

May 6 73 V. Johnson pending amendment #1111 adopted. Advanced for Engrossment ..... 2087
May 9 76 Correctly Engrossed ..... 2198

**LEGISLATIVE BILL 202. By V. Johnson**

Jan. 15 5 Read first time ..... 185
Jan. 16 6 Referred to Committee on Miscellaneous Subjects ..... 195
Feb. 1 15 Notice of hearing (2/14) ..... 437

**LEGISLATIVE BILL 203. By Schmit**

Jan. 15 5 Read first time ..... 185
Jan. 16 6 Referred to Committee on Miscellaneous Subjects ..... 195
Feb. 5 17 Notice of hearing (2/28) ..... 465
Mar. 5 33 Indefinitely postponed ..... 827

**LEGISLATIVE BILL 204. By Vickers, R. Johnson**

Jan. 15 5 Read first time ..... 185
Jan. 16 6 Referred to Committee on Education ..... 195
Feb. 5 17 Notice of hearing (3/25) ..... 462
Mar. 21 44 Miller priority bill ..... 1119
Apr. 3 53 Placed on General File ..... 1372
Apr. 9 55 Vickers amendment #0926 printed ..... 1426
Apr. 16 60 Miller name added ..... 1574
Apr. 18 62 Baack, Chizek, Chronister, Eret, Schmit, Hefner, Lundy, Remmers, Rogers, Pappas, Sieck, Lamb, Barrett, Carsten, Nelson and Peterson names added ..... 1647
May 1 70 Pappas amendment withdrawn. Vickers pending amendment #0926 p. 1426 lost ..... 1999
May 2 71 Advanced for Review ..... 2013
May 6 73 Placed on Select File - AM5162 ..... 2107
May 14 78 Vickers amendment #1274 printed ..... 2295
June 3 88 AM5162 (E & R) adopted. Vickers pending amendment #1274 p. 2295 withdrawn. Advanced for Engrossment ..... 2615
June 3 88 Correctly Engrossed ..... 2625
June 5 90 Nichol motion to suspend rules prevailed ..... 2701
June 5 90 Final Reading w/E 45-0-4 ..... 2704
June 5 90 President signed ..... 2712

June 5 90 Presented to Governor (6/5) ..... 2723
June 12 AJ Approved by Governor (6/7) ..... 2735

**LEGISLATIVE BILL 204A. By Miller**

Apr. 30 69 Read first time. Placed on General File ..... 1968
May 2 71 Vickers motion to indefinitely postpone lost. Advanced for Review ..... 2013
May 6 73 Placed on Select File ..... 2107
June 3 88 Passed over ..... 2615
June 3 88 Miller-Vickers motion to indefinitely postpone prevailed ..... 2618

**LEGISLATIVE BILL 205. By Vickers**

Jan. 15 5 Read first time ..... 186
Jan. 16 6 Referred to Committee on Education ..... 195
Feb. 4 16 Notice of hearing (2/12) ..... 453
Mar. 28 49 Placed on General File ..... 1236

**LEGISLATIVE BILL 206. By Landis, DeCamp, Marsh, Morehead, Lynch, Hartnett, V. Johnson, Higgins, Labedz, Hoagland, Withem, Vickers, Chambers**

Jan. 15 5 Read first time ..... 186
Jan. 16 6 Referred to Committee on Government, Military and Veterans Affairs ..... 195
Jan. 30 13 Notice of hearing (2/8) ..... 404

**LEGISLATIVE BILL 207. By Withem**

Jan. 15 5 Read first time ..... 186
Jan. 16 6 Referred to Committee on Urban Affairs ..... 195
Jan. 31 14 Notice of hearing (2/20) ..... 415
Mar. 5 33 Placed on General File - Com am #0401 ..... 821
Mar. 21 44 Urban Affairs Committee priority bill ..... 1120
Apr. 11 57 Committee amendment #0401 adopted. Advanced for Review ..... 1508
Apr. 16 60 Placed on Select File - AM5132 ..... 1578
Apr. 17 61 AM5132 (E & R) adopted. Advanced for Engrossment ..... 1634
Apr. 23 64 Correctly Engrossed ..... 1762
Apr. 30 69 Final Reading 42-0-7 ..... 1958
Apr. 30 69 President signed ..... 1967
Apr. 30 69 Presented to Governor (4/30) ..... 1970

May 3 72 Approved by Governor (5/3) ..... 2058

**LEGISLATIVE BILL 208. By Withem**

Jan. 15 5 Read first time ..... 186
Jan. 16 6 Referred to Committee on Revenue ..... 195
Feb. 8 20 Notice of hearing (2/20) ..... 516
Mar. 11 37 Placed on General File - Com am #0480 ..... 915
Mar. 21 44 Withem priority bill ..... 1119
Apr. 1 51 Committee amendment #0480 adopted. Advanced for Review ..... 1307
Apr. 1 51 DeCamp amendment #0769 printed ..... 1325
Apr. 4 54 Placed on Select File - AM5118 ..... 1384
Apr. 12 58 AM5118 (E & R) adopted. DeCamp pending amendment #0769 p. 1325 withdrawn. Advanced for Engrossment ..... 1530
Apr. 16 60 Correctly Engrossed ..... 1598
Apr. 17 61 DeCamp amendments #1043 (1), #1044 (2) and #1045 (3) printed ..... 1614
May 1 70 DeCamp amendments #1245 (1), #1237 (2), #1241 (3), #1240 (4), #1239 (5), and #1238 (6) printed ..... 1984
May 1 70 DeCamp amendment #1247 printed ..... 2006
May 14 78 Attorney General's Opinion #79 to DeCamp ..... 2280
May 17 81 Attorney General's Opinion #81 to DeCamp ..... 2367
June 5 90 DeCamp pending amendments #1043, #1044, #1045 p. 1614, #1245, #1237, #1241, #1240, #1239, #1238 p. 1984 and #1247 p. 2006 withdrawn ..... 2719
June 5 90 Final Reading 47-0-2 ..... 2719
June 5 90 President signed ..... 2721
June 5 90 Presented to Governor (6/5) ..... 2723
June 12 AJ Approved by Governor (6/7) ..... 2735

**LEGISLATIVE BILL 208A. By Withem**

Apr. 1 51 Read first time. Placed on General File ..... 1325
Apr. 9 55 Advanced for Review ..... 1410
Apr. 11 57 Placed on Select File ..... 1473
Apr. 12 58 Advanced for Engrossment ..... 1531
Apr. 16 60 Correctly Engrossed ..... 1598
June 5 90 Final Reading 44-0-5 ..... 2720
June 5 90 President signed ..... 2721
June 5 90 Presented to Governor (6/5) ..... 2723
June 12 AJ Approved by Governor (6/7) ..... 2735

**LEGISLATIVE BILL 209. By Smith**


Jan. 15 5 Read first time ..... 186
Jan. 16 6 Referred to Committee on Public Health and Welfare ..... 195
Jan. 28 11 Notice of hearing (2/4) ..... 381
Feb. 20 27 Placed on General File - Com am #0266 ..... 677
Mar. 13 39 Wesely amendment #0571 to committee amendment printed ..... 967
Mar. 14 40 Committee amendment #0266 adopted as amended by Wesely pending amendment #0571. Advanced for Review ..... 997
Mar. 19 42 Placed on Select File - AM5089 ..... 1058
Apr. 1 51 AM5089 (E & R) adopted. Advanced for Engrossment ..... 1323
Apr. 9 55 Correctly Engrossed. ER0048 change ..... 1418
Apr. 18 62 Final Reading 45-0-4 ..... 1652
Apr. 18 62 President signed (4/18) ..... 1656
Apr. 18 62 Presented to Governor (4/18) ..... 1662
Apr. 24 65 Approved by Governor (4/24) ..... 1861


**LEGISLATIVE BILL 209A. By Smith**


Mar. 18 41 Read first time. Placed on General File ..... 1026
Mar. 28 49 Advanced for Review ..... 1238
Apr. 1 51 Placed on Select File ..... 1310
Apr. 3 53 Advanced for Engrossment ..... 1377
Apr. 9 55 Correctly Engrossed ..... 1418
Apr. 18 62 Final Reading 45-0-4 ..... 1653
Apr. 18 62 President signed ..... 1656
Apr. 18 62 Presented to Governor (4/18) ..... 1662
Apr. 24 65 Approved by Governor (4/24) ..... 1861


**LEGISLATIVE BILL 210. By Pappas**


Jan. 15 5 Read first time ..... 187
Jan. 16 6 Referred to Committee on Revenue ..... 195
Feb. 4 16 Notice of hearing (2/13) ..... 449
Feb. 19 26 Indefinitely postponed ..... 650
Feb. 21 28 Pappas motion to place on General File laid over ..... 689
Feb. 28 30 Pappas pending motion p. 689 lost ..... 745


**LEGISLATIVE BILL 211. By Warner**

| | | | | |
|---|---|---|---|---|
| Jan. | 15 | 5 | Read first time | 187 |
| Jan. | 16 | 6 | Referred to Committee on Public Works | 195 |
| Jan. | 29 | 12 | Notice of hearing (2/8) | 386 |
| Feb. | 12 | 22 | Indefinitely postponed | 559 |

**LEGISLATIVE BILL 212. By Warner**

| | | | | |
|---|---|---|---|---|
| Jan. | 15 | 5 | Read first time | 187 |
| Jan. | 16 | 6 | Referred to Committee on Appropriations | 195 |
| Feb. | 1 | 15 | Notice of hearing (2/22) | 443 |
| Mar. | 21 | 44 | Appropriations Committee priority bill | 1119 |
| Apr. | 25 | 66 | Placed on General File - Com am #1161 | 1901 |

**LEGISLATIVE BILL 213. By Wesely**

| | | | | |
|---|---|---|---|---|
| Jan. | 15 | 5 | Read first time | 187 |
| Jan. | 16 | 6 | Referred to Committee on Business and Labor | 195 |
| Jan. | 29 | 12 | Notice of hearing (2/6) | 387 |
| Feb. | 15 | 25 | Placed on General File - Com am #0070 | 608 |
| Feb. | 21 | 28 | Committee amendment #0070 adopted. Sieck amendment lost | 694 |
| Feb. | 28 | 30 | Advanced for Review | 751 |
| Mar. | 1 | 31 | Placed on Select File | 764 |
| Apr. | 1 | 51 | DeCamp motion to indefinitely postpone lost. Higgins motion to bracket until 4/8 withdrawn | 1322 |
| Apr. | 2 | 52 | Morehead amendment #0623 printed | 1334 |
| Apr. | 3 | 53 | Morehead pending amendment #0623 and Conway amendment withdrawn. Failed to advance for Engrossment | 1354 |
| Apr. | 17 | 61 | Wesely amendment #1039 printed | 1625 |
| Apr. | 18 | 62 | Landis-Barrett amendment #1115 printed | 1677 |
| May | 2 | 71 | Landis-Barrett pending amendment #1115 p. 1677 withdrawn. Wesely pending amendment #1039 p. 1625 adopted. Advanced for Engrossment | 2024 |
| May | 6 | 73 | Correctly Engrossed | 2091 |
| May | 9 | 76 | Wesely amendment #1384 printed | 2206 |
| May | 13 | 77 | Wesely amendment #1115 printed | 2230 |
| May | 14 | 78 | Wesely pending amendment #1384 p. 2206 withdrawn. Returned to Select File for Wesely amendment. Wesely pending amendment #1115 p. 2230 adopted. Advanced for Re-Engrossment | 2260 |

May 15 79 Correctly Re-Engrossed. ER0086 change ..... 2312
May 21 83 Final Reading 39-6-4 ..... 2425
May 21 83 Speaker signed ..... 2436
May 21 83 Presented to Governor (5/21) ..... 2438
May 29 85 Approved by Governor (5/24) ..... 2474

**LEGISLATIVE BILL 214. By Hefner**

Jan. 15 5 Read first time ..... 187
Jan. 16 6 Referred to Committee on Public Works ..... 195
Jan. 29 12 Notice of hearing (2/8) ..... 386
Feb. 21 28 Indefinitely postponed ..... 694

**LEGISLATIVE BILL 215. By Goodrich**

Jan. 15 5 Read first time ..... 187
Jan. 16 6 Referred to Committee on Nebraska Retirement Systems ..... 195
Jan. 30 13 Notice of hearing (2/20) ..... 405
Feb. 28 30 Placed on General File ..... 744
Mar. 14 40 Advanced for Review ..... 993
Mar. 14 40 Warner-Beutler amendment printed ..... 996
Mar. 18 41 Placed on Select File - AM5083 ..... 1013
Apr. 1 51 AM5083 (E & R) adopted. Warner-Beutler pending amendment p. 996 adopted. Advanced for Engrossment ..... 1310
Apr. 4 54 Correctly Engrossed. ER0041 change ..... 1392
Apr. 11 57 Final Reading w/E 47-0-2 ..... 1486
Apr. 11 57 Speaker signed ..... 1506
Apr. 12 58 Presented to Governor (4/11) ..... 1516
Apr. 15 59 Approved by Governor (4/15) ..... 1555

**LEGISLATIVE BILL 216. By Hall**

Jan. 15 5 Read first time ..... 188
Jan. 16 6 Referred to Committee on Business and Labor .... 195
Feb. 1 15 Notice of hearing (2/20) ..... 430
Mar. 8 36 Placed on General File ..... 893
Mar. 21 44 Hall priority bill ..... 1118
Mar. 27 48 Hall amendment #0782 printed ..... 1200
Apr. 1 51 Barrett amendment to Hall pending amendment #0782 adopted. Hall amendment to Hall pending amendment #0782 lost ..... 1301
Apr. 1 51 Hall pending amendment #0782 p. 1200 adopted as amended. Advanced for Review .... 1306

Apr. 4 54 Placed on Select File - AM5116 ..... 1383
Apr. 12 58 DeCamp amendment #0950 printed ..... 1525
Apr. 29 68 AM5116 (E & R) adopted. DeCamp pending amendment #0590 p. 1525 withdrawn. Advanced for Engrossment ..... 1950
May 2 71 Correctly Engrossed ..... 2035
May 7 74 DeCamp motion to return to Select File lost. Final Reading 40-6-3 ..... 2124
May 7 74 President signed ..... 2129
May 7 74 Presented to Governor (5/7) ..... 2136
May 9 76 Approved by Governor (5/9) ..... 2195

**LEGISLATIVE BILL 217. By Beutler, Landis**

Jan. 15 5 Read first time ..... 188
Jan. 16 6 Referred to Committee on Agriculture and Environment ..... 195
Jan. 22 10 Notice of hearing (2/1) ..... 302
Mar. 7 35 Vickers amendment #0486 printed ..... 865
Mar. 14 40 Placed on General File - Com am #0484 ..... 1004
Mar. 20 43 Vickers amendment to committee amendment and Sieck amendment #0549 printed ..... 1067
Mar. 22 45 Nichol priority bill ..... 1154
Apr. 12 58 Vickers amendment #0983 to committee amendment printed ..... 1517
Apr. 16 60 Abboud amendment printed ..... 1599

**LEGISLATIVE BILL 217A. By Beutler**

Mar. 27 48 Read first time. Placed on General File ..... 1228

**LEGISLATIVE BILL 218. By DeCamp**

Jan. 15 5 Read first time ..... 188
Jan. 16 6 Referred to Committee on Public Health and Welfare ..... 195
Feb. 1 15 Notice of hearing (2/19) ..... 438
May 20 82 Indefinitely postponed ..... 2396

**LEGISLATIVE BILL 219. By Haberman**

Jan. 15 5 Read first time ..... 188
Jan. 16 6 Referred to Committee on Revenue ..... 195
Jan. 22 10 Remmers name added ..... 300

Mar. 7 35 Notice of hearing (3/25) ..... 865
Apr. 16 60 Rogers motion to place on General File laid over ..... 1598
Apr. 24 65 Rogers pending motion p. 1598 prevailed. Placed on General File ..... 1858

**LEGISLATIVE BILL 220. By Haberman**

Jan. 15 5 Read first time ..... 189
Jan. 16 6 Referred to Committee on Revenue ..... 195
Mar. 7 35 Notice of hearing (3/25) ..... 865
Mar. 28 49 Indefinitely postponed ..... 1242

**LEGISLATIVE BILL 221. By DeCamp**

Jan. 15 5 Read first time ..... 189
Jan. 16 6 Referred to Committee on Judiciary ..... 195
Mar. 11 37 Notice of hearing (3/25) ..... 910
Apr. 1 51 Indefinitely postponed ..... 1311

**LEGISLATIVE BILL 222. By Abboud**

Jan. 15 5 Read first time ..... 189
Jan. 16 6 Referred to Committee on Revenue ..... 195
Mar. 7 35 Notice of hearing (3/18) ..... 864

**LEGISLATIVE BILL 223. By Constitutional Revision and Recreation Committee**

Jan. 16 6 Read first time ..... 196
Jan. 17 7 Referred to Committee on Constitutional Revision and Recreation ..... 206
Jan. 22 10 Notice of hearing (2/1) ..... 357
Feb. 7 19 Placed on General File - Com am #0095 ..... 502
Feb. 11 21 Committee amendment #0095 adopted. Advanced for Review ..... 552
Feb. 12 22 Placed on Select File ..... 561
Feb. 15 25 Advanced for Engrossment ..... 627
Feb. 20 27 Correctly Engrossed ..... 672
Feb. 22 29 Beutler amendment #0318 printed ..... 728
Mar. 4 32 Returned to Select File for Beutler amendment. Beutler pending amendment #0318 p. 728 adopted. Advanced for Re-Engrossment ..... 805
Mar. 5 33 Correctly Re-Engrossed ..... 835

Mar. 13 39 Final Reading 44-0-5 ..... 954
Mar. 13 39 President signed ..... 962
Mar. 13 39 Presented to Governor (3/13) ..... 969
Mar. 18 41 Approved by Governor (3/15) ..... 1011

**LEGISLATIVE BILL 224. By Constitutional Revision and Recreation Committee**

Jan. 16 6 Read first time ..... 196
Jan. 17 7 Referred to Committee on Constitutional Revision and Recreation ..... 206
Jan. 22 10 Notice of hearing (2/1) ..... 357
Feb. 5 17 Placed on General File ..... 467
Feb. 7 19 Advanced for Review ..... 505
Feb. 11 21 Placed on Select File - AM5030 ..... 541
Feb. 12 22 AM5030 (E & R) adopted. Advanced for Engrossment ..... 563
Feb. 13 23 Correctly Engrossed ..... 590
Feb. 22 29 Final Reading 40-0-9 ..... 715
Feb. 22 29 Higgins explanation of vote ..... 722
Feb. 22 29 President signed ..... 725
Feb. 28 30 Presented to Governor (2/22). Approved by Governor (2/27) ..... 741

**LEGISLATIVE BILL 225. By Hefner**

Jan. 16 6 Read first time ..... 196
Jan. 17 7 Referred to Committee on Public Works ..... 206
Feb. 7 19 Notice of hearing (2/20) ..... 506
Feb. 28 30 Indefinitely postponed ..... 748

**LEGISLATIVE BILL 226. By Hefner, Peterson**

Jan. 16 6 Read first time ..... 196
Jan. 17 7 Referred to Committee on Judiciary ..... 206
Jan. 22 10 Notice of hearing (1/29) ..... 336
Feb. 20 27 Attorney General's Opinion #22 to Hoagland ..... 655

**LEGISLATIVE BILL 227. By Eret**

Jan. 16 6 Read first time ..... 197
Jan. 18 8 Referred to Committee on Agriculture and Environment ..... 251
Jan. 22 10 Notice of hearing (2/7) ..... 302
Jan. 22 10 Schmit motion to rerefer to Public

Works Committee laid over ..... 315
Jan. 29 12 Schmit pending motion page 315 to rerefer lost ..... 384
Jan. 29 12 Higgins explanation of vote ..... 388

**LEGISLATIVE BILL 228. By Eret, Schmit, Sieck**

Jan. 16 6 Read first time ..... 197
Jan. 17 7 Referred to Committee on Education ..... 206
Feb. 4 16 Notice of hearing (3/18) ..... 454

**LEGISLATIVE BILL 229. By DeCamp**

Jan. 16 6 Read first time ..... 197
Jan. 17 7 Referred to Committee on Business and Labor .... 206
Jan. 29 12 Notice of hearing (2/6) ..... 387
Feb. 7 19 Indefinitely postponed ..... 506

**LEGISLATIVE BILL 230. By DeCamp**

Jan. 16 6 Read first time ..... 197
Jan. 17 7 Referred to Committee on Miscellaneous Subjects ..... 206
Feb. 1 15 Notice of hearing (2/14) ..... 437
May 2 71 Placed on General File ..... 2012

**LEGISLATIVE BILL 231. By DeCamp**

Jan. 16 6 Read first time ..... 197
Jan. 17 7 Referred to Committee on Judiciary ..... 206
Mar. 11 37 Notice of hearing (3/26) ..... 911
Apr. 11 57 Indefinitely postponed ..... 1477
Apr. 11 57 DeCamp motion to place on General File laid over ..... 1481
Apr. 15 59 DeCamp amendment printed ..... 1547
Apr. 18 62 DeCamp pending motion p. 1481 to place on General File lost. Higgins motion to reconsider DeCamp motion p. 1481 lost ..... 1666

**LEGISLATIVE BILL 232. By DeCamp**

Jan. 16 6 Read first time ..... 197
Jan. 17 7 Referred to Committee on Agriculture and Environment ..... 206
Jan. 22 10 Notice of hearing (2/8) ..... 302

Feb. 20 27 Indefinitely postponed ..... 670
Feb. 20 27 DeCamp motion to place on General File laid over ..... 673

**LEGISLATIVE BILL 233. By Beutler**

Jan. 16 6 Read first time ..... 198
Jan. 17 7 Referred to Committee on Judiciary ..... 206
Jan. 28 11 Notice of hearing (2/4) ..... 381
Feb. 12 22 Placed on General File - Com am #0141 ..... 568
Feb. 19 26 Committee amendment #0141 adopted. Advanced for Review ..... 641
Feb. 21 28 Placed on Select File - AM5054 ..... 683
Mar. 7 35 AM5054 (E & R) adopted. Beutler-Hartnett amendment adopted. Advanced for Engrossment ..... 868
Mar. 12 38 Correctly Engrossed ..... 917
Mar. 12 38 ER0025 change ..... 918
May 8 75 Final Reading 37-3-9 ..... 2167
May 8 75 President signed ..... 2170
May 8 75 Presented to Governor (5/8) ..... 2186
May 9 76 Approved by Governor (5/9) ..... 2195

**LEGISLATIVE BILL 234. By Beutler**

Jan. 16 6 Read first time ..... 198
Jan. 17 7 Referred to Committee on Education ..... 206
Feb. 4 16 Notice of hearing (2/11) ..... 453

**LEGISLATIVE BILL 235. By Conway**

Jan. 16 6 Read first time ..... 198
Jan. 17 7 Referred to Committee on Miscellaneous Subjects ..... 206
Feb. 1 15 Notice of hearing (2/22) ..... 437
Feb. 28 30 Placed on General File ..... 730
Mar. 14 40 Advanced for Review ..... 992
Mar. 18 41 Placed on Select File - AM5082 ..... 1013
Mar. 20 43 AM5082 (E & R) adopted. Advanced for Engrossment ..... 1083
Mar. 22 45 Correctly Engrossed ..... 1138
Mar. 29 50 Final Reading w/E 46-0-3 ..... 1272
Mar. 29 50 Speaker signed ..... 1287
Mar. 29 50 Presented to Governor (3/29) ..... 1289
Apr. 3 53 Approved by Governor (4/2) ..... 1351

**LEGISLATIVE BILL 236. By Haberman**

Jan. 16 6 Read first time ..... 198
Jan. 17 7 Referred to Committee on Revenue ..... 206
Mar. 1 31 Notice of hearing (3/12) ..... 786
Mar. 20 43 Placed on General File - Com am #0608 ..... 1087
Apr. 23 64 Haberman amendment to committee amendment lost. Committee amendment #0608 adopted. Chambers motion to indefinitely postpone withdrawn. DeCamp and Chambers amendments lost. Chambers motion to indefinitely postpone lost. Advanced for Review ..... 1776
Apr. 24 65 Placed on Select File - AM5150 ..... 1859
May 3 72 AM5150 (E & R) adopted. Advanced for Engrossment ..... 2048
May 8 75 Correctly Engrossed ..... 2173
May 14 78 Final Reading 35-5-9 ..... 2262
May 14 78 Speaker signed ..... 2300
May 15 79 Presented to Governor (5/14) ..... 2312
May 15 79 Smith explanation of vote ..... 2324
May 20 82 Approved by Governor (5/17) ..... 2391

**LEGISLATIVE BILL 237. By Chambers**

Jan. 16 6 Read first time ..... 198
Jan. 17 7 Referred to Committee on Judiciary ..... 206
Mar. 11 37 Notice of hearing (3/20) ..... 910
Apr. 1 51 Placed on General File ..... 1311

**LEGISLATIVE BILL 238. By DeCamp, Lynch, Labedz, Chizek, Hall, Chronister**

Jan. 16 6 Read first time ..... 198
Jan. 17 7 Referred to Committee on Miscellaneous Subjects ..... 206
Jan. 21 9 Beyer name added ..... 291
Jan. 22 10 Notice of hearing (2/1) ..... 299
Feb. 1 15 Hartnett name added ..... 442
Feb. 28 30 Indefinitely postponed ..... 731

**LEGISLATIVE BILL 239. By Schmit**

Jan. 16 6 Read first time ..... 202

Jan. 17 7 Referred to Committee on Judiciary ..... 206
Feb. 21 28 Notice of hearing (3/4) ..... 690
Apr. 1 51 Placed on General File - Com am #0732 ..... 1311

**LEGISLATIVE BILL 240. By Beyer, Hartnett**

Jan. 16 6 Read first time ..... 202
Jan. 17 7 Referred to Committee on Public Works ..... 206
Jan. 22 10 Notice of hearing (1/30) ..... 300
Feb. 1 15 Placed on General File ..... 427
Feb. 4 16 Advanced for Review ..... 455
Feb. 7 19 Placed on Select File - AM5019 ..... 502
Feb. 8 20 AM5019 (E & R) adopted.
Advanced for Engrossment ..... 531
Feb. 12 22 Correctly Engrossed ..... 559
Feb. 20 27 Final Reading 44-0-5 ..... 662
Feb. 20 27 President signed ..... 668
Feb. 20 27 Presented to Governor (2/20) ..... 670
Feb. 22 29 Approved by Governor (2/21) ..... 701

**LEGISLATIVE BILL 241. By Speaker Nichol at request of Governor**

Jan. 16 6 Read first time ..... 202
Jan. 17 7 Referred to Committee on Judiciary ..... 206
Jan. 21 9 Notice of hearing (1/28) ..... 292
Jan. 31 14 Indefinitely postponed ..... 416

**LEGISLATIVE BILL 242. By Goodrich, Lundy**

Jan. 16 6 Read first time ..... 203
Jan. 17 7 Referred to Committee on Education ..... 206
Jan. 21 9 Notice of hearing (1/28) ..... 292
Feb. 28 30 Attorney General's Opinion #23 to Goodrich ..... 733
Apr. 3 53 Indefinitely postponed ..... 1360

**LEGISLATIVE BILL 243. By Pappas, Higgins, Schmit**

Jan. 16 6 Read first time ..... 203
Jan. 17 7 Referred to Committee on Public
Health and Welfare ..... 206
Jan. 17 7 Hannibal name added ..... 207
Feb. 1 15 Notice of hearing (2/11) ..... 438

**LEGISLATIVE BILL 244. By Beutler, Marsh, Warner, Wesely, Landis**

Jan. 16 6 Read first time ..... 203
Jan. 17 7 Referred to Committee on Education ..... 206
Jan. 28 11 Notice of hearing (2/4) ..... 381
Feb. 13 23 Placed on General File - Com am #0154 ..... 583
Feb. 15 25 Committee amendment #0154 adopted.
Advanced for Review ..... 627
Feb. 21 28 Placed on Select File ..... 683
Mar. 5 33 Advanced for Engrossment ..... 836
Mar. 8 36 Correctly Engrossed ..... 891
Mar. 13 39 Final Reading 45-0-4 ..... 958
Mar. 13 39 President signed ..... 962
Mar. 13 39 Presented to Governor (3/13) ..... 969
Mar. 18 41 Approved by Governor (3/15) ..... 1011

**LEGISLATIVE BILL 245. By Landis**

Jan. 16 6 Read first time ..... 203
Jan. 17 7 Referred to Committee on Judiciary ..... 206
Feb. 5 17 Notice of hearing (2/12) ..... 467
Mar. 18 41 Indefinitely postponed ..... 1037

**LEGISLATIVE BILL 246. By Landis**

Jan. 16 6 Read first time ..... 203
Jan. 17 7 Referred to Committee on Education ..... 206
Feb. 4 16 Notice of hearing (3/12) ..... 453

**LEGISLATIVE BILL 247. By Pirsch, Chizek**

Jan. 16 6 Read first time ..... 204
Jan. 17 7 Referred to Committee on Judiciary ..... 206
Jan. 22 10 Hoagland name added ..... 305
Feb. 21 28 Notice of hearing (3/6) ..... 691
Mar. 21 44 Pirsch priority bill ..... 1119
Apr. 11 57 Placed on General File - Com am #0972 ..... 1474
Apr. 17 61 Pirsch amendments printed ..... 1626
May 13 77 Committee amendment #0972 considered -
division of question sustained -
Chambers amendment to committee
amendment (1) pending ..... 2252
May 14 78 Pirsch amendment printed ..... 2298
May 15 79 Chambers pending amendment p. 2252 to
committee amendment (1) adopted ..... 2328
May 20 82 Committee amendments (1), (2), (3) and

(4) adopted. Committee amendments (5) and (6) lost. Pirsch pending amendment (2) p. 1626 and amendment p. 2298 adopted. Pirsch pending amendment (1) p. 1626 withdrawn. Advanced for Review ..... 2392
May 21 83 Placed on Select File - AM5177 ..... 2438
June 3 88 AM5177 (E & R) adopted. Passed over ..... 2618
June 3 88 Chambers amendment #1624 adopted. Advanced for Engrossment ..... 2621
June 3 88 Correctly Engrossed ..... 2632
June 3 88 ER0107 change ..... 2633
June 5 90 Nichol motion to suspend rules prevailed ..... 2701
June 5 90 Final Reading 44-1-4 ..... 2705
June 5 90 President signed ..... 2712
June 5 90 Presented to Governor (6/5) ..... 2723
June 12 AJ Approved by Governor (6/7) ..... 2736

**LEGISLATIVE BILL 248. By Public Health and Welfare Committee**

Jan. 17 7 Read first time ..... 208
Jan. 18 8 Referred to Committee on Public Health and Welfare ..... 251
Jan. 28 11 Notice of hearing (2/4) ..... 381
Feb. 20 27 Placed on General File - Com am #0270 ..... 678

**LEGISLATIVE BILL 248A. By Wesely**

Mar. 5 33 Read first time. Placed on General File ..... 827

**LEGISLATIVE BILL 249. By Public Health and Welfare Committee**

Jan. 17 7 Read first time ..... 208
Jan. 18 8 Referred to Committee on Public Health and Welfare ..... 251
Jan. 21 9 Notice of hearing (1/28) ..... 292
Jan. 31 14 Placed on General File - Com am #0006 ..... 418
Feb. 4 16 Committee amendment #0006 adopted. Advanced for Review ..... 450
Feb. 7 19 Placed on Select File - AM5015 ..... 501
Feb. 8 20 AM5015 (E & R) adopted. Advanced for Engrossment ..... 531
Feb. 12 22 Correctly Engrossed ..... 559
Feb. 12 22 ER0014 change ..... 560
Mar. 4 32 Final Reading 43-0-6 ..... 801
Mar. 4 32 Speaker signed ..... 811

Mar. 5 33 Presented to Governor (3/4) ..... 818
Mar. 8 36 Approved by Governor (3/7) ..... 888

**LEGISLATIVE BILL 250. By Public Health and Welfare Committee**

Jan. 17 7 Read first time ..... 208
Jan. 18 8 Referred to Committee on Public Health and Welfare ..... 251
Jan. 29 12 Notice of hearing (2/5) ..... 386
Feb. 20 27 Placed on General File - Com am #0178 ..... 679
Mar. 14 40 Committee amendment #0178 adopted. Advanced for Review ..... 997
Mar. 20 43 Placed on Select File - AM5091 ..... 1064
Apr. 3 53 AM5091 (E & R) adopted. Wesely amendment #0893 adopted. Advanced for Engrossment ..... 1355
Apr. 10 56 Correctly Engrossed. ER0046 change ..... 1447
Apr. 23 64 Final Reading 43-0-6 ..... 1719
Apr. 23 64 Speaker signed ..... 1761
Apr. 23 64 Presented to Governor (4/23) ..... 1780
Apr. 26 67 Approved by Governor (4/26) ..... 1920

**LEGISLATIVE BILL 250A. By Wesely**

Mar. 5 33 Read first time. Placed on General File ..... 827
Mar. 14 40 Advanced for Review ..... 998
Mar. 20 43 Placed on Select File ..... 1065
Apr. 12 58 Advanced for Engrossment ..... 1530
Apr. 16 60 Correctly Engrossed ..... 1596
Apr. 23 64 Final Reading 42-0-7 ..... 1720
Apr. 23 64 Speaker signed ..... 1761
Apr. 23 64 Presented to Governor (4/23) ..... 1780
Apr. 26 67 Approved by Governor (4/26) ..... 1920

**LEGISLATIVE BILL 251. By Public Health and Welfare Committee**

Jan. 17 7 Read first time ..... 209
Jan. 18 8 Referred to Committee on Public Health and Welfare ..... 251
Jan. 29 12 Notice of hearing (2/5) ..... 386
Feb. 13 23 Placed on General File ..... 590

**LEGISLATIVE BILL 251A. By Wesely**

Feb. 22 29 Read first time. Placed on General File ..... 721

**LEGISLATIVE BILL 252. By Public Health and Welfare Committee**

| | | | | |
|---|---|---|---|---|
| Jan. | 17 | 7 | Read first time | 209 |
| Jan. | 18 | 8 | Referred to Committee on Public Health and Welfare | 251 |
| Jan. | 21 | 9 | Notice of hearing (1/28) | 292 |
| Feb. | 8 | 20 | Placed on General File - Com am #0120 | 529 |
| Feb. | 14 | 24 | Committee amendment #0120 adopted. Advanced for Review | 597 |
| Feb. | 14 | 24 | Beutler amendment printed | 599 |
| Feb. | 19 | 26 | Placed on Select File - AM5042 | 636 |
| Feb. | 28 | 30 | AM5042 (E & R) adopted. Beutler pending amendment p. 599 adopted. Chambers motion to indefinitely postpone lost. Advanced for Engrossment | 752 |
| Mar. | 4 | 32 | Correctly Engrossed | 789 |
| Mar. | 4 | 32 | ER0020 change | 790 |
| Mar. | 13 | 39 | Final Reading 35-7-7 | 952 |
| Mar. | 13 | 39 | President signed | 962 |
| Mar. | 13 | 39 | Presented to Governor (3/13) | 969 |
| Mar. | 18 | 41 | Approved by Governor (3/15) | 1011 |

**LEGISLATIVE BILL 253. By Public Health and Welfare Committee**

| | | | | |
|---|---|---|---|---|
| Jan. | 17 | 7 | Read first time | 209 |
| Jan. | 18 | 8 | Referred to Committee on Public Health and Welfare | 251 |
| Jan. | 28 | 11 | Notice of hearing (2/4) | 381 |
| Feb. | 15 | 25 | Placed on General File | 624 |
| Mar. | 13 | 39 | Wesely amendment #0572 printed | 966 |
| Mar. | 22 | 45 | Nichol priority bill | 1154 |
| Mar. | 27 | 48 | Wesely pending amendment #0572 p. 966 adopted. Advanced for Review | 1207 |
| Mar. | 28 | 49 | Placed on Select File - AM5095 | 1249 |
| Apr. | 1 | 51 | AM5095 (E & R) adopted. Wesely amendment #0811 adopted. Advanced for Engrossment | 1319 |
| Apr. | 9 | 55 | Correctly Engrossed | 1418 |
| Apr. | 9 | 55 | ER0045 change | 1419 |
| Apr. | 18 | 62 | Final Reading 46-0-3 | 1654 |
| Apr. | 18 | 62 | President signed | 1656 |
| Apr. | 18 | 62 | Presented to Governor (4/18) | 1662 |
| Apr. | 24 | 65 | Approved by Governor (4/24) | 1861 |

**LEGISLATIVE BILL 253A. By Wesely**

| | | | | |
|---|---|---|---|---|
| Feb. | 22 | 29 | Read first time. Placed on General File | 721 |
| Mar. | 27 | 48 | Advanced for Review | 1207 |
| Mar. | 28 | 49 | Placed on Select File | 1250 |
| Apr. | 1 | 51 | Passed over | 1322 |
| Apr. | 3 | 53 | Advanced for Engrossment | 1355 |
| Apr. | 9 | 55 | Correctly Engrossed | 1418 |
| Apr. | 18 | 62 | Final Reading 45-0-4 | 1655 |
| Apr. | 18 | 62 | President signed | 1656 |
| Apr. | 18 | 62 | Presented to Governor (4/18) | 1662 |
| Apr. | 24 | 65 | Approved by Governor (4/24) | 1861 |

**LEGISLATIVE BILL 254. By Withem, DeCamp, Goodrich, Vickers, Hartnett, Lynch, Marsh**

| | | | | |
|---|---|---|---|---|
| Jan. | 17 | 7 | Read first time | 210 |
| Jan. | 18 | 8 | Referred to Committee on Education | 251 |
| Feb. | 4 | 16 | Notice of hearing (2/19) | 453 |
| Mar. | 28 | 49 | Indefinitely postponed | 1249 |

**LEGISLATIVE BILL 255. By Chambers**

| | | | | |
|---|---|---|---|---|
| Jan. | 17 | 7 | Read first time | 210 |
| Jan. | 18 | 8 | Referred to Committee on Judiciary | 251 |
| Jan. | 22 | 10 | Notice of hearing (1/30) | 336 |
| Feb. | 22 | 29 | Placed on General File - Com am #0322 | 720 |
| Mar. | 14 | 40 | Committee amendment #0322 adopted. Advanced for Review | 998 |
| Mar. | 20 | 43 | Placed on Select File - AM5090 | 1065 |
| Apr. | 1 | 51 | AM5090 (E & R) adopted. Advanced for Engrossment | 1323 |
| Apr. | 4 | 54 | Correctly Engrossed | 1400 |
| Apr. | 11 | 57 | Final Reading 46-0-3 | 1487 |
| Apr. | 11 | 57 | Speaker signed | 1506 |
| Apr. | 12 | 58 | Presented to Governor (4/11) | 1516 |
| Apr. | 15 | 59 | Approved by Governor (4-15) | 1555 |

**LEGISLATIVE BILL 256. By Chizek**

| | | | | |
|---|---|---|---|---|
| Jan. | 17 | 7 | Read first time | 210 |
| Jan. | 18 | 8 | Referred to Committee on Business and Labor | 251 |
| Feb. | 5 | 17 | Notice of hearing (3/6) | 465 |

**LEGISLATIVE BILL 257. By Chizek**

Jan. 17 7 Read first time ..... 210
Jan. 18 8 Referred to Committee on Business and Labor .... 251
Feb. 5 17 Notice of hearing (3/20) ..... 465

**LEGISLATIVE BILL 258. By Warner**

Jan. 17 7 Read first time ..... 210
Jan. 18 8 Referred to Committee on Appropriations ..... 251
Feb. 13 23 Attorney General's Opinion #19 to Warner ..... 586
Mar. 4 32 Notice of hearing (3/20) ..... 814
Apr. 12 58 Placed on General File ..... 1528

**LEGISLATIVE BILL 259. By Marsh**

Jan. 17 7 Read first time ..... 210
Jan. 18 8 Referred to Committee on Public Health and Welfare ..... 251
Feb. 1 15 Notice of hearing (2/19) ..... 438
Feb. 28 30 Placed on General File - Com am #0331 ..... 757
Mar. 27 48 Committee amendment #0331 adopted. Advanced for Review ..... 1221
Apr. 1 51 Placed on Select File ..... 1303
Apr. 3 53 Advanced for Engrossment ..... 1376
Apr. 10 56 Correctly Engrossed ..... 1459
Apr. 15 59 Final Reading w/E 44-0-5 ..... 1536
Apr. 15 59 President signed ..... 1541
Apr. 15 59 Presented to Governor (4/15) ..... 1550
Apr. 19 63 Approved by Governor (4/19) ..... 1702

**LEGISLATIVE BILL 260. By Warner**

Jan. 17 7 Read first time ..... 210
Jan. 18 8 Referred to Committee on Education ..... 251
Feb. 5 17 Notice of hearing (3/19) ..... 462
Mar. 21 44 Warner priority bill ..... 1119

**LEGISLATIVE BILL 261. By Warner**

Jan. 17 7 Read first time ..... 211
Jan. 18 8 Referred to Committee on Education ..... 251
Feb. 5 17 Notice of hearing (3/19) ..... 462

**LEGISLATIVE BILL 262. By Pappas**

Jan. 17 7 Read first time ..... 211

Jan. 18 8 Referred to Committee on Public Health and Welfare ..... 251
Feb. 7 19 Notice of hearing (3/19) ..... 511
Mar. 28 49 Placed on General File - Com am #0841 ..... 1245

**LEGISLATIVE BILL 263. By Pappas**

Jan. 17 7 Read first time ..... 211
Jan. 18 8 Referred to Committee on Government, Military and Veterans Affairs ..... 251
Jan. 30 13 Notice of hearing (2/7) ..... 404
Feb. 8 20 Placed on General File ..... 520
Feb. 12 22 Beutler amendment adopted. Advanced for Review ..... 562
Feb. 13 23 Placed on Select File - AM5037 ..... 581
Feb. 15 25 AM5037 (E & R) adopted. Advanced for Engrossment ..... 627
Feb. 21 28 Correctly Engrossed ..... 682
Mar. 4 32 Final Reading 48-0-1 ..... 809
Mar. 4 32 Speaker signed ..... 811
Mar. 5 33 Presented to Governor (3/4) ..... 818
Mar. 8 36 Approved by Governor (3/7) ..... 888

**LEGISLATIVE BILL 264. By Beutler**

Jan. 17 7 Read first time ..... 211
Jan. 18 8 Referred to Committee on Agriculture and Environment ..... 251
Jan. 22 10 Notice of hearing (1/31) ..... 302
Feb. 6 18 Placed on General File ..... 494
Feb. 7 19 Advanced for Review ..... 509
Feb. 11 21 Placed on Select File ..... 551
Feb. 12 22 Advanced for Engrossment ..... 564
Feb. 13 23 Correctly Engrossed ..... 590
Feb. 22 29 Final Reading 39-0-10 ..... 716
Feb. 22 29 Higgins explanation of vote ..... 722
Feb. 22 29 President signed ..... 725
Feb. 28 30 Presented to Governor (2/22). Approved by Governor (2/27) ..... 741

**LEGISLATIVE BILL 265. By Beutler**

Jan. 17 7 Read first time ..... 211
Jan. 18 8 Referred to Committee on Miscellaneous Subjects ..... 251

Feb. 5 17 Notice of hearing (3/1) ..... 466
Mar. 5 33 Placed on General File ..... 827
Mar. 14 40 Advanced for Review ..... 995
Mar. 18 41 Placed on Select File - AM5084 ..... 1015
Mar. 20 43 AM5084 (E & R) adopted.
Advanced for Engrossment ..... 1083
Mar. 22 45 Correctly Engrossed ..... 1153
Mar. 29 50 Final Reading w/E 47-0-2 ..... 1273
Mar. 29 50 Speaker signed ..... 1287
Mar. 29 50 Presented to Governor (3/29) ..... 1289
Apr. 3 53 Approved by Governor (4/2) ..... 1351

**LEGISLATIVE BILL 266. By Miscellaneous Subjects Committee**

Jan. 17 7 Read first time ..... 211
Jan. 18 8 Referred to Committee on Miscellaneous
Subjects ..... 251
Jan. 29 12 Notice of hearing (2/7) ..... 384
May 2 71 Indefinitely postponed ..... 2012

**LEGISLATIVE BILL 267. By V. Johnson**

Jan. 17 7 Read first time ..... 212
Jan. 18 8 Referred to Committee on Public
Health and Welfare ..... 251
Feb. 7 19 Notice of hearing (3/11) ..... 510

**LEGISLATIVE BILL 268. By Revenue Committee**

Jan. 17 7 Read first time ..... 212
Jan. 18 8 Referred to Committee on Revenue ..... 251
Jan. 21 9 Notice of hearing (1/29) ..... 287
Feb. 19 26 Placed on General File - Com am #0261 ..... 647
Mar. 25 46 Committee amendment #0261 adopted.
Advanced for Review ..... 1162
Mar. 25 46 Expedited ..... 1164
Mar. 26 47 Placed on Select File - AM5093 ..... 1179
Apr. 1 51 AM5093 (E & R) adopted.
Advanced for Engrossment ..... 1324
Apr. 3 53 Correctly Engrossed ..... 1359
Apr. 3 53 ER0044 change ..... 1360
Apr. 10 56 Final Reading w/E 45-0-4 ..... 1449
Apr. 10 56 Speaker signed ..... 1452
Apr. 10 56 Presented to Governor (4/10) ..... 1460
Apr. 15 59 Approved by Governor (4-15) ..... 1554

**LEGISLATIVE BILL 269. By Revenue Committee**

Jan. 17 7 Read first time ..... 213
Jan. 18 8 Referred to Committee on Revenue ..... 251
Jan. 21 9 Notice of hearing (1/29) ..... 287
Feb. 15 25 Placed on General File - Com am #0247 ..... 622
Feb. 28 30 V. Johnson amendment #0350 printed ..... 754
Mar. 6 34 Committee amendment #0247 adopted. V. Johnson pending amendment #0350 p. 754 adopted. Advanced for Review ..... 856
Mar. 8 36 Placed on Select File - AM5067 ..... 899
Mar. 18 41 AM5067 (E & R) adopted. Advanced for Engrossment ..... 1021
Mar. 20 43 Correctly Engrossed ..... 1066
Apr. 29 68 DeCamp amendment #1223 printed ..... 1952
June 4 89 DeCamp pending amendment #1223 p. 1952 withdrawn ..... 2684
June 4 89 Final Reading w/E 42-0-7 ..... 2685
June 4 89 President signed ..... 2692
June 4 89 Presented to Governor (6/4) ..... 2695
June 12 AJ Approved by Governor (6/7) ..... 2735

**LEGISLATIVE BILL 269A. By V. Johnson**

Mar. 6 34 Read first time. Placed on General File ..... 862
Mar. 28 49 Advanced for Review ..... 1239
Apr. 1 51 Placed on Select File ..... 1310
Apr. 3 53 Advanced for Engrossment ..... 1377
Apr. 10 56 Correctly Engrossed ..... 1459
June 4 89 Final Reading 44-0-5 ..... 2685
June 4 89 President signed ..... 2692
June 4 89 Presented to Governor (6/4) ..... 2695
June 12 AJ Approved by Governor (6/7) ..... 2735

**LEGISLATIVE BILL 270. By Revenue Committee**

Jan. 17 7 Read first time ..... 213
Jan. 18 8 Referred to Committee on Revenue ..... 251
Jan. 21 9 Notice of hearing (1/28) ..... 287
Apr. 17 61 Indefinitely postponed ..... 1634

**LEGISLATIVE BILL 271. By Revenue Committee**

Jan. 17 7 Read first time ..... 213

| | | | | |
|---|---|---|---|---|
| Jan. | 18 | 8 | Referred to Committee on Revenue | 251 |
| Jan. | 21 | 9 | Notice of hearing (1/28) | 287 |
| Mar. | 21 | 44 | Revenue Committee priority bill | 1120 |
| Mar. | 25 | 46 | Attorney General's Opinion #41 to Landis | 1160 |
| Mar. | 28 | 49 | Notice of hearing (4/4) (Rehearing) | 1241 |
| Apr. | 1 | 51 | V. Johnson amendment #0843 printed | 1326 |
| Apr. | 17 | 61 | Placed on General File - Com am #1025 | 1630 |
| Apr. | 23 | 64 | Attorney General's Opinion to Haberman | 1754 |
| Apr. | 25 | 66 | Attorney General's Opinion #71 to Warner | 1893 |
| Apr. | 25 | 66 | Hefner amendment #1193 to committee amendment printed | 1911 |
| Apr. | 26 | 67 | Warner amendment #1201 to committee amendment printed | 1918 |
| Apr. | 26 | 67 | V. Johnson pending amendment #0843 p. 1326 withdrawn. Committee amendment #1025 adopted as amended by Hefner amendment #1193 p. 1911. Warner amendment #1200 and pending amendment #1201 p. 1918 lost. Advanced for Review | 1922 |
| Apr. | 26 | 67 | Nichol amendment to committee amendment printed | 1928 |
| Apr. | 26 | 67 | DeCamp amendment #1205 printed | 1929 |
| Apr. | 29 | 68 | Correction | 1932 |
| Apr. | 29 | 68 | DeCamp amendment #1209 printed | 1936 |
| May | 1 | 70 | Placed on Select File - AM5154 | 1988 |
| May | 3 | 72 | AM5154 (E & R) adopted. Nichol pending amendment p. 1928 withdrawn. Landis-Rogers-Miller amendment to committee amendment adopted. DeCamp pending amendment #1209 p. 1936 lost | 2053 |
| May | 3 | 72 | DeCamp pending amendment #1205 p. 1929 lost. Lynch amendment adopted. Hefner-Vickers-Lynch-Eret-Remmers amendment #1314 lost. Advanced for Engrossment | 2070 |
| May | 8 | 75 | Correctly Engrossed | 2173 |
| May | 8 | 75 | ER0072 change | 2174 |
| May | 14 | 78 | DeCamp motion to return to Select File for amendment lost. Schmit motion to return to Select File for amendment withdrawn | 2263 |
| May | 14 | 78 | Failed on Final Reading w/E 27-19-3 | 2264 |
| May | 14 | 78 | Final Reading 25-20-4 | 2265 |
| May | 14 | 78 | Correctly Enrolled | 2281 |
| May | 14 | 78 | Speaker signed | 2300 |
| May | 15 | 79 | Presented to Governor (5/14) | 2312 |

May 15 79 Smith explanation of vote ..... 2324
May 21 83 Approved by Governor (5/20) ..... 2418

**LEGISLATIVE BILL 271A. By Landis**

Apr. 30 69 Read first time. Placed on General File ..... 1968
May 3 72 Advanced for Review ..... 2075
May 6 73 Placed on Select File ..... 2107
May 8 75 Advanced for Engrossment ..... 2162
May 8 75 Correctly Engrossed ..... 2173
May 14 78 Final Reading 26-14-9 ..... 2266
May 14 78 Speaker signed ..... 2300
May 15 79 Presented to Governor (5/14) ..... 2312
May 15 79 Smith explanation of vote ..... 2324
May 21 83 Approved by Governor (5/20) ..... 2418

**LEGISLATIVE BILL 272. By Revenue Committee**

Jan. 17 7 Read first time ..... 213
Jan. 18 8 Referred to Committee on Revenue ..... 251
Jan. 22 10 Notice of hearing (1/30) ..... 357
Jan. 31 14 Placed on General File - Com am #0039 ..... 426
Feb. 4 16 Committee amendment #0039 adopted.
Advanced for Review ..... 454
Feb. 7 19 Placed on Select File - AM5017 ..... 501
Feb. 8 20 AM5017 (E & R) adopted.
Advanced for Engrossment ..... 531
Feb. 12 22 Correctly Engrossed ..... 559
Mar. 1 31 Warner amendment #0075 printed ..... 786
Apr. 10 56 Returned to Select File for Warner pending amendment. Warner pending amendment #0075 p. 786 adopted.
Advanced for Re-Engrossment ..... 1450
Apr. 11 57 Correctly Re-Engrossed. ER0049 change ..... 1495
Apr. 18 62 Final Reading 43-0-6 ..... 1648
Apr. 18 62 President signed ..... 1656
Apr. 18 62 Presented to Governor (4/18) ..... 1662
Apr. 24 65 Approved by Governor (4/24) ..... 1861

**LEGISLATIVE BILL 272A. By V. Johnson**

Feb. 11 21 Read first time. Placed on General File ..... 555
Feb. 13 23 Advanced for Review ..... 584
Feb. 14 24 Placed on Select File ..... 600
Feb. 19 26 Advanced for Engrossment ..... 646

Feb. 22 29 Correctly Engrossed ..... 702
Apr. 18 62 Final Reading 41-0-8 ..... 1649
Apr. 18 62 President signed ..... 1656
Apr. 18 62 Presented to Governor (4/18) ..... 1662
Apr. 24 65 Approved by Governor (4/24) ..... 1861

**LEGISLATIVE BILL 273. By Revenue Committee**

Jan. 17 7 Read first time ..... 214
Jan. 18 8 Referred to Committee on Revenue ..... 251
Jan. 21 9 Notice of hearing (1/30) ..... 287
Jan. 22 10 Notice of hearing (1/30) (Cancelled) ..... 357
Jan. 28 11 Notice of hearing (2/6) ..... 373
Mar. 1 31 Placed on General File - Com am #0274 ..... 765
Mar. 6 34 V. Johnson amendment #0465 printed ..... 857
Mar. 27 48 DeCamp amendment printed ..... 1201
Mar. 28 49 V. Johnson amendment #0842 printed ..... 1241
Apr. 19 63 Goodrich amendment #0832 printed ..... 1695
Apr. 24 65 Goodrich pending amendment #0832 p. 1695 lost. Chronister-Hefner-Peterson-Conway-DeCamp amendment to committee amendment ruled not germane. Committee amendment #0274 adopted as amended by Pappas amendment #1054. V. Johnson pending amendments #0465 p. 857 and #0842 p. 1241 adopted. DeCamp pending amendment p. 1201 lost. Chronister-Hefner-Peterson-Conway-DeCamp amendment adopted. Wesely amendment #1154 lost. Pappas amendment #1155 adopted. Advanced for Review ..... 1865
Apr. 24 65 DeCamp amendment #1080 printed ..... 1875
Apr. 26 67 Eret amendment #1180 printed ..... 1925
Apr. 29 68 Placed on Select File - AM5152 ..... 1944
May 1 70 Schmit amendment #1192 printed ..... 1995
May 2 71 V. Johnson amendment #1278 to committee amendment printed ..... 2018
May 2 71 Conway amendment #1285 to committee amendment printed ..... 2039
May 3 72 AM5152 (E & R) adopted. DeCamp pending amendment #1080 p. 1875 and Schmit pending amendment #1192 p. 1995 withdrawn. Eret pending amendment #1180 p. 1925, V. Johnson pending amendment #1278 p. 2018, and Conway

pending amendment #1285 p. 2039
adopted. Landis-Rogers amendment #1306
to committee amendment adopted.
Advanced for Engrossment ..... 2052
May 8 75 Correctly Engrossed ..... 2173
May 8 75 ER0071 change ..... 2174
May 14 78 Goodrich motion to return to Select
File for amendment #1436 lost ..... 2267
May 14 78 Final Reading 39-7-3 ..... 2268
May 14 78 Speaker signed ..... 2300
May 15 79 Presented to Governor (5/14) ..... 2312
May 15 79 Smith explanation of vote ..... 2324
May 20 82 Approved by Governor (5/17) ..... 2391

**LEGISLATIVE BILL 273A. By V. Johnson**

Apr. 25 66 Read first time. Placed on General File ..... 1890
May 3 72 Advanced for Review ..... 2075
May 6 73 Placed on Select File ..... 2107
May 8 75 Advanced for Engrossment ..... 2162
May 8 75 Correctly Engrossed ..... 2173
May 14 78 Final Reading 44-0-5 ..... 2269
May 14 78 Speaker signed ..... 2300
May 15 79 Presented to Governor (5/14) ..... 2312
May 15 79 Smith explanation of vote ..... 2324
May 20 82 Approved by Governor (5/17) ..... 2391

**LEGISLATIVE BILL 274. By Pappas, Eret, Hefner, Chronister, DeCamp**

Jan. 17 7 Read first time ..... 215
Jan. 18 8 Referred to Committee on Banking,
Commerce and Insurance ..... 251
Jan. 18 8 DeCamp name withdrawn ..... 252
Jan. 18 8 Pappas name withdrawn ..... 253
Jan. 18 8 Chronister and Hefner names withdrawn ..... 269
Feb. 8 20 Notice of hearing (2/19) ..... 529
Mar. 26 47 Indefinitely postponed ..... 1196

**LEGISLATIVE BILL 275. By Pappas**

Jan. 17 7 Read first time ..... 215
Jan. 18 8 Referred to Committee on Miscellaneous
Subjects ..... 251
Feb. 13 23 Notice of hearing (3/8) ..... 591

May 2 71 Placed on General File ..... 2012

**LEGISLATIVE BILL 276. By Pappas, Labedz**

Jan. 17 7 Read first time ..... 215
Jan. 18 8 Referred to Committee on Banking, Commerce and Insurance ..... 251
Feb. 4 16 Notice of hearing (2/12) ..... 452
Mar. 22 45 Placed on General File - Com am #0423 ..... 1150

**LEGISLATIVE BILL 277. By DeCamp, Chronister**

Jan. 17 7 Read first time ..... 215
Jan. 18 8 Referred to Committee on Public Health and Welfare ..... 251
Feb. 1 15 Notice of hearing (2/11) ..... 438
Mar. 22 45 Nichol priority bill ..... 1154

**LEGISLATIVE BILL 278. By DeCamp**

Jan. 17 7 Read first time ..... 215
Jan. 18 8 Referred to Committee on Banking, Commerce and Insurance ..... 251
Jan. 18 8 Schmit name added ..... 269
Feb. 4 16 Notice of hearing (2/12) ..... 452
Mar. 4 32 Attorney General's Opinion #29 to Haberman ..... 795

**LEGISLATIVE BILL 279. By Scofield**

Jan. 17 7 Read first time ..... 215
Jan. 18 8 Referred to Committee on Miscellaneous Subjects ..... 251
Feb. 5 17 Notice of hearing (2/15) ..... 465
Feb. 28 30 Placed on General File - Com am #0341 ..... 730
Mar. 27 48 Committee amendment #0341 lost. Advanced for Review ..... 1216
Apr. 1 51 Placed on Select File - AM5104 ..... 1303
Apr. 3 53 Scofield-Hannibal amendment printed ..... 1374
Apr. 12 58 AM5104 (E & R) adopted. Scofield-Hannibal pending amendment p. 1374 adopted. Advanced for Engrossment ..... 1531
Apr. 17 61 Correctly Engrossed ..... 1603
Apr. 17 61 ER0055 change ..... 1604
Apr. 30 69 Vickers motion to return to Select File for amendment lost ..... 1957

Apr. 30 69 Final Reading 41-0-8 ..... 1958
Apr. 30 69 President signed ..... 1967
Apr. 30 69 Abboud explanation of vote ..... 1968
Apr. 30 69 Presented to Governor (4/30) ..... 1970
May 3 72 Approved by Governor (5/3) ..... 2058

**LEGISLATIVE BILL 280. By Nelson, Lundy, V. Johnson, Sieck, Pirsch**

Jan. 17 7 Read first time ..... 216
Jan. 18 8 Referred to Committee on Revenue ..... 251
Feb. 4 16 Notice of hearing (2/12) ..... 449
Mar. 1 31 Placed on General File - Com am #0325 ..... 770
Mar. 19 42 Nelson priority bill ..... 1039
Mar. 28 49 DeCamp amendment #0854 printed ..... 1261
Mar. 29 50 Committee amendment #0325 adopted as amended by V. Johnson amendment #0447. DeCamp pending amendment #0854 p. 1261 withdrawn. Beutler amendment lost. Advanced for Review ..... 1290
Apr. 2 52 Placed on Select File - AM5111 ..... 1332
Apr. 3 53 AM5111 (E & R) adopted. Advanced for Engrossment ..... 1376
Apr. 9 55 Pappas amendment printed ..... 1443
Apr. 10 56 Correctly Engrossed ..... 1447
Apr. 30 69 Pappas pending amendment p. 1443 withdrawn. Final Reading 42-2-5 ..... 1963
Apr. 30 69 President signed ..... 1967
Apr. 30 69 Presented to Governor (4/30) ..... 1970
May 6 73 Approved by Governor (5/6) ..... 2105

**LEGISLATIVE BILL 280A. By Nelson, Sieck, V. Johnson, Lundy, Pirsch**

Mar. 12 38 Read first time. Placed on General File ..... 939
Mar. 29 50 Advanced for Review ..... 1292
Apr. 2 52 Placed on Select File ..... 1332
Apr. 3 53 Advanced for Engrossment ..... 1376
Apr. 10 56 Correctly Engrossed ..... 1447
Apr. 23 64 Returned to Select File for V. Johnson amendment. V. Johnson amendment adopted. Advanced for Re-Engrossment ..... 1761
Apr. 24 65 Correctly Re-Engrossed ..... 1859
Apr. 30 69 Final Reading 41-2-6 ..... 1964
Apr. 30 69 President signed ..... 1967

| | | | | |
|---|---|---|---|---|
| Apr. | 30 | 69 | Presented to Governor (4/30) | 1970 |
| May | 7 | 74 | Returned by Governor without approval | 2116 |
| May | 7 | 74 | Nelson motion to override veto laid over | 2146 |
| May | 13 | 77 | Nelson pending motion to override veto withdrawn. DeCamp motion to override veto failed 22-14-13 | 2214 |

**LEGISLATIVE BILL 281. By Landis**

| | | | | |
|---|---|---|---|---|
| Jan. | 17 | 7 | Read first time | 216 |
| Jan. | 18 | 8 | Referred to Committee on Judiciary | 251 |
| Feb. | 15 | 25 | Landis motion to withdraw laid over | 616 |
| Feb. | 19 | 26 | Landis pending motion prevailed. Withdrawn | 640 |

**LEGISLATIVE BILL 282. By V. Johnson, Hefner, Landis, Rogers, Hartnett**

| | | | | |
|---|---|---|---|---|
| Jan. | 17 | 7 | Read first time | 216 |
| Jan. | 18 | 8 | Referred to Committee on Revenue | 251 |
| Jan. | 21 | 9 | Notice of hearing (1/29) | 287 |
| Feb. | 1 | 15 | Placed on General File - Com am #0042 | 441 |
| Feb. | 5 | 17 | Committee amendment #0042 adopted. Warner amendment adopted. Advanced for Review | 468 |
| Feb. | 8 | 20 | Placed on Select File - AM5024 | 514 |
| Feb. | 11 | 21 | AM5024 (E & R) adopted. Advanced for Engrossment | 553 |
| Feb. | 13 | 23 | Correctly Engrossed | 571 |
| Feb. | 22 | 29 | Final Reading 37-1-11 | 716 |
| Feb. | 22 | 29 | Higgins explanation of vote | 722 |
| Feb. | 22 | 29 | President signed | 725 |
| Feb. | 28 | 30 | Presented to Governor (2/22). Approved by Governor (2/27) | 741 |

**LEGISLATIVE BILL 283. By V. Johnson, Hefner, Hartnett, Landis, Rogers**

| | | | | |
|---|---|---|---|---|
| Jan. | 17 | 7 | Read first time | 216 |
| Jan. | 18 | 8 | Referred to Committee on Revenue | 251 |
| Jan. | 21 | 9 | Notice of hearing (1/30) | 287 |
| Feb. | 1 | 15 | Placed on General File - Com am #0043 | 441 |
| Feb. | 5 | 17 | Committee amendment #0043 adopted. Advanced for Review | 468 |

Feb. 8 20 Placed on Select File ..... 514
Feb. 12 22 Advanced for Engrossment ..... 563
Feb. 13 23 Correctly Engrossed ..... 590
Feb. 22 29 Final Reading 38-0-11 ..... 717
Feb. 22 29 Higgins explanation of vote ..... 722
Feb. 22 29 President signed ..... 725
Feb. 28 30 Presented to Governor (2/22).
Approved by Governor (2-27) ..... 741

**LEGISLATIVE BILL 284. By Public Works Committee**

Jan. 17 7 Read first time ..... 216
Jan. 18 8 Referred to Committee on Agriculture
and Environment ..... 251
Jan. 22 10 Notice of hearing (2-7) ..... 302
Jan. 22 10 Schmit motion to rerefer to Public
Works Committee laid over ..... 315
Jan. 29 12 Schmit pending motion p. 315 to
rerefer lost ..... 385
Jan. 29 12 Higgins explanation of vote ..... 388
Mar. 20 43 Agriculture and Environment Committee
priority bill ..... 1086
Apr. 11 57 Pappas amendment printed ..... 1480
Apr. 11 57 Placed on General File - Com am #0933 ..... 1483
Apr. 11 57 Pappas amendment #1009 printed ..... 1510
Apr. 16 60 Schmit amendment #1048 printed ..... 1601
Apr. 18 62 Lamb amendment #0081 printed ..... 1671
Apr. 24 65 Eret amendment #1143 to committee
amendment printed ..... 1860
Apr. 26 67 Eret amendment #1179 printed ..... 1925
May 2 71 R. Johnson-Schmit amendment #1275 printed ... 2027
May 9 76 Eret amendment #1369 to committee
amendment printed ..... 2206
May 13 77 Schmit amendment #1389 printed ..... 2241
May 13 77 Beutler amendment #1431 printed ..... 2244
May 20 82 Committee amendment #0933 adopted.
Advanced for Review ..... 2401
May 21 83 R. Johnson name added ..... 2421
May 21 83 Placed on Select File - AM5178 ..... 2440
May 22 84 Beutler amendment #1509 printed ..... 2473
May 29 85 Lamb amendment #1568 printed ..... 2518
May 29 85 Eret amendment #1574 printed ..... 2519

**LEGISLATIVE BILL 284A. By R. Johnson**

May 21 83 Read first time. Placed on General File ..... 2435
May 30 86 Advanced for Review ..... 2560
May 31 87 Placed on Select File ..... 2562

**LEGISLATIVE BILL 285. By Abboud, Schmit, V. Johnson**

Jan. 17 7 Read first time ..... 217
Jan. 18 8 Correction ..... 239
Jan. 18 8 Referred to Committee on Public Health and Welfare ..... 251
Feb. 1 15 Notice of hearing (3/4) ..... 438

**LEGISLATIVE BILL 286. By Morehead, Marsh, Scofield, Hartnett, Nichol, Peterson, Smith, Hall**

Jan. 17 7 Read first time ..... 217
Jan. 18 8 Referred to Committee on Public Health and Welfare ..... 251
Feb. 7 19 Notice of hearing (3/11) ..... 510

**LEGISLATIVE BILL 287. By Nichol, Baack, Scofield**

Jan. 17 7 Read first time ..... 217
Jan. 18 8 Referred to Committee on Judiciary ..... 251
Feb. 4 16 Notice of hearing (2/11) ..... 455
Mar. 1 31 Placed on General File ..... 787
Mar. 21 44 Baack priority bill ..... 1118
Mar. 29 50 Advanced for Review ..... 1292
Apr. 2 52 Placed on Select File ..... 1332
Apr. 3 53 Advanced for Engrossment ..... 1376
Apr. 10 56 Correctly Engrossed ..... 1459
Apr. 15 59 Final Reading w/E 43-0-6 ..... 1537
Apr. 15 59 President signed ..... 1541
Apr. 15 59 Presented to Governor (4/15) ..... 1550
Apr. 19 63 Approved by Governor (4/19) ..... 1702

**LEGISLATIVE BILL 288. By Miscellaneous Subjects Committee**

Jan. 17 7 Read first time ..... 217
Jan. 18 8 Referred to Committee on Judiciary. Lundy name added ..... 252
Jan. 28 11 Rerefer to Committee on Miscellaneous Subjects ..... 377
Jan. 29 12 Notice of hearing (2/8) ..... 384
Feb. 12 22 Placed on General File - Com am #0163 ..... 561

Feb. 15 25 Committee amendment #0163 adopted. Chambers motion to indefinitely postpone laid over ..... 619
Mar. 21 44 Lundy priority bill ..... 1119
Mar. 27 48 Lundy-Hefner-Nichol-Marsh-Higgins-Smith amendment #0790 printed ..... 1216
Mar. 28 49 Chambers pending motion p. 619 to indefinitely postpone withdrawn. Lundy et al pending amendment #0790 p. 1216 and Vickers amendment adopted ..... 1239
Mar. 28 49 Beutler amendment lost. Chambers motion to indefinitely postpone prevailed ..... 1243
Mar. 29 50 Sieck motion to reconsider indefinitely postponement laid over ..... 1297
Apr. 4 54 Sieck pending motion p. 1297 prevailed. Placed on General File ..... 1384

**LEGISLATIVE BILL 289. By Hannibal**

Jan. 17 7 Read first time ..... 218
Jan. 18 8 Referred to Committee on Judiciary ..... 252
Feb. 22 29 Notice of hearing (3/12) ..... 727
Mar. 20 43 Indefinitely postponed ..... 1086
Mar. 25 46 Hannibal motion to place on General File laid over ..... 1163
Mar. 29 50 Hannibal pending motion p. 1163 prevailed. Placed on General File ..... 1267
May 7 74 Hoagland amendment #0940 printed ..... 2141

**LEGISLATIVE BILL 290. By Harris**

Jan. 17 7 Read first time ..... 218
Jan. 18 8 Referred to Committee on Nebraska Retirement Systems ..... 252
Jan. 22 10 Notice of hearing (2/1) ..... 337
Feb. 12 22 Placed on General File - Com am #0140 ..... 560
Feb. 15 25 Committee amendment #0140 adopted. Failed to advance for Review ..... 615

**LEGISLATIVE BILL 291. By Chronister**

Jan. 17 7 Read first time ..... 218
Jan. 18 8 Referred to Committee on Public Health and Welfare ..... 252
Feb. 1 15 Notice of hearing (2/11) ..... 438

**LEGISLATIVE BILL 292. By Abboud**

| | | | | |
|---|---|---|---|---|
| Jan. | 17 | 7 | Read first time | 218 |
| Jan. | 18 | 8 | Referred to Committee on Judiciary | 252 |
| Feb. | 5 | 17 | Notice of hearing (2/13) | 467 |
| Feb. | 15 | 25 | Placed on General File | 613 |
| Mar. | 4 | 32 | Advanced for Review | 800 |
| Mar. | 5 | 33 | Placed on Select File - AM5063 | 831 |
| Mar. | 12 | 38 | AM5063 (E & R) adopted. Beutler amendment #0440 and Abboud amendment #0459 adopted. Advanced for Engrossment | 926 |
| Mar. | 14 | 40 | Correctly Engrossed | 978 |
| Mar. | 14 | 40 | ER0034 change | 979 |
| Mar. | 22 | 45 | Final Reading 45-0-4 | 1131 |
| Mar. | 22 | 45 | Speaker signed | 1146 |
| Mar. | 22 | 45 | Presented to Governor (3/22) | 1154 |
| Mar. | 26 | 47 | Approved by Governor (3/25) | 1182 |

**LEGISLATIVE BILL 293. By Abboud**

| | | | | |
|---|---|---|---|---|
| Jan. | 17 | 7 | Read first time | 218 |
| Jan. | 18 | 8 | Referred to Committee on Judiciary | 252 |
| Feb. | 5 | 17 | Notice of hearing (2/13) | 467 |
| Feb. | 15 | 25 | Placed on General File | 613 |
| Mar. | 4 | 32 | Advanced for Review | 801 |
| Mar. | 5 | 33 | Placed on Select File - AM5064 | 831 |
| Mar. | 12 | 38 | AM5064 (E & R) adopted. Abboud amendment #0468 adopted. Advanced for Engrossment | 927 |
| Mar. | 14 | 40 | Correctly Engrossed | 978 |
| Mar. | 14 | 40 | ER0033 change | 979 |
| Mar. | 22 | 45 | Final Reading 44-0-5 | 1132 |
| Mar. | 22 | 45 | Speaker signed | 1146 |
| Mar. | 22 | 45 | Presented to Governor (3/22) | 1154 |
| Mar. | 26 | 47 | Approved by Governor (3/25) | 1182 |

**LEGISLATIVE BILL 294. By Hartnett, Eret**

| | | | | |
|---|---|---|---|---|
| Jan. | 17 | 7 | Read first time | 219 |
| Jan. | 18 | 8 | Referred to Committee on Revenue | 252 |
| Mar. | 7 | 35 | Notice of hearing (3/19) | 865 |
| Mar. | 25 | 46 | Indefinitely postponed | 1173 |

**LEGISLATIVE BILL 295. By DeCamp**

Jan. 17 7 Read first time ..... 219
Jan. 18 8 Referred to Committee on Banking, Commerce and Insurance ..... 252
Jan. 18 8 Notice of hearing (1/28) ..... 257
Jan. 21 9 Schmit name added ..... 286
Jan 31 14 Placed on General File - Com am #0017 ..... 423
Feb. 1 15 DeCamp amendment #0054 printed ..... 433
Feb. 1 15 Harris amendment #0059 printed ..... 443
Feb. 8 20 Wesely and Hefner amendments to committee amendment adopted ..... 517
Feb. 8 20 Committee amendment #0017 adopted as amended by DeCamp amendment. DeCamp pending amendment #0054 p. 433 withdrawn. DeCamp amendment #0149 adopted as amended by DeCamp amendment. Harris pending amendment #0059 p. 443 withdrawn. Schmit amendment #0077 adopted. Advanced for Review ..... 526
Feb. 11 21 Placed on Select File - AM5032 ..... 526
Feb. 12 22 AM5032 (E & R) adopted. Advanced for Engrossment ..... 564
Feb. 14 24 Correctly Engrossed ..... 592
Feb. 28 30 Hefner amendment printed ..... 754
Mar. 4 32 Returned to Select File for Hefner amendment. Hefner pending amendment p. 754 lost. Readvanced to Final Reading. Final Reading w/E 33-13-3 ..... 802
Mar. 4 32 Speaker signed ..... 811
Mar. 5 33 Presented to Governor (3/4). Approved by Governor (3/4) ..... 818

**LEGISLATIVE BILL 296. By DeCamp**

Jan. 17 7 Read first time ..... 219
Jan. 28 11 Referred to Committee on Banking, Commerce and Insurance ..... 377
Feb. 14 24 Notice of hearing (3/12) ..... 600
Mar. 20 43 Placed on General File - Com am #0159 ..... 1079

**LEGISLATIVE BILL 297. By DeCamp**

Jan. 17 7 Read first time ..... 219
Jan. 28 11 Referred to Committee on Banking, Commerce and Insurance ..... 377

Feb. 14 24 Notice of hearing (3/12) ..... 600
Mar. 20 43 Placed on General File - Com am #0698 ..... 1079

**LEGISLATIVE BILL 298. By Hall**

Jan. 17 7 Read first time ..... 219
Jan. 18 8 Referred to Committee on Banking, Commerce and Insurance ..... 252
Jan. 28 11 Notice of hearing (2/4) ..... 372
Feb. 13 23 Attorney General's Opinion #18 to DeCamp ..... 571
Feb. 15 25 Correction ..... 604
Feb. 28 30 Placed on General File - Com am #0348 ..... 762

**LEGISLATIVE BILL 299. By Banking, Commerce and Insurance Committee**

Jan. 17 7 Read first time ..... 219
Jan. 18 8 Referred to Committee on Banking, Commerce and Insurance ..... 252
Jan. 28 11 Notice of hearing (2/5) ..... 372
Feb. 12 22 Placed on General File ..... 560
Feb. 15 25 Advanced for Review ..... 614
Feb. 21 28 Placed on Select File - AM5058 ..... 683
Mar. 5 33 AM5058 (E & R) adopted. Advanced for Engrossment ..... 836
Mar. 8 36 Correctly Engrossed ..... 891
Mar. 13 39 Final Reading 42-6-1 ..... 959
Mar. 13 39 President signed ..... 962
Mar. 13 39 Presented to Governor (3/13) ..... 969
Mar. 18 41 Approved by Governor (3/15) ..... 1011

**LEGISLATIVE BILL 300. By Schmit**

Jan. 17 7 Read first time ..... 220
Jan. 18 8 Referred to Committee on Public Works ..... 252
Feb. 5 17 Notice of hearing (2/14) ..... 459
Mar. 21 44 Placed on General File - Com am #0708 ..... 1098

**LEGISLATIVE BILL 301. By Schmit**

Jan. 17 7 Read first time ..... 220
Jan. 18 8 Referred to Committee on Public Works ..... 252
Feb. 5 17 Notice of hearing (2/14) ..... 459
Mar. 12 38 Placed on General File - Com am #0546 ..... 923
Mar. 22 45 Nichol priority bill ..... 1154

**LEGISLATIVE BILL 302. By Schmit**

Jan. 17 7 Read first time ..... 220
Jan. 18 8 Referred to Committee on Public Works ..... 252
Feb. 7 19 Notice of hearing (2/20) ..... 506
Mar. 20 43 Placed on General File - Com am #0710 ..... 1076
Mar. 22 45 Nichol priority bill ..... 1154

**LEGISLATIVE BILL 303. By Lynch**

Jan. 17 7 Read first time ..... 220
Jan. 18 8 Referred to Committee on Business and Labor .... 252
Feb. 5 17 Notice of hearing (3/6) ..... 465

**LEGISLATIVE BILL 304. By Miscellaneous Subjects Committee**

Jan. 17 7 Read first time ..... 220
Jan. 18 8 Referred to Committee on Miscellaneous Subjects ..... 252
Jan. 29 12 Notice of hearing (2/7) ..... 384
Feb. 8 20 Indefinitely postponed ..... 536

**LEGISLATIVE BILL 305. By Nelson**

Jan. 17 7 Read first time ..... 222
Jan. 18 8 Referred to Committee on Banking, Commerce and Insurance ..... 252
Jan. 29 12 Higgins name added ..... 383
Feb. 14 24 Notice of hearing (3/5) ..... 599
Apr. 3 53 Placed on General File - Com am #0889 ..... 1353

**LEGISLATIVE BILL 306. By Schmit**

Jan. 17 7 Read first time ..... 222
Jan. 18 8 Referred to Committee on Revenue ..... 252
Feb. 8 20 Notice of hearing (2/19) ..... 516
Mar. 1 31 Indefinitely postponed ..... 770

**LEGISLATIVE BILL 307. By Morehead, Schmit, Chronister, DeCamp**

Jan. 17 7 Read first time ..... 223
Jan. 18 8 Referred to Committee on Banking, Commerce and Insurance ..... 252

| | | | | |
|---|---|---|---|---|
| Jan. | 28 | 11 | Notice of hearing (2/4) | 372 |
| Feb. | 14 | 24 | Placed on General File - Com am #0196 | 595 |
| Feb. | 21 | 28 | Committee amendment #0196 adopted. Advanced for Review | 686 |
| Feb. | 28 | 30 | Placed on Select File - AM5062 | 742 |
| Mar. | 7 | 35 | AM5062 (E & R) adopted. Beutler amendment to committee amendment adopted. Advanced for Engrossment | 884 |
| Mar. | 13 | 39 | Correctly Engrossed | 942 |
| Mar. | 13 | 39 | ER0028 change | 943 |
| Mar. | 22 | 45 | Final Reading 45-0-4 | 1130 |
| Mar. | 22 | 45 | Speaker signed | 1146 |
| Mar. | 22 | 45 | Presented to Governor (3/22) | 1154 |
| Mar. | 26 | 47 | Approved by Governor (3/25) | 1182 |

**LEGISLATIVE BILL 308. By Schmit**

| | | | | |
|---|---|---|---|---|
| Jan. | 17 | 7 | Read first time | 223 |
| Jan. | 18 | 8 | Referred to Committee on Public Works | 252 |
| Feb. | 5 | 17 | Notice of hearing (2/13) | 458 |
| Feb. | 28 | 30 | Placed on General File | 760 |
| Mar. | 14 | 40 | Advanced for Review | 995 |
| Mar. | 18 | 41 | Placed on Select File - AM5077 | 1014 |
| Mar. | 20 | 43 | AM5077 (E & R) adopted. Advanced for Engrossment | 1083 |
| Mar. | 22 | 45 | Correctly Engrossed | 1138 |
| Mar. | 29 | 50 | Final Reading 47-0-2 | 1274 |
| Mar. | 29 | 50 | Speaker signed | 1287 |
| Mar. | 29 | 50 | Presented to Governor (3/29) | 1289 |
| Apr. | 3 | 53 | Approved by Governor (4/2) | 1351 |

**LEGISLATIVE BILL 309. By Schmit**

| | | | | |
|---|---|---|---|---|
| Jan. | 17 | 7 | Read first time | 223 |
| Jan. | 18 | 8 | Referred to Committee on Public Works | 252 |
| Feb. | 5 | 17 | Notice of hearing (2/13) | 458 |

**LEGISLATIVE BILL 310. By Schmit**

| | | | | |
|---|---|---|---|---|
| Jan. | 17 | 7 | Read first time | 223 |
| Jan. | 18 | 8 | Referred to Committee on Public Works | 252 |
| Feb. | 7 | 19 | Notice of hearing (2/22) | 507 |

**LEGISLATIVE BILL 311. By Wesely**

Jan. 17 7 Read first time ..... 223
Jan. 18 8 Referred to Committee on Nebraska Retirement Systems ..... 252
Jan. 30 13 Notice of hearing (2/28) ..... 405

**LEGISLATIVE BILL 312. By Wesely**

Jan. 17 7 Read first time ..... 224
Jan. 18 8 Referred to Committee on Agriculture and Environment ..... 252
Feb. 6 18 Notice of hearing (3/7) ..... 495
Mar. 8 36 Sieck name added ..... 900

**LEGISLATIVE BILL 313. By Wesely**

Jan. 17 7 Read first time ..... 224
Jan. 18 8 Referred to Committee on Public Health and Welfare ..... 252
Jan. 21 9 Notice of hearing (1-29) ..... 292
Feb. 8 20 Placed on General File - Com am #0118 ..... 530
Feb. 14 24 Committee amendment #0118 adopted. Advanced for Review ..... 598
Feb. 19 26 Placed on Select File - AM5043 ..... 636
Feb. 22 29 AM5043 (E & R) adopted. Advanced for Engrossment ..... 726
Feb. 28 30 Correctly Engrossed ..... 743
Mar. 26 47 Final Reading 45-0-4 ..... 1184
Mar. 26 47 President signed ..... 1191
Mar. 26 47 Presented to Governor (3/26) ..... 1193
Apr. 1 51 Approved by Governor (3/29) ..... 1299

**LEGISLATIVE BILL 313A. By Wesely**

Feb. 22 29 Read first time. Placed on General File ..... 721
Mar. 6 34 Advanced for Review ..... 846
Mar. 8 36 Placed on Select File ..... 891
Mar. 18 41 Advanced for Engrossment ..... 1021
Mar. 20 43 Correctly Engrossed ..... 1066
Mar. 26 47 Final Reading 44-0-5 ..... 1185
Mar. 26 47 President signed ..... 1191
Mar. 26 47 Presented to Governor (3/26) ..... 1193
Apr. 1 51 Approved by Governor (3/29) ..... 1299

**LEGISLATIVE BILL 314. By Wesely**

Jan. 17 7 Read first time ..... 224
Jan. 18 8 Referred to Committee on Public Health and Welfare ..... 252
Feb. 1 15 Notice of hearing (3/4) ..... 438
Mar. 22 45 Placed on General File - Com am #0736 ..... 1147

**LEGISLATIVE BILL 315. By Wesely, Withem**

Jan. 17 7 Read first time ..... 224
Jan. 18 8 Referred to Committee on Public Health and Welfare ..... 252
Jan. 29 12 Notice of hearing (2/5) ..... 386
Feb. 13 23 Placed on General File - Com am #0176 ..... 590
Feb. 19 26 Committee amendment #0176 adopted. Advanced for Review ..... 643
Feb. 21 28 Placed on Select File ..... 684
Mar. 7 35 Advanced for Engrossment ..... 874
Mar. 12 38 Correctly Engrossed ..... 917
Mar. 21 44 Final Reading 48-0-1 ..... 1094
Mar. 21 44 Speaker signed ..... 1106
Mar. 21 44 Presented to Governor (3/21) ..... 1118
Mar. 26 47 Approved by Governor (3/25) ..... 1181

**LEGISLATIVE BILL 316. By Wesely**

Jan. 17 7 Read first time ..... 225
Jan. 18 8 Referred to Committee on Government, Military and Veterans Affairs ..... 252
Jan. 30 13 Notice of hearing (2/21) ..... 404
Feb. 28 30 Placed on General File - Com am #0323 ..... 748

**LEGISLATIVE BILL 317. By Wesely**

Jan. 17 7 Read first time ..... 225
Jan. 18 8 Referred to Committee on Public Health and Welfare ..... 252
Feb. 7 19 Notice of hearing (3/25) ..... 511
May 20 82 Indefinitely postponed ..... 2415

**LEGISLATIVE BILL 318. By Wesely, Peterson**

Jan. 17 7 Read first time ..... 225
Jan. 18 8 Referred to Committee on Public Health and Welfare ..... 252
Feb. 7 19 Notice of hearing (3/18) ..... 510

**LEGISLATIVE BILL 319. By Morehead, Eret, Remmers, Nelson**

Jan. 17 7 Read first time ..... 225
Jan. 21 9 Referred to Committee on Revenue ..... 275
Mar. 7 35 Notice of hearing (3/26) ..... 865
Mar. 28 49 Indefinitely postponed ..... 1242

**LEGISLATIVE BILL 320. By Wesely, Smith, Marsh, Morehead**

Jan. 17 7 Read first time ..... 225
Jan. 21 9 Referred to Committee on Judiciary ..... 275
Feb. 21 28 Notice of hearing (3/4) ..... 691
May 14 78 Attorney General's Opinion #80 to Wesely ..... 2285

**LEGISLATIVE BILL 321. By Pirsch**

Jan. 17 7 Read first time ..... 226
Jan. 21 9 Referred to Committee on Banking, Commerce and Insurance ..... 275
Feb. 14 24 Notice of hearing (3/5) ..... 599
Mar. 26 47 Indefinitely postponed ..... 1196

**LEGISLATIVE BILL 322. By Eret**

Jan. 17 7 Read first time ..... 226
Jan. 21 9 Referred to Committee on Judiciary ..... 275
Jan. 31 14 Rereferred to Committee on Agriculture and Environment ..... 410
Feb. 6 18 Notice of hearing (2/15) ..... 494

**LEGISLATIVE BILL 323. By Lynch**

Jan. 17 7 Read first time ..... 226
Jan. 21 9 Referred to Committee on Judiciary ..... 275
Jan. 22 10 Notice of hearing (1/29) ..... 336
Feb. 1 15 Placed on General File - Com am #0052 ..... 446
Feb. 5 17 Committee amendment #0052 adopted. Advanced for Review ..... 469
Feb. 8 20 Placed on Select File - AM5028 ..... 518
Feb. 11 21 AM5028 (E & R) adopted. Advanced for Engrossment ..... 553
Feb. 13 23 Correctly Engrossed. ER0016 change ..... 571
Feb. 22 29 Higgins explanation of vote ..... 722
Mar. 6 34 Final Reading 47-0-2 ..... 852

Mar. 6 34 Speaker signed ..... 854
Mar. 6 34 Presented to Governor (3/6) ..... 856
Mar. 8 36 Approved by Governor (3/7) ..... 887

**LEGISLATIVE BILL 323A. By Lynch**

Feb. 7 19 Read first time. Placed on General File ..... 508
Feb. 13 23 Advanced for Review ..... 584
Feb. 14 24 Placed on Select File ..... 600
Feb. 19 26 Advanced for Engrossment ..... 646
Feb. 22 29 Correctly Engrossed ..... 702
Mar. 6 34 Final Reading 47-0-2 ..... 852
Mar. 6 34 Speaker signed ..... 854
Mar. 6 34 Presented to Governor (3/6) ..... 856
Mar. 8 36 Approved by Governor (3/7) ..... 887

**LEGISLATIVE BILL 324. By Wesely, Landis**

Jan. 17 7 Read first time ..... 226
Jan. 21 9 Referred to Committee on Business and Labor .... 275
Jan. 29 12 Notice of hearing (2/13) ..... 387
Feb. 15 25 Placed on General File - Com am #0244 ..... 628
Mar. 1 31 Wesely amendment #0298 to committee amendment printed ..... 785
Mar. 5 33 Wesely amendment #0369 printed ..... 826
Mar. 8 36 Committee amendment #0244 adopted as amended by Wesely pending amendment #0298 p. 785. Wesely pending amendment #0369 p. 826 withdrawn. Wesely amendment #0511 adopted. Advanced for Review ..... 893
Mar. 12 38 Placed on Select File - AM5069 ..... 935
Mar. 18 41 AM5069 (E & R) adopted. Advanced for Engrossment ..... 1021
Mar. 20 43 Correctly Engrossed ..... 1066
Mar. 26 47 Final Reading 45-1-3 ..... 1186
Mar. 26 47 President signed ..... 1191
Mar. 26 47 Presented to Governor (3/26) ..... 1193
Apr. 1 51 Approved by Governor (3/29) ..... 1299

**LEGISLATIVE BILL 325. By Goodrich**

Jan. 17 7 Read first time ..... 226
Jan. 21 9 Referred to Committee on Nebraska Retirement Systems ..... 275

Mar. 1 31 Notice of hearing (3/19) ..... 786
Mar. 21 44 Nebraska Retirement Systems Committee priority bill ..... 1120
Apr. 3 53 Attorney General's Opinion #54 to Wesely ..... 1366
Apr. 18 62 Placed on General File - Com am #1112 ..... 1670
May 15 79 Wesely amendment #1448 to committee amendment printed ..... 2312

**LEGISLATIVE BILL 326. By Conway**

Jan. 17 7 Read first time ..... 227
Jan. 21 9 Referred to Committee on Judiciary ..... 275
Jan. 22 10 Notice of hearing (1/30) ..... 336
Feb. 19 26 Placed on General File - Com am #0240 ..... 644
Mar. 6 34 Vickers amendment printed ..... 862
Mar. 8 36 Committee amendment #0240 adopted. Vickers amendment lost as amended by Goodrich amendment. Advanced for Review .... 895
Mar. 12 38 Placed on Select File - AM5072 ..... 935
Mar. 13 39 Conway amendment #0547 to committee amendment printed ..... 969
Mar. 18 41 AM5072 (E & R) adopted. Conway pending amendment #0547 to committee amendment adopted. Advanced for Engrossment ..... 1022
Mar. 20 43 Correctly Engrossed ..... 1066
Mar. 26 47 Final Reading 46-0-3 ..... 1187
Mar. 26 47 President signed ..... 1191
Mar. 26 47 Presented to Governor (3/26) ..... 1193
Apr. 1 51 Approved by Governor (3/29) ..... 1299

**LEGISLATIVE BILL 327. By Beutler**

Jan. 17 7 Read first time ..... 227
Jan. 21 9 Referred to Committee on Judiciary ..... 275
Jan. 28 11 Notice of hearing (2/4) ..... 381
Feb. 8 20 Placed on General File ..... 520
Feb. 12 22 Advanced for Review ..... 563
Feb. 13 23 Placed on Select File ..... 581
Feb. 15 25 Advanced for Engrossment ..... 627
Feb. 21 28 Correctly Engrossed ..... 682
Mar. 4 32 Final Reading 48-0-1 ..... 810
Mar. 4 32 Speaker signed ..... 811
Mar. 5 33 Presented to Governor (3/4) ..... 818
Mar. 8 36 Approved by Governor (3/7) ..... 888

**LEGISLATIVE BILL 328. By Withem**

Jan. 17 7 Read first time ..... 227
Jan. 21 9 Referred to Committee on Government, Military and Veterans Affairs ..... 275
Jan. 30 13 Notice of hearing (3/1) ..... 404
Mar. 12 38 Indefinitely postponed ..... 924

**LEGISLATIVE BILL 329. By Withem**

Jan. 17 7 Read first time ..... 227
Jan. 21 9 Referred to Committee on Revenue ..... 275
Mar. 7 35 Notice of hearing (3/18) ..... 864
Mar. 7 35 Notice of hearing (3/18) (Cancelled) Notice of hearing (3/19) (Reset) ..... 885
Apr. 17 61 Indefinitely postponed ..... 1634

**LEGISLATIVE BILL 330. By Lynch, Hartnett**

Jan. 17 7 Read first time ..... 227
Jan. 21 9 Referred to Committee on Judiciary ..... 275
Jan. 28 11 Notice of hearing (2/4) ..... 381

**LEGISLATIVE BILL 331. By Lynch**

Jan. 17 7 Read first time ..... 227
Jan. 21 9 Referred to Committee on Revenue ..... 275
Mar. 1 31 Notice of hearing (3/12) ..... 786
Mar. 19 42 Indefinitely postponed ..... 1039

**LEGISLATIVE BILL 332. By Lynch**

Jan. 17 7 Read first time ..... 227
Jan. 21 9 Referred to Committee on Public Works ..... 276
Jan. 22 10 Notice of hearing (2/1) ..... 363
Feb. 12 22 Indefinitely postponed ..... 559

**LEGISLATIVE BILL 333. By Barrett, Marsh, Baack, Chronister, Beyer, Rupp, Scofield, Withem, Nelson, Remmers, Chizek, Goodrich, V. Johnson, Labedz, Conway, R. Johnson, Miller**

Jan. 17 7 Read first time ..... 228
Jan. 21 9 Referred to Committee on Public Health and Welfare ..... 276
Feb. 1 15 Notice of hearing (2/19) ..... 438

Mar. 11 37 Smith name added ..... 903
Mar. 19 42 Barrett priority bill ..... 1062
Mar. 27 48 Placed on General File - Com am #0787 ..... 1222
Apr. 9 55 Committee amendment #0787 adopted as amended by Barrett and Beutler amendments. Chambers amendment lost. Chambers amendment adopted ..... 1411
Apr. 9 55 Chambers amendment adopted. Advanced for Review ..... 1418
Apr. 11 57 Placed on Select File - AM5128 ..... 1503
May 6 73 AM5128 (E & R) adopted as amended by Warner amendment #1299. Beutler amendment lost. Lynch amendment #1012 offered. Beutler amendment to Lynch amendment #1012 pending ..... 2098
May 8 75 Beutler pending amendment p. 2104 withdrawn. Lynch pending amendment #1012 p. 2100 adopted as amended by Beutler amendment #1366. V. Johnson amendment lost. Failed to advance for Engrossment ..... 2183

**LEGISLATIVE BILL 333A. By Barrett**

Apr. 2 52 Read first time. Placed on General File ..... 1340
Apr. 9 55 Advanced for Review ..... 1418
Apr. 11 57 Placed on Select File - AM5129 ..... 1504

**LEGISLATIVE BILL 334. By Hefner, Peterson, Lamb**

Jan. 17 7 Read first time ..... 228
Jan. 21 9 Referred to Committee on Miscellaneous Subjects ..... 276
Feb. 1 15 Notice of hearing (2/15) ..... 437
Feb. 28 30 Indefinitely postponed ..... 731

**LEGISLATIVE BILL 335. By Goodrich, Goll, L. Johnson, Lundy**

Jan. 17 7 Read first time ..... 228
Jan. 21 9 Referred to Committee on Banking, Commerce and Insurance ..... 276
Feb. 4 16 Notice of hearing (2/12) ..... 453
Feb. 28 30 Placed on General File ..... 760
Mar. 14 40 Advanced for Review ..... 994
Mar. 18 41 Placed on Select File - AM5078 ..... 1014

| | | | | |
|---|---|---|---|---|
| Mar. | 20 | 43 | AM5078 (E & R) adopted. Advanced for Engrossment | 1083 |
| Mar. | 22 | 45 | Correctly Engrossed | 1138 |
| Mar. | 29 | 50 | Final Reading 47-0-2 | 1275 |
| Mar. | 29 | 50 | Speaker signed | 1287 |
| Mar. | 29 | 50 | Presented to Governor (3/29) | 1289 |
| Apr. | 3 | 53 | Approved by Governor (4/2) | 1351 |

**LEGISLATIVE BILL 336. By Business and Labor Committee**

| | | | | |
|---|---|---|---|---|
| Jan. | 17 | 7 | Read first time | 228 |
| Jan. | 21 | 9 | Referred to Committee on Business and Labor | 276 |
| Feb. | 1 | 15 | Notice of hearing (2/20) | 430 |
| Feb. | 28 | 30 | Placed on General File - Com am #0326 | 743 |
| Mar. | 27 | 48 | Committee amendment #0326 adopted. Advanced for Review | 1221 |
| Apr. | 1 | 51 | Placed on Select File | 1303 |
| Apr. | 3 | 53 | Advanced for Engrossment | 1376 |
| Apr. | 10 | 56 | Correctly Engrossed | 1459 |
| Apr. | 15 | 59 | Final Reading 41-0-8 | 1538 |
| Apr. | 15 | 59 | President signed | 1541 |
| Apr. | 15 | 59 | Presented to Governor (4/15) | 1550 |
| Apr. | 19 | 63 | Approved by Governor (4/19) | 1701 |

**LEGISLATIVE BILL 337. By Business and Labor Committee**

| | | | | |
|---|---|---|---|---|
| Jan. | 17 | 7 | Read first time | 229 |
| Jan. | 21 | 9 | Referred to Committee on Business and Labor | 276 |
| Jan. | 22 | 10 | Notice of hearing (1/30) | 299 |
| Feb. | 1 | 15 | Placed on General File | 428 |
| Feb. | 4 | 16 | Advanced for Review | 456 |
| Feb. | 7 | 19 | Placed on Select File | 502 |
| Feb. | 8 | 20 | Advanced for Engrossment | 531 |
| Feb. | 12 | 22 | Correctly Engrossed | 559 |
| Feb. | 20 | 27 | Final Reading 43-0-6 | 663 |
| Feb. | 20 | 27 | President signed | 668 |
| Feb. | 20 | 27 | Presented to Governor (2/20) | 670 |
| Feb. | 22 | 29 | Approved by Governor (2/21) | 701 |

**LEGISLATIVE BILL 338. By Business and Labor Committee**

| | | | | |
|---|---|---|---|---|
| Jan. | 17 | 7 | Read first time | 229 |
| Jan. | 21 | 9 | Referred to Committee on Business and Labor | 276 |
| Jan. | 22 | 10 | Notice of hearing (1/30) | 299 |
| Feb. | 1 | 15 | Placed on General File - Com am #0050 | 428 |

Feb. 4 16 Committee amendment #0050 adopted.
Advanced for Review ..... 456
Feb. 7 19 Placed on Select File ..... 508
Feb. 8 20 Advanced for Engrossment ..... 531
Feb. 12 22 Correctly Engrossed ..... 559
Feb. 20 27 Final Reading 44-0-5 ..... 664
Feb. 20 27 President signed ..... 668
Feb. 20 27 Presented to Governor (2/20) ..... 670
Feb. 22 29 Approved by Governor (2/21) ..... 701

**LEGISLATIVE BILL 339. By Business and Labor Committee**

Jan. 17 7 Read first time ..... 229
Jan. 21 9 Referred to Committee on Business and Labor .... 276
Jan. 22 10 Notice of hearing (1/30) ..... 299
Feb. 1 15 Placed on General File ..... 428
Feb. 4 16 Advanced for Review ..... 456
Feb. 7 19 Placed on Select File - AM5021 ..... 508
Feb. 8 20 AM5021 (E & R) adopted.
Advanced for Engrossment ..... 531
Feb. 12 22 Correctly Engrossed ..... 559
Feb. 20 27 Final Reading 42-0-7 ..... 657
Feb. 20 27 President signed ..... 668
Feb. 20 27 Presented to Governor (2/20) ..... 670
Feb. 22 29 Approved by Governor (2/21) ..... 701

**LEGISLATIVE BILL 340. By Business and Labor Committee**

Jan. 17 7 Read first time ..... 229
Jan. 21 9 Referred to Committee on Business and Labor .... 276
Feb. 1 15 Notice of hearing (2/20) ..... 430
Feb. 22 29 Placed on General File ..... 727
Mar. 14 40 Advanced for Review ..... 992
Mar. 18 41 Placed on Select File - AM5081 ..... 1013
Mar. 20 43 AM5081 (E & R) adopted.
Advanced for Engrossment ..... 1083
Mar. 22 45 Correctly Engrossed ..... 1138
Mar. 29 50 Final Reading 45-1-3 ..... 1275
Mar. 29 50 Speaker signed ..... 1287
Mar. 29 50 Presented to Governor (3/29) ..... 1289
Apr. 3 53 Approved by Governor (4/2) ..... 1351

**LEGISLATIVE BILL 341. By Business and Labor Committee**

Jan. 17 7 Read first time ..... 230

| | | | | |
|---|---|---|---|---|
| Jan. | 21 | 9 | Referred to Committee on Business and Labor | 276 |
| Jan. | 22 | 10 | Notice of hearing (1/30) | 299 |
| Feb. | 1 | 15 | Placed on General File | 428 |
| Feb. | 4 | 16 | Advanced for Review | 456 |
| Feb. | 7 | 19 | Placed on Select File - AM5020 | 508 |
| Apr. | 1 | 51 | AM5020 (E & R) adopted. Advanced for Engrossment | 1322 |
| Apr. | 4 | 54 | Correctly Engrossed | 1392 |
| Apr. | 11 | 57 | Final Reading w/E 45-0-4 | 1488 |
| Apr. | 11 | 57 | Speaker signed | 1506 |
| Apr. | 12 | 58 | Presented to Governor (4/11) | 1516 |
| Apr. | 15 | 59 | Approved by Governor (4-15) | 1555 |

**LEGISLATIVE BILL 342. By Business and Labor Committee**

| | | | | |
|---|---|---|---|---|
| Jan. | 17 | 7 | Read first time | 230 |
| Jan. | 21 | 9 | Referred to Committee on Business and Labor | 276 |
| Jan. | 22 | 10 | Notice of hearing (1/-30) | 300 |
| Feb. | 1 | 15 | Placed on General File - Com am #0051 | 428 |
| Feb. | 5 | 17 | Committee amendment #0051 adopted. Advanced for Review | 461 |
| Feb. | 8 | 20 | Placed on Select File - AM5022 | 513 |
| Feb. | 11 | 21 | AM5022 (E & R) adopted. Advanced for Engrossment | 553 |
| Feb. | 13 | 23 | Correctly Engrossed | 571 |
| May | 21 | 83 | Barrett amendment #1519 printed | 2454 |
| May | 31 | 87 | Returned to Select File for Barrett amendment. Barrett pending amendment #1519 p. 2454 adopted. Advanced for Re-Engrossment | 2568 |
| May | 31 | 87 | Correctly Re-Engrossed. ER0097 change | 2587 |
| June | 4 | 89 | Nichol motion to suspend rules prevailed | 2658 |
| June | 4 | 89 | Final Reading 49-0-0 | 2667 |
| June | 4 | 89 | Speaker signed | 2671 |
| June | 4 | 89 | Presented to Governor (6/4) | 2677 |
| June | 12 | AJ | Approved by Governor (6/7) | 2735 |

**LEGISLATIVE BILL 343. By Business and Labor Committee**

| | | | | |
|---|---|---|---|---|
| Jan. | 17 | 7 | Read first time | 230 |
| Jan. | 21 | 9 | Referred to Committee on Business and Labor | 276 |
| Feb. | 1 | 15 | Notice of hearing (2/20) | 430 |
| Mar. | 8 | 36 | Placed on General File - Com am #0496 | 893 |
| May | 6 | 73 | Committee amendment #0496 adopted. Advanced for Review | 2079 |

May 7 74 Placed on Select File - AM5164 ..... 2130
May 31 87 AM5164 (E & R) adopted.
Advanced for Engrossment ..... 2578
May 31 87 Correctly Engrossed ..... 2606
June 4 89 Nichol motion to suspend rules prevailed ..... 2658
June 4 89 Final Reading 45-1-3 ..... 2668
June 4 89 Speaker signed ..... 2671
June 4 89 Presented to Governor (6/4) ..... 2677
June 12 AJ Approved by Governor (6/7) ..... 2735

**LEGISLATIVE BILL 344. By V. Johnson**

Jan. 17 7 Read first time ..... 230
Jan. 21 9 Referred to Committee on Revenue ..... 276
Feb. 4 16 Notice of hearing (2/13) ..... 449
Feb. 19 26 Placed on General File ..... 647
Mar. 8 36 Advanced for Review ..... 896
Mar. 12 38 Placed on Select File - AM5071 ..... 936
Mar. 14 40 V. Johnson amendment #0534 printed ..... 1006
Mar. 18 41 AM5071 (E & R) adopted. V. Johnson
pending amendment #0534 adopted.
Advanced for Engrossment ..... 1022
Mar. 22 45 Correctly Engrossed. ER0035 change ..... 1138
Apr. 10 56 Final Reading 45-0-4 ..... 1451
Apr. 10 56 Speaker signed ..... 1452
Apr. 10 56 Presented to Governor (4/10) ..... 1460
Apr. 15 59 Approved by Governor (4-15) ..... 1554

**LEGISLATIVE BILL 345. By Revenue Committee**

Jan. 17 7 Read first time ..... 230
Jan. 21 9 Referred to Committee on Revenue ..... 276
Jan. 22 10 Notice of hearing (1-30) ..... 357
Feb. 1 15 Placed on General File - Com am #0055 ..... 441
Feb. 5 17 Committee amendment #0055 adopted.
Advanced for Review ..... 468
Feb. 8 20 Placed on Select File - AM5027 ..... 514
Feb. 11 21 AM5027 (E & R) adopted. Laid over ..... 553
Feb. 14 24 V. Johnson amendment #0164 adopted.
Advanced for Engrossment ..... 602
Feb. 19 26 Correctly Engrossed ..... 645
Mar. 4 32 Final Reading 46-0-3 ..... 805
Mar. 4 32 Speaker signed ..... 811
Mar. 5 33 Presented to Governor (3/4) ..... 818
Mar. 8 36 Approved by Governor (3/7) ..... 888

**LEGISLATIVE BILL 346. By Schmit**

| | | | | |
|---|---|---|---|---|
| Jan. | 17 | 7 | Read first time | 231 |
| Jan. | 21 | 9 | Referred to Committee on Revenue | 276 |
| Feb. | 8 | 20 | Notice of hearing (2/19) | 516 |
| Feb. | 20 | 27 | V. Johnson name added | 679 |
| Feb. | 22 | 29 | Placed on General File | 727 |
| Feb. | 28 | 30 | V. Johnson amendment #0364 printed | 755 |
| Mar. | 27 | 48 | V. Johnson pending amendment #0364 adopted. Advanced for Review | 1215 |
| Mar. | 29 | 50 | Placed on Select File - AM5102 | 1296 |
| Apr. | 1 | 51 | AM5102 (E & R) adopted. Advanced for Engrossment | 1324 |
| Apr. | 9 | 55 | Correctly Engrossed | 1418 |
| Apr. | 11 | 57 | Chambers amendment #0897 printed | 1497 |
| Apr. | 12 | 58 | Returned to Select File for Chambers amendment. Chambers pending amendment #0897 adopted. Advanced for Re-Engrossment | 1520 |
| Apr. | 16 | 60 | Correctly Re-Engrossed. ER0054 change | 1573 |
| Apr. | 23 | 64 | Final Reading w/E 40-4-5 | 1721 |
| Apr. | 23 | 64 | Speaker signed | 1761 |
| Apr. | 23 | 64 | Presented to Governor (4/23) | 1780 |
| Apr. | 26 | 67 | Approved by Governor (4/26) | 1920 |

**LEGISLATIVE BILL 347. By Nebraska Retirement Systems Committee**

| | | | | |
|---|---|---|---|---|
| Jan. | 17 | 7 | Read first time | 231 |
| Jan. | 21 | 9 | Referred to Committee on Nebraska Retirement Systems | 276 |
| Jan. | 30 | 13 | Notice of hearing (3/12) | 405 |
| Mar. | 14 | 40 | Placed on General File | 993 |
| Mar. | 27 | 48 | Advanced for Review | 1210 |
| Mar. | 28 | 49 | Placed on Select File - AM5098 | 1251 |
| Apr. | 1 | 51 | AM5098 (E & R) adopted. Advanced for Engrossment | 1324 |
| Apr. | 4 | 54 | Correctly Engrossed | 1400 |
| Apr. | 23 | 64 | Final Reading 45-0-4 | 1722 |
| Apr. | 23 | 64 | Speaker signed | 1761 |
| Apr. | 23 | 64 | Presented to Governor (4/23) | 1780 |
| Apr. | 26 | 67 | Approved by Governor (4/26) | 1920 |

**LEGISLATIVE BILL 347A. By Harris**

Mar. 29 50 Read first time. Placed on General File ..... 1288
Apr. 9 55 Advanced for Review ..... 1410
Apr. 11 57 Placed on Select File ..... 1473
Apr. 12 58 Advanced for Engrossment ..... 1530
Apr. 16 60 Correctly Engrossed ..... 1598
Apr. 23 64 Final Reading 42-0-7 ..... 1723
Apr. 23 64 Speaker signed ..... 1761
Apr. 23 64 Presented to Governor (4/23) ..... 1780
Apr. 26 67 Approved by Governor (4/26) ..... 1920

**LEGISLATIVE BILL 348. By Nebraska Retirement Systems Committee**

Jan. 17 7 Read first time ..... 231
Jan. 21 9 Referred to Committee on Nebraska Retirement Systems ..... 276
Mar. 1 31 Notice of hearing (3/19) ..... 786

**LEGISLATIVE BILL 349. By Nebraska Retirement Systems Committee**

Jan. 17 7 Read first time ..... 231
Jan. 21 9 Referred to Committee on Nebraska Retirement Systems ..... 276
Jan. 30 13 Notice of hearing (3/12) ..... 405
Mar. 14 40 Placed on General File ..... 993
Mar. 27 48 Advanced for Review ..... 1210
Mar. 28 49 Placed on Select File ..... 1266
Apr. 1 51 Advanced for Engrossment ..... 1324
Apr. 4 54 Correctly Engrossed ..... 1400
Apr. 11 57 Final Reading 45-0-4 ..... 1488
Apr. 11 57 Speaker signed ..... 1506
Apr. 12 58 Presented to Governor (4/11) ..... 1516
Apr. 15 59 Approved by Governor (4-15) ..... 1555

**LEGISLATIVE BILL 350. By Nebraska Retirement Systems Committee**

Jan. 17 7 Read first time ..... 232
Jan. 21 9 Referred to Committee on Nebraska Retirement Systems ..... 276
Jan. 22 10 Notice of hearing (2/5) ..... 337
Feb. 15 25 Placed on General File - Com am #0202 ..... 630
Mar. 8 36 Committee amendment #0202 adopted.

Advanced for Review ..... 894
Mar. 12 38 Placed on Select File - AM5070 ..... 935
Mar. 18 41 AM5070 (E & R) adopted.
Advanced for Engrossment ..... 1022
Mar. 20 43 Correctly Engrossed ..... 1066
Mar. 26 47 Final Reading w/E 46-0-3 ..... 1187
Mar. 26 47 President signed ..... 1191
Mar. 26 47 Presented to Governor (3/26) ..... 1193
Apr. 1 51 Approved by Governor (3/29) ..... 1299

**LEGISLATIVE BILL 351. By Nebraska Retirement Systems Committee**

Jan. 17 7 Read first time ..... 232
Jan. 21 9 Referred to Committee on Nebraska
Retirement Systems ..... 276
Jan. 30 13 Notice of hearing (3/5) ..... 405
Apr. 17 61 Placed on General File ..... 1623

**LEGISLATIVE BILL 352. By Nebraska Retirement Systems Committee**

Jan. 17 7 Read first time ..... 237
Jan. 21 9 Referred to Committee on Nebraska
Retirement Systems ..... 276
Mar. 1 31 Notice of hearing (3/26) ..... 786

**LEGISLATIVE BILL 353. By Nebraska Retirement Systems Committee**

Jan. 17 7 Read first time ..... 237
Jan. 21 9 Referred to Committee on Nebraska
Retirement Systems ..... 276
Jan. 22 10 Notice of hearing (2-11) ..... 337
Feb. 13 23 Placed on General File - Com am #0190 ..... 581
Feb. 19 26 Committee amendment #0190 adopted.
Advanced for Review ..... 642
Feb. 21 28 Placed on Select File - AM5056 ..... 683
Feb. 28 30 Harris amendments #0314 and
#0276 printed ..... 744
Mar. 7 35 AM5056 (E & R) adopted. Harris pending
amendments #0314 and #0276 p. 744
adopted. Advanced for Engrossment ..... 873
Mar. 12 38 Correctly Engrossed ..... 917
Mar. 21 44 Lamb, Vickers, and Lamb motions to

return to Select File withdrawn.
Final Reading 40-7-2 ..... 1095
Mar. 21 44 Speaker signed ..... 1106
Mar. 21 44 Presented to Governor (3/21) ..... 1118
Mar. 26 47 Approved by Governor (3/25) ..... 1181

**LEGISLATIVE BILL 354. By Hartnett**

Jan. 18 8 Read first time ..... 254
Jan. 21 9 Referred to Committee on Education ..... 276
Jan. 21 9 Notice of hearing (1/28) ..... 292
Jan. 31 14 Indefinitely postponed ..... 417

**LEGISLATIVE BILL 355. By Goll**

Jan. 18 8 Read first time ..... 254
Jan. 21 9 Referred to Committee on Public
Health and Welfare ..... 276
Feb. 1 15 Notice of hearing (2/12) ..... 438

**LEGISLATIVE BILL 356. By Peterson**

Jan. 18 8 Read first time ..... 254
Jan. 21 9 Referred to Committee on Public Works ..... 276
Feb. 7 19 Notice of hearing (2/21) ..... 507
Mar. 4 32 Placed on General File ..... 813
Mar. 14 40 Advanced for Review ..... 995
Mar. 14 40 Vickers amendment #0619 printed ..... 1009
Mar. 18 41 Placed on Select File ..... 1015
Mar. 20 43 Vickers amendment printed ..... 1080
Apr. 1 51 Vickers pending amendment #0619 p. 1009
withdrawn. Vickers pending amendment
p. 1080 adopted. Advanced for Engrossment .. 1312
Apr. 4 54 Correctly Engrossed. ER0042 change ..... 1392
Apr. 10 56 Hoagland-Peterson amendment #0957 printed ..... 459
Apr. 11 57 Peterson-Hoagland motion to return to
Select File for specific amendment
#0957 p. 1459 pending ..... 1489
May 8 75 Returned to Select File for Peterson-
Hoagland amendment. Peterson-Hoagland
pending amendment #0957 p. 1457
adopted. Advanced for Re-Engrossment ..... 2168
May 9 76 Correctly Re-Engrossed ..... 2209
May 14 78 Nichol motion to suspend rules prevailed ..... 2260
May 14 78 Returned to Select File for Chambers

amendment. Chambers pending amendment p. 2282 adopted. Advanced for Re-Engrossment ..... 2282
May 15 79 Correctly Re-Engrossed. ER0087 change ..... 2325
May 21 83 Final Reading 40-0-9 ..... 2421
May 21 83 Speaker signed ..... 2436
May 21 83 Presented to Governor (5/21) ..... 2438
May 29 85 Approved by Governor (5/24) ..... 2474

**LEGISLATIVE BILL 357. By Chizek**

Jan. 18 8 Read first time ..... 255
Jan. 21 9 Referred to Committee on Nebraska Retirement Systems ..... 276
Jan. 22 10 Notice of hearing (2-5) ..... 337
Feb. 11 21 Indefinitely postponed ..... 555

**LEGISLATIVE BILL 358. By Baack, Hartnett**

Jan. 18 8 Read first time ..... 255
Jan. 21 9 Referred to Committee on Government, Military and Veterans Affairs ..... 276
Jan. 30 13 Notice of hearing (2/28) ..... 404
Mar. 4 32 Indefinitely postponed ..... 794
Apr. 18 62 Attorney General's Opinion #65 to Landis ..... 1645

**LEGISLATIVE BILL 359. By DeCamp**

Jan. 18 8 Read first time ..... 255
Jan. 21 9 Referred to Committee on Miscellaneous Subjects ..... 276
Feb. 1 15 Notice of hearing (2/21) ..... 437
Mar. 18 41 Placed on General File ..... 1034
Mar. 27 48 Advanced for Review ..... 1210
Mar. 29 50 Placed on Select File - AM5101 ..... 1295
Apr. 1 51 DeCamp amendment #0876 printed ..... 1326
Apr. 2 52 Hartnett amendment #0611 printed ..... 1342
Apr. 3 53 AM5101 (E & R) adopted. DeCamp pending amendment #0876 p. 1326 and Hartnett pending amendment #0611 p. 1342 adopted. Advanced for Engrossment ..... 1357
Apr. 9 55 Correctly Engrossed. ER0047 change ..... 1445
Apr. 12 58 Final Reading w/E 46-0-3 ..... 1520
Apr. 12 58 Speaker signed ..... 1527
Apr. 12 58 Presented to Governor (4/12) ..... 1531

Apr. 15 59 Approved by Governor (4-15) ..... 1555

**LEGISLATIVE BILL 360. By Wesely, Hoagland**

Jan. 18 8 Read first time ..... 255
Jan. 21 9 Referred to Committee on Public Works ..... 276
Feb. 7 19 Notice of hearing (2/20) ..... 507
Feb. 28 30 Indefinitely postponed ..... 748
Mar. 5 33 Wesely-Hoagland motion to place on General File laid over ..... 831
Mar. 11 37 Wesely-Hoagland pending motion to place on General File lost ..... 905

**LEGISLATIVE BILL 361. By Hoagland**

Jan. 18 8 Read first time ..... 255
Jan. 21 9 Referred to Committee on Judiciary ..... 276
Feb. 5 17 Notice of hearing (2/13) ..... 467

**LEGISLATIVE BILL 362. By Wesely, Hoagland**

Jan. 18 8 Read first time ..... 256
Jan. 21 9 Referred to Committee on Judiciary ..... 276
Feb. 5 17 Notice of hearing (2/12) ..... 467
May 13 77 Placed on General File - Com am #1358 ..... 2249

**LEGISLATIVE BILL 363. By Warner**

Jan. 18 8 Read first time ..... 256
Jan. 21 9 Referred to Committee on Revenue ..... 276
Jan. 21 9 Notice of hearing (1/28) ..... 287
Mar. 19 42 Indefinitely postponed ..... 1039

**LEGISLATIVE BILL 364. By Warner**

Jan. 18 8 Read first time ..... 256
Jan. 21 9 Referred to Committee on Revenue ..... 276
Jan. 21 9 Notice of hearing (1/28) ..... 287
Mar. 21 44 Indefinitely postponed ..... 1112

**LEGISLATIVE BILL 365. By Warner**

Jan. 18 8 Read first time ..... 256
Jan. 21 9 Referred to Committee on Revenue ..... 276
Jan. 21 9 Notice of hearing (1/28) ..... 287

Mar. 21 44 Indefinitely postponed ..... 1112

**LEGISLATIVE BILL 366. By Warner**

Jan. 18 8 Read first time ..... 256
Jan. 21 9 Referred to Committee on Revenue ..... 276
Jan. 21 9 Notice of hearing (1/28) ..... 287
Mar. 21 44 Indefinitely postponed ..... 1112

**LEGISLATIVE BILL 367. By Beutler**

Jan. 18 8 Read first time ..... 258
Jan. 21 9 Referred to Committee on Judiciary ..... 276
Jan. 30 13 Attorney General's Opinion #10 to Haberman ..... 397
Feb. 5 17 Notice of hearing (2/13) ..... 467
Mar. 19 42 Placed on General File - Com am #0618 ..... 1059

**LEGISLATIVE BILL 367A. By Beutler**

Apr. 19 63 Read first time. Placed on General File ..... 1696

**LEGISLATIVE BILL 368. By Beutler**

Jan. 18 8 Read first time ..... 258
Jan. 21 9 Referred to Committee on Judiciary ..... 276
Feb. 22 29 Notice of hearing (3/12) ..... 727
Mar. 20 43 Placed on General File ..... 1086
Mar. 27 48 Advanced for Review ..... 1211
Mar. 29 50 Placed on Select File - AM5100 ..... 1296
Apr. 1 51 AM5100 (E & R) adopted.
Advanced for Engrossment ..... 1324
Apr. 4 54 Correctly Engrossed ..... 1404
Apr. 11 57 Returned to Select File for Beutler
amendment. Beutler amendment #0891
adopted. Advanced for Re-Engrossment ..... 1490
Apr. 12 58 Correctly Re-Engrossed ..... 1516
Apr. 18 62 Final Reading 42-0-7 ..... 1651
Apr. 18 62 President signed ..... 1656
Apr. 18 62 Presented to Governor (4/18) ..... 1662
Apr. 24 65 Approved by Governor (4/24) ..... 1861

**LEGISLATIVE BILL 369. By Hoagland**

Jan. 18 8 Read first time ..... 258
Jan. 21 9 Referred to Committee on Government,

Military and Veterans Affairs ..... 276
Jan. 28 11 Rerefer to Committee on Executive Board ..... 377
Feb. 20 27 Notice of hearing (3/11) ..... 665
Mar. 29 50 Indefinitely postponed ..... 1268

**LEGISLATIVE BILL 370. By Beutler**

Jan. 18 8 Read first time ..... 258
Jan. 21 9 Referred to Committee on Judiciary ..... 276
Mar. 11 37 Notice of hearing (3/18) ..... 910
Mar. 21 44 Placed on General File - Com am #0672 ..... 1113

**LEGISLATIVE BILL 371. By Beutler**

Jan. 18 8 Read first time ..... 259
Jan. 21 9 Referred to Committee on Judiciary ..... 276
Jan. 22 10 Notice of hearing (1/29) ..... 336
Feb. 8 20 Placed on General File - Com am #0104 ..... 524
Feb. 13 23 Committee amendment #0104 adopted. Advanced for Review ..... 584
Feb. 15 25 Placed on Select File - AM5040 ..... 607
Feb. 19 26 AM5040 (E & R) adopted. Advanced for Engrossment ..... 646
Feb. 22 29 Correctly Engrossed. ER0018 change ..... 702
Mar. 6 34 Final Reading 47-0-2 ..... 853
Mar. 6 34 Speaker signed ..... 854
Mar. 6 34 Presented to Governor (3/6) ..... 856
Mar. 8 36 Approved by Governor (3/7) ..... 887

**LEGISLATIVE BILL 372. By Rupp, Lundy**

Jan. 18 8 Read first time ..... 259
Jan. 21 9 Referred to Committee on Urban Affairs ..... 276
Jan. 31 14 Notice of hearing (2/13) ..... 415
Mar. 19 42 Placed on General File - Com am #0495 ..... 1048
Mar. 20 43 Rupp priority bill ..... 1086
Apr. 9 55 Committee amendment #0495 adopted as amended by Vickers and Chambers amendments. Advanced for Review ..... 1442
Apr. 9 55 Withem name added ..... 1444
Apr. 12 58 Placed on Select File - AM5131 ..... 1512
Apr. 17 61 Landis amendment printed ..... 1625
Apr. 25 66 Withem amendment #1186 and Landis amendment #1174 printed ..... 1908
Apr. 29 68 AM5131 (E & R) adopted. Landis pending

amendment p. 1625 withdrawn. Landis pending amendment #1174 and Withem pending amendment #1186 p. 1908 adopted. Landis amendment adopted. Advanced for Engrossment ..... 1950
May 2 71 Correctly Engrossed. ER0067 change ..... 2035
May 7 74 Final Reading 43-0-6 ..... 2126
May 7 74 President signed ..... 2129
May 7 74 Presented to Governor (5/7) ..... 2136
May 9 76 Approved by Governor (5/9) ..... 2195

**LEGISLATIVE BILL 373. By Beutler**

Jan. 18 8 Read first time ..... 259
Jan. 21 9 Referred to Committee on Judiciary ..... 276
Feb. 12 22 Notice of hearing (2/19) ..... 569
Feb. 22 29 Placed on General File ..... 720
Mar. 14 40 Advanced for Review ..... 992
Mar. 18 41 Placed on Select File - AM5080 ..... 1013
Mar. 20 43 AM5080 (E & R) adopted. Advanced for Engrossment ..... 1082
Mar. 22 45 Correctly Engrossed ..... 1138
Mar. 22 45 ER0037 change ..... 1141
Mar. 29 50 Final Reading w/E 42-4-3 ..... 1276
Mar. 29 50 Speaker signed ..... 1287
Mar. 29 50 Presented to Governor (3/29) ..... 1289
Apr. 3 53 Approved by Governor (4/2) ..... 1351

**LEGISLATIVE BILL 374. By Sieck**

Jan. 18 8 Read first time ..... 259
Jan. 21 9 Referred to Committee on Public Works ..... 276
Feb. 7 19 Notice of hearing (2/20) ..... 507
Mar. 1 31 Placed on General File - Com am #0383 ..... 770

**LEGISLATIVE BILL 375. By DeCamp**

Jan. 18 8 Read first time ..... 259
Jan. 21 9 Referred to Committee on Agriculture and Environment ..... 276
Jan. 29 12 Notice of hearing (2/8) ..... 388
Feb. 19 26 Indefinitely postponed ..... 644
Feb. 20 27 DeCamp motion to place on General File laid over ..... 674

**LEGISLATIVE BILL 376. By Pirsch**

Jan. 18 8 Read first time ..... 260
Jan. 21 9 Referred to Committee on Judiciary ..... 276
Mar. 11 37 Notice of hearing (3/26) ..... 911
Apr. 1 51 Placed on General File - Com am #0853 ..... 1311

**LEGISLATIVE BILL 377. By Pirsch**

Jan. 18 8 Read first time ..... 260
Jan. 21 9 Referred to Committee on Judiciary ..... 277
Feb. 21 28 Notice of hearing (3/6) ..... 691
May 13 77 Placed on General File - Com am #1357 ..... 2249

**LEGISLATIVE BILL 378. By Pappas**

Jan. 18 8 Read first time ..... 260
Jan. 21 9 Referred to Committee on Public Works ..... 277
Feb. 7 19 Notice of hearing (2/28) ..... 507
Mar. 12 38 Indefinitely postponed ..... 924

**LEGISLATIVE BILL 379. By Pappas**

Jan. 18 8 Read first time ..... 260
Jan. 21 9 Referred to Committee on Miscellaneous Subjects ..... 277
Feb. 1 15 Notice of hearing (2/21) ..... 437
Feb. 28 30 Placed on General File - Com am #0340 ..... 731
Mar. 29 50 Vickers amendment #0846 printed ..... 1269

**LEGISLATIVE BILL 380. By Wesely**

Jan. 18 8 Read first time ..... 260
Jan. 21 9 Referred to Committee on Agriculture and Environment ..... 277
Feb. 6 18 Notice of hearing (3/7) ..... 495
Mar. 19 42 Placed on General File - Com am #0631 ..... 1048

**LEGISLATIVE BILL 381. By Wesely**

Jan. 18 8 Read first time ..... 260
Jan. 21 9 Referred to Committee on Public Works ..... 277
Feb. 7 19 Notice of hearing (2/22) ..... 507
Mar. 11 37 Indefinitely postponed ..... 911

**LEGISLATIVE BILL 382. By Wesely, Smith, Hoagland**

| | | | | |
|---|---|---|---|---|
| Jan. | 18 | 8 | Read first time | 261 |
| Jan. | 21 | 9 | Referred to Committee on Public Health and Welfare | 277 |
| Feb. | 1 | 15 | Notice of hearing (3/4) | 438 |
| Mar. | 14 | 40 | Placed on General File | 1008 |
| Mar. | 21 | 44 | Wesely priority bill | 1119 |
| Apr. | 1 | 51 | Wesely amendment #0867 printed | 1315 |
| Apr. | 2 | 52 | Wesely pending amendment #0867 adopted as amended by Wesely amendment. Advanced for Review | 1345 |
| Apr. | 9 | 55 | Placed on Select File - AM5120 | 1414 |
| Apr. | 17 | 61 | Wesely amendment #1096 printed | 1628 |
| Apr. | 17 | 61 | AM5120 (E & R) adopted. Passed over | 1634 |
| Apr. | 19 | 63 | Wesely amendment #1128 printed | 1704 |
| Apr. | 25 | 66 | Wesely amendment #1187 printed | 1902 |
| Apr. | 29 | 68 | Wesely pending amendments #1096 p. 1628 and #1128 p. 1704 withdrawn. Wesely pending amendment #1187 p. 1902 adopted. Advanced for Engrossment | 1950 |
| May | 2 | 71 | Correctly Engrossed | 2035 |
| May | 2 | 71 | ER0068 change | 2036 |
| May | 7 | 74 | Final Reading 44-0-5 | 2127 |
| May | 7 | 74 | President signed | 2129 |
| May | 7 | 74 | Presented to Governor (5/7) | 2136 |
| May | 9 | 76 | Approved by Governor (5/9) | 2195 |

**LEGISLATIVE BILL 383. By Abboud, Hannibal**

| | | | | |
|---|---|---|---|---|
| Jan. | 18 | 8 | Read first time | 261 |
| Jan. | 21 | 9 | Referred to Committee on Agriculture and Environment | 277 |
| Jan. | 22 | 10 | Notice of hearing (2-1) | 302 |
| Mar. | 11 | 37 | Placed on General File - Com am #0518 | 912 |
| Mar. | 21 | 44 | Abboud priority bill | 1118 |
| Apr. | 1 | 51 | Committee amendment #0518 adopted. Advanced for Review | 1306 |
| Apr. | 3 | 53 | Marsh amendment #0913 printed | 1377 |
| Apr. | 4 | 54 | Placed on Select File - AM5117 | 1384 |
| Apr. | 12 | 58 | AM5117 (E & R) adopted. Marsh pending amendment #0913 p. 1377 withdrawn. Vickers amendment adopted. Advanced for Engrossment | 1529 |
| Apr. | 16 | 60 | Correctly Engrossed. ER0058 change | 1596 |

Apr. 17 61 Marsh-Hannibal amendment #1075 printed ..... 1625
Apr. 23 64 Hannibal-Marsh motion to return to Select File lost. Marsh-Hannibal pending amendment #1075 ruled germane ..... 1724
Apr. 23 64 Final Reading 43-0-6 ..... 1730
Apr. 23 64 Speaker signed ..... 1761
Apr. 23 64 Presented to Governor (4/23) ..... 1780
Apr. 26 67 Approved by Governor (4/26) ..... 1920

**LEGISLATIVE BILL 383A. By Abboud, Hannibal**

Mar. 14 40 Read first time. Placed on General File ..... 993
Apr. 1 51 Advanced for Review ..... 1306
Apr. 4 54 Placed on Select File ..... 1384
Apr. 12 58 Advanced for Engrossment ..... 1530
Apr. 16 60 Correctly Engrossed ..... 1596
Apr. 23 64 Final Reading 43-0-6 ..... 1731
Apr. 23 64 Speaker signed ..... 1761
Apr. 23 64 Presented to Governor (4/23) ..... 1780
Apr. 26 67 Approved by Governor (4/26) ..... 1920

**LEGISLATIVE BILL 384. By Abboud**

Jan. 18 8 Read first time ..... 261
Jan. 21 9 Referred to Committee on Public Works ..... 277
Feb. 5 17 Notice of hearing (2/13) ..... 459
Feb. 21 28 Placed on General File - Com am #0160 ..... 694
Mar. 14 40 Committee amendment #0160 adopted. Advanced for Review ..... 998
Mar. 20 43 Placed on Select File ..... 1066
Apr. 1 51 Advanced for Engrossment ..... 1323
Apr. 4 54 Correctly Engrossed ..... 1392
Apr. 11 57 Final Reading 40-0-9 ..... 1490
Apr. 11 57 Speaker signed ..... 1506
Apr. 12 58 Presented to Governor (4/11) ..... 1516
Apr. 15 59 Approved by Governor (4/15) ..... 1555

**LEGISLATIVE BILL 385. By Beyer**

Jan. 18 8 Read first time ..... 261
Jan. 21 9 Referred to Committee on Business and Labor .... 277
Jan. 29 12 Notice of hearing (2/6) ..... 387
Feb. 15 25 Indefinitely postponed ..... 608

**LEGISLATIVE BILL 386. By Schmit**

Jan. 18 8 Read first time ..... 261
Jan. 21 9 Referred to Committee on Public Works ..... 277
Jan. 29 12 Notice of hearing (2/7) ..... 386

**LEGISLATIVE BILL 387. By Schmit**

Jan. 18 8 Read first time ..... 261
Jan. 21 9 Referred to Committee on Public Works ..... 277
Jan. 22 10 Notice of hearing (2/1) ..... 300
Feb. 6 18 Placed on General File - Com am #0071 ..... 471
Feb. 7 19 Committee amendment #0071 adopted.
Beutler amendment adopted.
Advanced for Review ..... 509
Feb. 11 21 Placed on Select File - AM5034 ..... 551
Feb. 12 22 AM5034 (E & R) adopted. Laid over ..... 564
Feb. 14 24 Beutler amendment adopted.
Advanced for Engrossment ..... 601
Feb. 19 26 Correctly Engrossed. ER0017 change ..... 645
Mar. 18 41 Attorney General's Opinion #36 to Wesely ..... 1025
Mar. 25 46 Schmit amendment #0773 printed ..... 1174
Mar. 29 50 Returned to Select File for Schmit amendment. Schmit pending amendment #0773 p. 1174 adopted. Advanced for Re-Engrossment ..... 1269
Apr. 1 51 Correctly Re-Engrossed ..... 1315
Apr. 10 56 Final Reading 34-13-2 ..... 1448
Apr. 10 56 Speaker signed ..... 1452
Apr. 10 56 Presented to Governor (4/10) ..... 1460
Apr. 15 59 Approved by Governor (4/15) ..... 1554

**LEGISLATIVE BILL 388. By Vickers**

Jan. 18 8 Read first time ..... 262
Jan. 21 9 Referred to Committee on Education ..... 277
Jan. 28 11 Notice of hearing (2/4) ..... 381

**LEGISLATIVE BILL 389. By Haberman**

Jan. 18 8 Read first time ..... 262
Jan. 21 9 Referred to Committee on Agriculture and Environment ..... 277
Feb. 6 18 Notice of hearing (2/22) ..... 494
Mar. 20 43 Placed on General File - Com am #0632 ..... 1073
Mar. 20 43 Agriculture and Environment Committee

priority bill ..... 1086
Apr. 16 60 Committee amendment #0632 adopted as amended by Lamb amendment. Advanced for Review ..... 1596
Apr. 18 62 Placed on Select File - AM5139 ..... 1668
May 1 70 Haberman-R. Johnson amendment printed ..... 2001
May 6 73 AM5139 (E & R) adopted. Haberman-R. Johnson pending amendment p. 2001 adopted. Advanced for Engrossment ..... 2088
May 13 77 Lamb amendment #1402 printed ..... 2243
May 13 77 Correctly Engrossed ..... 2245
May 13 77 ER0078 change ..... 2246
May 14 78 R. Johnson amendment #1430 printed ..... 2255
May 17 81 Returned to Select File for Lamb amendment. Lamb pending amendment #1402 p. 2243 adopted. Advanced for Re-Engrossment. R. Johnson pending amendment #1430 p. 2255 withdrawn. Returned to Select File for R. Johnson amendment. R. Johnson amendment #1451 adopted. Advanced for Re-Engrossment. Returned to Select File for Beutler amendment. Beutler amendment Advanced for Re-Engrossment ..... 2359
May 20 82 Correctly Re-Engrossed. ER0090 change ..... 2409
May 31 87 DeCamp motion to return to Select File for amendment withdrawn ..... 2563
May 31 87 Final Reading w/E 41-0-8 ..... 2564
May 31 87 Speaker signed ..... 2569
May 31 87 Presented to Governor (5/31) ..... 2577
June 4 89 Approved by Governor (6/4) ..... 2677

**LEGISLATIVE BILL 390. By Wesely, Warner, L. Johnson**

Jan. 18 8 Read first time ..... 262
Jan. 21 9 Referred to Committee on Appropriations ..... 277
Mar. 4 32 Notice of hearing (3/21) ..... 815

**LEGISLATIVE BILL 391. By Wesely, Chizek, DeCamp**

Jan. 18 8 Read first time ..... 262
Jan. 21 9 Referred to Committee on Banking Commerce and Insurance ..... 277
Jan. 28 11 Notice of hearing (2/5) ..... 372
Feb. 11 21 Placed on General File ..... 552
Feb. 15 25 Advanced for Review ..... 609

Feb. 20 27 Placed on Select File - AM5049 ..... 675
Mar. 5 33 AM5049 (E & R) adopted.
Advanced for Engrossment ..... 836
Mar. 8 36 Correctly Engrossed ..... 891
Mar. 26 47 V. Johnson motion to return to Select
File lost. Final Reading 40-5-4 ..... 1188
Mar. 26 47 President signed ..... 1191
Mar. 26 47 Presented to Governor (3/26) ..... 1193
Apr. 1 51 Approved by Governor (3/29) ..... 1299

**LEGISLATIVE BILL 391A. By Wesely**

Feb. 22 29 Read first time. Placed on General File ..... 707
Mar. 6 34 Advanced for Review ..... 846
Mar. 8 36 Placed on Select File ..... 891
Mar. 18 41 Advanced for Engrossment ..... 1021
Mar. 20 43 Correctly Engrossed ..... 1066
Mar. 26 47 Final Reading 40-0-9 ..... 1190
Mar. 26 47 President signed ..... 1191
Mar. 26 47 Presented to Governor (3/26) ..... 1193
Apr. 1 51 Approved by Governor (3/29) ..... 1299

**LEGISLATIVE BILL 392. By Chizek**

Jan. 18 8 Read first time ..... 262
Jan. 21 9 Referred to Committee on Government,
Military and Veterans Affairs ..... 277
Jan. 30 13 Notice of hearing (2/21) ..... 404
Feb. 14 24 Notice of hearing (2/21) (Cancelled)
Notice of hearing (3/22) (Reset) ..... 597
Apr. 2 52 Indefinitely postponed ..... 1332

**LEGISLATIVE BILL 393. By Nichol, Lynch, Rogers, Haberman**

Jan. 18 8 Read first time ..... 263
Jan. 21 9 Referred to Committee on Government,
Military and Veterans Affairs ..... 277
Jan. 30 13 Notice of hearing (3/7) ..... 404
Mar. 21 44 Lynch priority bill ..... 1119
Apr. 2 52 Placed on General File - Com am #0877 ..... 1346
Apr. 9 55 Withem amendment #0931 to committee
amendment printed ..... 1439
Apr. 11 57 Landis amendment #0981 to committee
amendment printed ..... 1479
Apr. 16 60 Committee amendment #0877 adopted as

amended by Withem pending amendment #0931 p. 1439, Landis pending amendment #0981 p. 1479 and DeCamp amendment #1063. Advanced for Review ..... 1597
Apr. 19 63 Placed on Select File - AM5142 ..... 1706
Apr. 24 65 Lynch amendments #0939 and #1121 to committee amendment printed ..... 1859
May 2 71 AM5142 (E & R) adopted. Lynch pending amendments #0939 and #1121 p. 1859 adopted. Advanced for Engrossment ..... 2025
May 6 73 Correctly Engrossed. ER0069 change ..... 2091
May 14 78 Final Reading 40-0-9 ..... 2261
May 14 78 Speaker signed ..... 2300
May 15 79 Presented to Governor (5/14) ..... 2312
May 15 79 Smith explanation of vote ..... 2324
May 20 82 Approved by Governor (5/17) ..... 2391

**LEGISLATIVE BILL 394. By Morehead**

Jan. 18 8 Read first time ..... 263
Jan. 21 9 Referred to Committee on Agriculture and Environment ..... 277
Jan. 22 10 Notice of hearing (1-31) ..... 302
Jan. 22 10 Notice of hearing (1-31) (Cancelled) ..... 315
Jan. 29 12 Notice of hearing (2/8) ..... 388
Mar. 4 32 Placed on General File ..... 794

**LEGISLATIVE BILL 395. By Public Works Committee**

Jan. 18 8 Read first time ..... 263
Jan. 21 9 Referred to Committee on Public Works ..... 277
Jan. 29 12 Notice of hearing (2/7) ..... 386
Mar. 5 33 Placed on General File - Com am #0256 ..... 832
Mar. 21 44 Beyer priority bill ..... 1118
Mar. 27 48 Beyer amendment #0774 printed ..... 1211
Apr. 1 51 Committee amendment #0256 adopted. Beyer pending amendment #0774 p. 1211 adopted. Advanced for Review ..... 1300
Apr. 4 54 Placed on Select File - AM5114 ..... 1380
Apr. 12 58 AM5114 (E & R) adopted. Advanced for Engrossment ..... 1529
Apr. 16 60 Correctly Engrossed ..... 1596
May 7 74 Haberman and Beutler motions to return to Select File lost ..... 2117
May 7 74 Final Reading w/E 42-1-6 ..... 2119

May 7 74 President signed ..... 2129
May 7 74 Presented to Governor (5/7) ..... 2136
May 9 76 Approved by Governor (5/9) ..... 2195

**LEGISLATIVE BILL 395A. By Schmit**

Apr. 15 59 Read first time. Placed on General File ..... 1554
Apr. 19 63 Advanced for Review. Expedited ..... 1685
Apr. 19 63 Placed on Select File - AM5144 ..... 1706
Apr. 25 66 AM5144 (E & R) adopted.
Advanced for Engrossment ..... 1910
Apr. 26 67 Correctly Engrossed ..... 1915
May 7 74 Final Reading w/E 43-0-6 ..... 2120
May 7 74 President signed ..... 2129
May 7 74 Presented to Governor (5/7) ..... 2136
May 9 76 Approved by Governor (5/9) ..... 2195

**LEGISLATIVE BILL 396. By Wesely, Eret**

Jan. 18 8 Read first time ..... 263
Jan. 21 9 Referred to Committee on Public
Health and Welfare ..... 277
Feb. 7 19 Notice of hearing (3/5) ..... 510
Mar. 14 40 Placed on General File - Com am #0603 ..... 1008

**LEGISLATIVE BILL 397. By V. Johnson, Vickers**

Jan. 18 8 Read first time ..... 264
Jan. 21 9 Referred to Committee on Revenue ..... 277
Feb. 22 29 Notice of hearing (3/5) ..... 726
Mar. 25 46 Indefinitely postponed ..... 1173

**LEGISLATIVE BILL 398. By Smith, Peterson**

Jan. 18 8 Read first time ..... 264
Jan. 21 9 Referred to Committee on Public
Health and Welfare ..... 277
Feb. 1 15 Notice of hearing (2/12) ..... 438
Feb. 15 25 Indefinitely postponed ..... 624

**LEGISLATIVE BILL 399. By Landis**

Jan. 18 8 Read first time ..... 264
Jan. 21 9 Referred to Committee on Urban Affairs ..... 277
Jan. 31 14 Notice of hearing (3/6) ..... 415

**LEGISLATIVE BILL 400. By Landis**

Jan. 18 8 Read first time ..... 264
Jan. 21 9 Referred to Committee on Revenue ..... 277
Mar. 7 35 Notice of hearing (3/26) ..... 865

**LEGISLATIVE BILL 401. By Landis, Wesely**

Jan. 18 8 Read first time ..... 264
Jan. 21 9 Referred to Committee on Government, Military and Veterans Affairs ..... 277
Jan. 30 13 Notice of hearing (2/22) ..... 404
Mar. 6 34 Placed on General File ..... 839
Mar. 21 44 Government, Military and Veterans Affairs Committee priority bill ..... 1120
Apr. 16 60 Pending ..... 1590
Apr. 16 60 Advanced for Review ..... 1593
Apr. 17 61 Placed on Select File - AM5138 ..... 1622
May 6 73 Landis amendment #1319 printed ..... 2085
May 8 75 AM5153 (E & R) adopted. Landis pending amendment #1319 p. 2085 adopted. Advanced for Engrossment ..... 2171
May 14 78 Correctly Engrossed ..... 2253
May 14 78 ER0081 change ..... 2254
May 17 81 Returned to Select File for Beutler amendment. Beutler amendment lost. Re-advanced to Final Reading. DeCamp motion to return to Select File lost. Wesely motion to reconsider Beutler amendment p. 2361 prevailed. Beutler motion to return to Select File lost. Failed on Final Reading 18-26-5 ..... 2361

**LEGISLATIVE BILL 402. By DeCamp**

Jan. 18 8 Read first time ..... 265
Jan. 21 9 Referred to Committee on Nebraska Retirement Systems ..... 277
Jan. 30 13 Notice of hearing (2/28) ..... 405

**LEGISLATIVE BILL 403. By DeCamp**

Jan. 18 8 Read first time ..... 265
Jan. 21 9 Referred to Committee on Nebraska

Retirement Systems ..... 277
Jan. 30 13 Notice of hearing (2/28) ..... 405

**LEGISLATIVE BILL 404. By Conway, Pappas**

Jan. 18 8 Read first time ..... 265
Jan. 21 9 Referred to Committee on Public Works ..... 277
Feb. 7 19 Notice of hearing (2/21) ..... 507
Mar. 20 43 Placed on General File - Com am #0682 ..... 1076
Mar. 21 44 Conway priority bill ..... 1118
Apr. 4 54 Committee amendments #0682 #1 and #2 adopted. Advanced for Review ..... 1390
Apr. 4 54 Beyer name added ..... 1407
Apr. 11 57 Placed on Select File - AM5124 ..... 1472
Apr. 11 57 Higgins name added ..... 1504
Apr. 15 59 DeCamp amendment #1003 printed ..... 1565
Apr. 16 60 Conway amendment #1074 to committee amendment printed ..... 1600
Apr. 17 61 AM5124 (E & R) adopted. Conway pending amendment #1074 p. 1600 adopted ..... 1630
Apr. 17 61 DeCamp amendment printed ..... 1636
Apr. 18 62 DeCamp amendment #1107 printed ..... 1682
Apr. 25 66 DeCamp pending amendments #1003 p. 1565 and p. 1636 withdrawn. Advanced for Engrossment ..... 1896
May 1 70 Correctly Engrossed. ER0065 change ..... 1989
May 7 74 DeCamp motion to return to Select File withdrawn. DeCamp pending amendment #1107 p. 1682 withdrawn. Final Reading 27-16-6 ..... 2121
May 7 74 President signed ..... 2129
May 7 74 Presented to Governor (5/7) ..... 2136
May 9 76 Approved by Governor (5/9) ..... 2195

**LEGISLATIVE BILL 405. By Wesely, Lamb**

Jan. 18 8 Read first time ..... 265
Jan. 21 9 Referred to Committee on Education ..... 277
Jan. 28 11 Notice of hearing (2/4) ..... 381
Feb. 8 20 Placed on General File ..... 513
Feb. 12 22 Advanced for Review ..... 562
Feb. 13 23 Placed on Select File ..... 581
Feb. 15 25 Advanced for Engrossment ..... 627
Feb. 20 27 Correctly Engrossed ..... 672
Mar. 4 32 Final Reading 46-0-3 ..... 806

Mar. 4 32 Speaker signed ..... 811
Mar. 5 33 Presented to Governor (3/4) ..... 818
Mar. 8 36 Approved by Governor (3/7) ..... 888

**LEGISLATIVE BILL 406. By Hoagland, Pirsch, Chizek, Withem**

Jan. 18 8 Read first time ..... 266
Jan. 21 9 Referred to Committee on Judiciary ..... 277
Jan. 22 10 Notice of hearing (1/29) ..... 336
Feb. 1 15 Placed on General File - Com am #0053 ..... 446
Feb. 5 17 Committee amendment #0053 adopted. Chambers amendment printed ..... 469
Feb. 12 22 Chambers pending amendment p. 469 - division of question sustained. Chambers amendment #1 adopted. Chambers amendment #2 lost. Chambers amendment #3 withdrawn. Advanced for Review ..... 557
Feb. 13 23 Placed on Select File ..... 581
Feb. 22 29 Chambers motion to indefinitely postpone lost. Advanced for Engrossment ..... 723
Feb. 28 30 Correctly Engrossed ..... 743
Mar. 21 44 Attorney General's Opinion #38 to Hoagland .... 1103
May 7 74 Hoagland-Chizek-Withem amendment #1311 printed ..... 2140
May 7 74 Hoagland amendment #0748 printed ..... 2141
May 8 75 Returned to Select File for Hoagland-Chizek-Withem amendment. Hoagland-Chizek-Withem pending amendment #1311 p. 2140 adopted. Advanced for Re-Engrossment. Returned to Select File for Hoagland amendment. Hoagland pending amendment #0748 p. 2141 adopted. Advanced for Re-Engrossment ..... 2168
May 13 77 Correctly Re-Engrossed ..... 2245
May 13 77 ER0084 change ..... 2248
May 17 81 Final Reading w/E 42-3-4 ..... 2360
May 17 81 Speaker signed ..... 2372
May 17 81 Presented to Governor (5/17) ..... 2375
May 22 84 Approved by Governor (5/22) ..... 2456

**LEGISLATIVE BILL 407. By Public Health and Welfare Committee**

Jan. 18 8 Read first time ..... 266
Jan. 21 9 Referred to Committee on Public

Health and Welfare ..... 277
Feb. 1 15 Notice of hearing (2/12) ..... 438
Feb. 28 30 Placed on General File - Com am #0267 ..... 757
Mar. 1 31 DeCamp amendment #0300 printed ..... 771
Mar. 13 39 Wesely amendment #0554 to committee amendment adopted ..... 962
Mar. 13 39 Committee amendment #0267 adopted as amended. DeCamp pending amendment #0300 p. 771 withdrawn. Higgins amendment lost. Chambers motion to indefinitely postpone lost. Wesely motion to suspend rules lost. Marsh amendment pending ..... 963
Mar. 14 40 Chambers amendment printed ..... 979
Mar. 18 41 Wesely amendment #0648 to committee amendment printed ..... 1029
Mar. 19 42 Marsh amendment printed ..... 1060
Mar. 20 43 Marsh pending amendment p. 966 withdrawn. Marsh pending amendment p. 1060 adopted ..... 1078
Mar. 20 43 Chambers pending amendment p. 979 and Wesely pending amendment #0648 p. 1029 adopted. Chambers amendment withdrawn. Advanced for Review ..... 1081
Mar. 21 44 Public Health and Welfare Committee priority bill ..... 1120
Mar. 22 45 Placed on Select File - AM5092 ..... 1152
Mar. 29 50 DeCamp amendment printed ..... 1267
Apr. 1 51 AM5092 (E & R) adopted. DeCamp pending amendment p. 1267 adopted. Higgins amendment lost. Wesely amendment #0875 adopted. Advanced for Engrossment .... 1312
Apr. 9 55 Correctly Engrossed. ER0043 change ..... 1409
Apr. 11 57 Withem amendment #0994 printed ..... 1494
Apr. 12 58 Pappas motion to return to Select File withdrawn. Higgins motion to return to Select File lost. Withem pending amendment #0994 p. 1494 withdrawn. Final Reading w/E 34-11-4 ..... 1523
Apr. 12 58 Speaker signed ..... 1527
Apr. 12 58 Presented to Governor (4/12) ..... 1531
Apr. 15 59 Approved by Governor (4-15) ..... 1555

**LEGISLATIVE BILL 407A. By Wesely**

Mar. 22 45 Read first time. Placed on General File ..... 1149
Mar. 28 49 Advanced for Review ..... 1239
Apr. 1 51 Placed on Select File ..... 1310
Apr. 3 53 Advanced for Engrossment ..... 1377
Apr. 9 55 Correctly Engrossed ..... 1409
Apr. 12 58 Final Reading w/E 35-9-5 ..... 1524
Apr. 12 58 Speaker signed ..... 1527
Apr. 12 58 Presented to Governor (4/12) ..... 1531
Apr. 15 59 Approved by Governor (4-15) ..... 1555

**LEGISLATIVE BILL 408. By Miscellaneous Subjects Committee**

Jan. 18 8 Read first time ..... 266
Jan. 21 9 Referred to Committee on Miscellaneous Subjects ..... 277
Jan. 22 10 Notice of hearing (2-1) ..... 299
Feb. 28 30 Placed on General File - Com am #0212 ..... 731
Mar. 21 44 Miscellaneous Subjects Committee priority bill ..... 1120
Apr. 4 54 Hefner amendment #0902 to committee amendment printed ..... 1405
Apr. 11 57 Committee amendment #0212 adopted as amended by Hefner pending amendment #0902 p. 1405 and Conway amendment. Advanced for Review ..... 1506
Apr. 16 60 Placed on Select File - AM5133 ..... 1577
Apr. 16 60 Labedz amendment #1082 to committee amendment printed ..... 1599
Apr. 17 61 Hefner amendment #1056 to committee amendment printed ..... 1610
Apr. 17 61 Labedz amendment #1083 to committee amendment printed ..... 1634
Apr. 24 65 Labedz amendment #1140 to committee amendment printed ..... 1880
Apr. 25 66 AM5133 (E & R) adopted. Labedz pending amendment #1082 p. 1599 withdrawn. Hefner pending amendment #1056 p. 1610 and Labedz pending amendment #1083 p. 1634 adopted. Labedz pending amendment #1140 p. 1880 ruled not germane. Chambers motion to overrule Chair lost. Conway amendment #1146 adopted ..... 1896
Apr. 25 66 Advanced for Engrossment ..... 1898
May 1 70 Correctly Engrossed ..... 1989
May 1 70 ER0066 change ..... 1990

May 7 74 Returned to Select File for V. Johnson amendment. V. Johnson amendment adopted. Advanced for Re-Engrossment. Returned to Select File for Beutler amendment. Beutler amendment #1336 adopted. Advanced for Re-Engrossment ..... 2132
May 9 76 Correctly Re-Engrossed. ER0077 change ..... 2209
May 14 78 Nichol motion to suspend rules prevailed ..... 2260
May 14 78 Conway motion to return to Select File lost ..... 2282
May 14 78 Final Reading w/E 41-1-7 ..... 2283
May 14 78 Speaker signed ..... 2300
May 14 78 Haberman explanation of vote ..... 2301
May 15 79 Presented to Governor (5/14) ..... 2312
May 15 79 Smith explanation of vote ..... 2324
May 20 82 Approved by Governor (5/17) ..... 2391

**LEGISLATIVE BILL 408A. By Hefner**

Apr. 16 60 Read first time. Placed on General File ..... 1593
Apr. 19 63 Advanced for Review ..... 1685
Apr. 24 65 Placed on Select File ..... 1850
Apr. 25 66 Advanced for Engrossment ..... 1910
May 1 70 Correctly Engrossed ..... 1989
May 14 78 Final Reading 44-1-4 ..... 2284
May 14 78 Speaker signed ..... 2300
May 15 79 Presented to Governor (5/14) ..... 2312
May 20 82 Approved by Governor (5/17) ..... 2391

**LEGISLATIVE BILL 409. By Schmit**

Jan. 18 8 Read first time ..... 266
Jan. 21 9 Referred to Committee on Revenue ..... 277
Jan. 21 9 Notice of hearing (1/28) ..... 287
Mar. 21 44 Indefinitely postponed ..... 1112

**LEGISLATIVE BILL 410. By Morehead, Landis, Lynch, DeCamp**

Jan. 18 8 Read first time ..... 269
Jan. 21 9 Referred to Committee on Judiciary ..... 277
Feb. 21 28 Notice of hearing (3/5) ..... 691
Mar. 22 45 Nichol priority bill ..... 1154
Apr. 1 51 Indefinitely postponed ..... 1319

**LEGISLATIVE BILL 411. By Judiciary Committee**

Jan. 18 8 Read first time ..... 270
Jan. 21 9 Referred to Committee on Judiciary ..... 277
Feb. 4 16 Notice of hearing (2/11) ..... 455
Mar. 1 31 Placed on General File ..... 787

**LEGISLATIVE BILL 412. By Landis, Hoagland**

Jan. 18 8 Read first time ..... 270
Jan. 21 9 Referred to Committee on Government, Military and Veterans Affairs ..... 277
Jan. 30 13 Notice of hearing (2/15) ..... 404
Mar. 12 38 Indefinitely postponed ..... 924

**LEGISLATIVE BILL 413. By Landis, Chronister**

Jan. 18 8 Read first time ..... 270
Jan. 21 9 Referred to Committee on Government, Military and Veterans Affairs ..... 277
Jan. 30 13 Notice of hearing (2/21) ..... 404
Feb. 22 29 Placed on General File - Com am #0324 ..... 708
Mar. 27 48 Committee amendment #0324 adopted. Advanced for Review ..... 1216
Mar. 29 50 Placed on Select File ..... 1297
Apr. 1 51 Advanced for Engrossment ..... 1324
Apr. 9 55 Correctly Engrossed ..... 1418
Apr. 11 57 Landis amendment #1001 printed ..... 1508
Apr. 12 58 Returned to Select File for Landis amendment. Landis pending amendment #1001 p. 1508 adopted. Advanced for Re-Engrossment ..... 1521
Apr. 16 60 Correctly Re-Engrossed ..... 1573
Apr. 17 61 Landis amendment #1086 printed ..... 1612
Apr. 23 64 Returned to Select File for Landis amendment. Landis pending amendment #1086 p. 1612 adopted. Advanced for Re-Engrossment. Returned to Select File for Conway amendment. Conway amendment adopted. Advanced for Re-Engrossment ..... 1732
Apr. 23 64 Correctly Re-Engrossed ..... 1779
Apr. 23 64 ER0064 change ..... 1780
Apr. 30 69 Final Reading 41-0-8 ..... 1959
Apr. 30 69 President signed ..... 1967
Apr. 30 69 Presented to Governor (4/30) ..... 1970

May 3 72 Approved by Governor (5/3) ..... 2058

**LEGISLATIVE BILL 414. By Education Committee**

Jan. 18 8 Read first time ..... 270
Jan. 21 9 Referred to Committee on Education ..... 277
Feb. 4 16 Notice of hearing (3/4) ..... 453

**LEGISLATIVE BILL 415. By Education Committee**

Jan. 18 8 Read first time ..... 270
Jan. 21 9 Referred to Committee on Education ..... 277
Feb. 4 16 Notice of hearing (2/19) ..... 453
Feb. 21 28 Placed on General File ..... 684
Mar. 25 46 Failed to advance for Review ..... 1167

**LEGISLATIVE BILL 415A. By Vickers**

Mar. 8 36 Read first time. Placed on General File ..... 897

**LEGISLATIVE BILL 416. By Vickers**

Jan. 18 8 Read first time ..... 271
Jan. 21 9 Referred to Committee on Business and Labor .... 277
Jan. 29 12 Notice of hearing (2/6) ..... 387

**LEGISLATIVE BILL 417. By Education Committee**

Jan. 18 8 Read first time ..... 271
Jan. 21 9 Referred to Committee on Education ..... 277
Jan. 21 9 Notice of hearing (1/28) ..... 292
Jan. 31 14 Placed on General File ..... 417
Feb. 4 16 Advanced for Review ..... 449
Feb. 5 17 Placed on Select File ..... 463
Feb. 6 18 Advanced for Engrossment ..... 496
Feb. 8 20 Correctly Engrossed ..... 512
Feb. 13 23 Final Reading 49-0-0 ..... 579
Feb. 13 23 President signed ..... 584
Feb. 13 23 Presented to Governor (2/13) ..... 586
Feb. 19 26 Approved by Governor (2/15) ..... 635

**LEGISLATIVE BILL 418. By Education Committee**

Jan. 18 8 Read first time ..... 271
Jan. 21 9 Referred to Committee on Education ..... 277

Feb. 4 16 Notice of hearing (3/18) ..... 454

**LEGISLATIVE BILL 419. By Education Committee**

Jan. 18 8 Read first time ..... 271
Jan. 21 9 Referred to Committee on Education ..... 277
Jan. 22 10 Notice of hearing (1/29) ..... 300
Mar. 28 49 Placed on General File - Com am #0825 ..... 1246

**LEGISLATIVE BILL 420. By Government, Military and Veterans Affairs Committee**

Jan. 18 8 Read first time ..... 271
Jan. 21 9 Referred to Committee on Miscellaneous Subjects ..... 277
Feb. 5 17 Notice of hearing (3/1) ..... 466
Mar. 12 38 Placed on General File ..... 919
Apr. 30 69 Advanced for Review ..... 1967
May 3 72 Placed on Select File - AM5158 ..... 2051
May 30 86 AM5158 (E & R) adopted. Advanced for Engrossment ..... 2560
May 31 87 Correctly Engrossed ..... 2587
June 4 89 Nichol motion to suspend rules prevailed ..... 2658
June 4 89 Final Reading 46-1-2 ..... 2668
June 4 89 Speaker signed ..... 2671
June 4 89 Presented to Governor (6/4) ..... 2677
June 12 AJ Approved by Governor (6/7) ..... 2735

**LEGISLATIVE BILL 421. By Government, Military and Veterans Affairs Committee**

Jan. 18 8 Read first time ..... 272
Jan. 21 9 Referred to Committee on Government, Military and Veterans Affairs ..... 277
Jan. 30 13 Notice of hearing (2/21) ..... 404
Feb. 22 29 Placed on General File ..... 707
Mar. 14 40 Advanced for Review ..... 992
Mar. 18 41 Placed on Select File - AM5074 ..... 1013
Mar. 20 43 AM5074 (E & R) adopted. Advanced for Engrossment ..... 1082
Mar. 22 45 Correctly Engrossed ..... 1138
Apr. 23 64 Final Reading 42-0-7 ..... 1733
Apr. 23 64 Speaker signed ..... 1761
Apr. 23 64 Presented to Governor (4/23) ..... 1780
Apr. 26 67 Approved by Governor (4/26) ..... 1920

**LEGISLATIVE BILL 421A. By Landis**

| | | | | |
|---|---|---|---|---|
| Mar. | 29 | 50 | Read first time. Placed on General File | 1288 |
| Apr. | 9 | 55 | Advanced for Review | 1411 |
| Apr. | 11 | 57 | Placed on Select File | 1474 |
| Apr. | 12 | 58 | Advanced for Engrossment | 1530 |
| Apr. | 16 | 60 | Correctly Engrossed | 1598 |
| Apr. | 23 | 64 | Final Reading 42-0-7 | 1734 |
| Apr. | 23 | 64 | Speaker signed | 1761 |
| Apr. | 23 | 64 | Presented to Governor (4/23) | 1780 |
| Apr. | 26 | 67 | Approved by Governor (4/26) | 1920 |

**LEGISLATIVE BILL 422. By Government, Military and Veterans Affairs Committee**

| | | | | |
|---|---|---|---|---|
| Jan. | 18 | 8 | Read first time | 272 |
| Jan. | 21 | 9 | Referred to Committee on Government, Military and Veterans Affairs | 278 |
| Jan. | 22 | 10 | Notice of hearing (2-1) | 311 |
| Feb. | 4 | 16 | Placed on General File | 451 |
| Feb. | 6 | 18 | Advanced for Review | 494 |
| Feb. | 8 | 20 | Placed on Select File - AM5026 | 519 |
| Feb. | 11 | 21 | AM5026 (E & R) adopted. Advanced for Engrossment | 553 |
| Feb. | 13 | 23 | Correctly Engrossed | 571 |
| Feb. | 22 | 29 | Final Reading 39-1-9 | 718 |
| Feb. | 22 | 29 | Higgins explanation of vote | 722 |
| Feb. | 22 | 29 | President signed | 725 |
| Feb. | 22 | 29 | R. Johnson name added | 728 |
| Feb. | 28 | 30 | Presented to Governor (2/22). Approved by Governor (2-27) | 741 |

**LEGISLATIVE BILL 423. By Government, Military and Veterans Affairs Committee**

| | | | | |
|---|---|---|---|---|
| Jan. | 18 | 8 | Read first time | 272 |
| Jan. | 21 | 9 | Referred to Committee on Government, Military and Veterans Affairs | 278 |
| Jan. | 30 | 13 | Notice of hearing (3/7) | 404 |
| Mar. | 8 | 36 | Placed on General File | 896 |
| Mar. | 14 | 40 | Beutler amendment adopted. Advanced for Review | 996 |
| Mar. | 18 | 41 | Placed on Select File - AM5085 | 1020 |
| Mar. | 20 | 43 | AM5085 (E & R) adopted. | |

Advanced for Engrossment ..... 1084
Mar. 22 45 Correctly Engrossed. ER0038 change ..... 1153
Mar. 29 50 Final Reading 44-0-5 ..... 1277
Mar. 29 50 Speaker signed ..... 1287
Mar. 29 50 Presented to Governor (3/29) ..... 1289
Apr. 3 53 Approved by Governor (4/2) ..... 1351

**LEGISLATIVE BILL 424. By Government, Military and Veterans Affairs Committee**

Jan. 18 8 Read first time ..... 272
Jan. 21 9 Referred to Committee on Government, Military and Veterans Affairs ..... 278
Jan. 30 13 Notice of hearing (3/1) ..... 404
Mar. 4 32 Placed on General File ..... 794
Mar. 14 40 Advanced for Review ..... 995
Mar. 18 41 Placed on Select File - AM5079 ..... 1015
Mar. 20 43 AM5079 (E & R) adopted.
Advanced for Engrossment ..... 1083
Mar. 22 45 Correctly Engrossed ..... 1138
Mar. 29 50 Final Reading 45-0-4 ..... 1278
Mar. 29 50 Speaker signed ..... 1287
Mar. 29 50 Presented to Governor (3/29) ..... 1289
Apr. 3 53 Approved by Governor (4/2) ..... 1351

**LEGISLATIVE BILL 425. By Warner**

Jan. 21 9 Read first time ..... 279
Jan. 22 10 Referred to Committee on Revenue ..... 297
Mar. 1 31 Notice of hearing (3/12) ..... 786
Mar. 20 43 Placed on General File - Com am #0607 ..... 1087

**LEGISLATIVE BILL 426. By Goll**

Jan. 21 9 Read first time ..... 279
Jan. 22 10 Referred to Committee on Business and Labor .... 297
Feb. 1 15 Notice of hearing (2/20) ..... 430
Mar. 21 44 Goll priority bill ..... 1118

**LEGISLATIVE BILL 427. By Haberman**

Jan. 21 9 Read first time ..... 279
Jan. 22 10 Referred to Committee on Judiciary ..... 297
Mar. 11 37 Notice of hearing (3/20) ..... 910
Apr. 1 51 Indefinitely postponed ..... 1311

**LEGISLATIVE BILL 428. By Haberman**

Jan. 21 9 Read first time ..... 278
Jan. 22 10 Referred to Committee on Government, Military and Veterans Affairs ..... 297
Feb. 28 30 Notice of hearing (3/21) ..... 732
Apr. 2 52 Placed on General File - Com am #0879 ..... 1346

**LEGISLATIVE BILL 429. By Goodrich**

Jan. 21 9 Read first time ..... 280
Jan. 22 10 Referred to Committee on Miscellaneous Subjects ..... 297
Feb. 1 15 Notice of hearing (2/21) ..... 437
Feb. 28 30 Indefinitely postponed ..... 731

**LEGISLATIVE BILL 430. By Goodrich**

Jan. 21 9 Read first time ..... 280
Jan. 22 10 Referred to Committee on Banking, Commerce and Insurance ..... 297
Feb. 4 16 Notice of hearing (2/12) ..... 452
Feb. 21 28 Placed on General File ..... 695
Feb. 22 29 Advanced for Review ..... 723
Feb. 28 30 Placed on Select File ..... 743
Apr. 12 58 Advanced for Engrossment ..... 1530
Apr. 16 60 Correctly Engrossed ..... 1596
Apr. 23 64 Final Reading w/E 44-0-5 ..... 1734
Apr. 23 64 Speaker signed ..... 1761
Apr. 23 64 Presented to Governor (4/23) ..... 1780
Apr. 26 67 Approved by Governor (4/26) ..... 1920

**LEGISLATIVE BILL 431. By Wesely**

Jan. 21 9 Read first time ..... 280
Jan. 22 10 Referred to Committee on Banking, Commerce and Insurance ..... 298
Feb. 14 24 Notice of hearing (3/12) ..... 600
Mar. 25 46 Placed on General File - Com am #0700 ..... 1168

**LEGISLATIVE BILL 432. By Wesely**

Jan. 21 9 Read first time ..... 280
Jan. 22 10 Referred to Committee on Nebraska

Retirement Systems ..... 298
Jan. 22 10 Notice of hearing (2-11) ..... 337
Feb. 12 22 Placed on General File ..... 561
Feb. 15 25 Failed to advance for Review ..... 619
Mar. 21 44 Nebraska Retirement Systems Committee priority bill ..... 1120
Apr. 16 60 Haberman motion to indefinitely postpone lost. Advanced for Review ..... 1580
Apr. 17 61 Placed on Select File - AM5135 ..... 1616
May 1 70 Hartnett-Withem-Beyer amendment #1252 printed ..... 1987
May 3 72 AM5135 (E & R) adopted. Hartnett-Withem-Beyer pending amendment #1252 p. 1987 pending ..... 2075
May 6 73 Hartnett et al pending amendment #1252 ruled germane and adopted. Advanced for Engrossment ..... 2081
May 8 75 Correctly Engrossed. ER0073 change ..... 2191
May 14 78 Final Reading 30-15-4 ..... 2270
May 14 78 Speaker signed ..... 2300
May 15 79 Presented to Governor (5/14) ..... 2312
May 15 79 Smith explanation of vote ..... 2324
May 20 82 Approved by Governor (5/17) ..... 2391

**LEGISLATIVE BILL 432A. By Wesely**

Feb. 22 29 Read first time. Placed on General File ..... 707
Apr. 16 60 Advanced for Review ..... 1581
Apr. 17 61 Placed on Select File ..... 1617
May 6 73 Advanced for Engrossment ..... 2082
May 8 75 Correctly Engrossed ..... 2191
May 14 78 Final Reading 30-14-5 ..... 2271
May 14 78 Speaker signed ..... 2300
May 15 79 Presented to Governor (5/14) ..... 2312
May 15 79 Smith explanation of vote ..... 2324
May 20 82 Approved by Governor (5/17) ..... 2391

**LEGISLATIVE BILL 433. By Wesely**

Jan. 21 9 Read first time ..... 280
Jan. 22 10 Referred to Committee on Public Health and Welfare ..... 298
Feb. 7 19 Notice of hearing (3/12) ..... 510
Mar. 22 45 Placed on General File - Com am #0564 ..... 1146

**LEGISLATIVE BILL 434. By Withem**

| | | | | |
|---|---|---|---|---|
| Jan. | 21 | 9 | Read first time | 281 |
| Jan. | 22 | 10 | Referred to Committee on Banking, Commerce and Insurance | 298 |
| Feb. | 4 | 16 | Notice of hearing (2/12) | 452 |
| Mar. | 22 | 45 | Placed on General File - Com am #0086 | 1151 |

**LEGISLATIVE BILL 435. By Withem**

| | | | | |
|---|---|---|---|---|
| Jan. | 21 | 9 | Read first time | 281 |
| Jan. | 22 | 10 | Referred to Committee on Government, Military and Veterans Affairs | 298 |
| Jan. | 30 | 13 | Notice of hearing (2/28) | 404 |
| Mar. | 12 | 38 | Indefinitely postponed | 924 |

**LEGISLATIVE BILL 436. By Withem**

| | | | | |
|---|---|---|---|---|
| Jan. | 21 | 9 | Read first time | 281 |
| Jan. | 22 | 10 | Referred to Committee on Public Works | 298 |
| Feb. | 7 | 19 | Notice of hearing (2/21) | 507 |
| Mar. | 6 | 34 | Placed on General File - Com am #0411 | 858 |

**LEGISLATIVE BILL 437. By Withem**

| | | | | |
|---|---|---|---|---|
| Jan. | 21 | 9 | Read first time | 281 |
| Jan. | 22 | 10 | Referred to Committee on Public Works | 298 |
| Feb. | 7 | 19 | Notice of hearing (2/21) | 507 |
| Mar. | 6 | 34 | Placed on General File - Com am #0409 | 858 |

**LEGISLATIVE BILL 438. By Withem**

| | | | | |
|---|---|---|---|---|
| Jan. | 21 | 9 | Read first time | 281 |
| Jan. | 22 | 10 | Referred to Committee on Public Health and Welfare | 298 |
| Feb. | 7 | 19 | Notice of hearing (3/11) | 510 |

**LEGISLATIVE BILL 439. By Withem, Chizek**

| | | | | |
|---|---|---|---|---|
| Jan. | 21 | 9 | Read first time | 281 |
| Jan. | 22 | 10 | Referred to Committee on Government, Military and Veterans Affairs | 298 |
| Jan. | 30 | 13 | Notice of hearing (3/1) | 404 |
| Mar. | 14 | 40 | Placed on General File - Com am #0585 | 986 |
| Mar. | 21 | 44 | Government, Military and Veterans Affairs | |

Committee priority bill ..... 1120
Apr. 16 60 Committee amendment #0585 adopted as amended by Smith amendment. Advanced for Review ..... 1595
Apr. 18 62 Placed on Select File - AM5140 ..... 1668
Apr. 23 64 Vickers amendment #1134 printed ..... 1730
Apr. 26 67 Smith amendment #1133 to committee amendment printed ..... 1915
May 1 70 Withem amendment #1135 to committee amendment printed ..... 1990
May 6 73 AM5140 (E & R) adopted. Vickers pending amendment #1134 p. 1730, Smith pending amendment #1133 p. 1915 and Withem amendment #1298 adopted. Withem pending amendment #1135 P. 1990 withdrawn. Advanced for Engrossment ..... 2087
May 9 76 Correctly Engrossed. ER0074 change ..... 2198
May 14 78 Nichol motion to suspend rules prevailed ..... 2260
May 14 78 Final Reading 26-19-4 ..... 2292
May 14 78 Speaker signed ..... 2300
May 14 78 Haberman explanation of vote ..... 2301
May 15 79 Presented to Governor (5/14) ..... 2312
May 15 79 Smith explanation of vote ..... 2324
May 20 82 Approved by Governor (5/17) ..... 2391

**LEGISLATIVE BILL 440. By Chizek**

Jan. 21 9 Read first time ..... 282
Jan. 22 10 Referred to Committee on Government, Military and Veterans Affairs ..... 298
Jan. 30 13 Notice of hearing (2/22) ..... 404
Feb. 14 24 Notice of hearing (2/22) (Cancelled) Notice of hearing (3/22) (Reset) ..... 597
Feb. 28 30 Notice of hearing (3/22) (Cancelled) Notice of hearing (3/7) (Reset) ..... 732
Mar. 13 39 Placed on General File - Com am #0584 ..... 966

**LEGISLATIVE BILL 441. By Chizek**

Jan. 21 9 Read first time ..... 282
Jan. 22 10 Referred to Committee on Agriculture and Environment ..... 298
Feb. 6 18 Notice of hearing (3/8) ..... 495
Mar. 19 42 Placed on General File ..... 1048
Mar. 27 48 Advanced for Review ..... 1210

Mar. 29 50 Placed on Select File - AM5099 ..... 1295
Apr. 1 51 AM5099 (E & R) adopted.
Advanced for Engrossment ..... 1324
Apr. 4 54 Correctly Engrossed ..... 1400
Apr. 11 57 Final Reading 45-0-4 ..... 1491
Apr. 11 57 Speaker signed ..... 1506
Apr. 12 58 Presented to Governor (4/11) ..... 1516
Apr. 15 59 Approved by Governor (4-15) ..... 1555

**LEGISLATIVE BILL 442. By Eret**

Jan. 21 9 Read first time ..... 282
Jan. 22 10 Referred to Committee on Appropriations ..... 298
Jan. 28 11 Notice of hearing (2/4) ..... 372
Feb. 11 21 Attorney General's Opinion #17 to Eret ..... 539
Feb. 21 28 Indefinitely postponed ..... 692

**LEGISLATIVE BILL 443. By Eret**

Jan. 21 9 Read first time ..... 282
Jan. 22 10 Referred to Committee on Agriculture
and Environment ..... 298
Feb. 6 18 Notice of hearing (2/14) ..... 494
Feb. 8 20 Eret motion to suspend rules prevailed.
Notice of hearing (2/14) (Cancelled) ..... 530
Feb. 8 20 Notice of hearing (3/8) (Reset) ..... 531

**LEGISLATIVE BILL 444. By Haberman**

Jan. 21 9 Read first time ..... 282
Jan. 22 10 Referred to Committee on Agriculture
and Environment ..... 298
Feb. 6 18 Notice of hearing (2/22) ..... 494
Mar. 7 35 Indefinitely postponed ..... 863

**LEGISLATIVE BILL 445. By Peterson, Hefner**

Jan. 21 9 Read first time ..... 282
Jan. 22 10 Referred to Committee on Judiciary ..... 298
Feb. 12 22 Notice of hearing (2/19) ..... 569
Mar. 21 44 Peterson priority bill ..... 1119
Apr. 11 57 Placed on General File - Com am #0968 ..... 1475
May 20 82 Committee amendment #0968 adopted.
Advanced for Review ..... 2394
May 21 83 Placed on Select File - AM5174 ..... 2439

May 31 87 AM5174 (E & R) adopted.
Advanced for Engrossment ..... 2579
May 31 87 Correctly Engrossed ..... 2606
June 4 89 Nichol motion to suspend rules prevailed ..... 2658
June 4 89 Final Reading 42-4-3 ..... 2669
June 4 89 Speaker signed ..... 2671
June 4 89 Presented to Governor (6/4) ..... 2677
June 12 AJ Approved by Governor (6/7) ..... 2735

**LEGISLATIVE BILL 446. By Hefner**

Jan. 21 9 Read first time ..... 283
Jan. 22 10 Referred to Committee on Constitutional
Revision and Recreation ..... 298
Jan. 30 13 Notice of hearing (2/8) ..... 405
Feb. 11 21 Placed on General File - Com am #0134 ..... 554
Feb. 15 25 Committee amendment #0134 adopted.
Advanced for Review ..... 608
Feb. 20 27 Placed on Select File - AM5048 ..... 675
Mar. 5 33 AM5048 (E & R) adopted.
Advanced for Engrossment ..... 836
Mar. 8 36 Correctly Engrossed ..... 891
Mar. 13 39 Final Reading w/E 46-1-2 ..... 960
Mar. 13 39 President signed ..... 962
Mar. 13 39 Presented to Governor (3/13) ..... 969
Mar. 18 41 Approved by Governor (3/15) ..... 1011

**LEGISLATIVE BILL 447. By Hoagland**

Jan. 21 9 Read first time ..... 283
Jan. 22 10 Referred to Committee on Judiciary ..... 298
Feb. 22 29 Notice of hearing (3/12) ..... 727
Mar. 21 44 Placed on General File - Com am #0721 ..... 1113
Mar. 21 44 Judiciary Committee priority bill ..... 1120
Apr. 3 53 Hoagland amendment #0895 printed ..... 1376
Apr. 16 60 Committee amendment #0721 adopted.
Hoagland pending amendment #0895
p. 1376 adopted. Advanced for Review ..... 1598
Apr. 19 63 Placed on Select File - AM5141 ..... 1709
May 6 73 AM5141 (E & R) adopted.
Advanced for Engrossment ..... 2088
May 9 76 Correctly Engrossed ..... 2209
May 13 77 Wesely amendment #1385 printed ..... 2215
May 14 78 Nichol motion to suspend rules prevailed ..... 2260
May 14 78 Returned to Select File for Wesely

amendment. Wesely pending amendment #1385 p. 2215 adopted. Advanced for Re-Engrossment ..... 2293
May 15 79 Correctly Re-Engrossed. ER0088 change ..... 2325
May 21 83 Final Reading 42-0-7 ..... 2422
May 21 83 Speaker signed ..... 2436
May 21 83 Presented to Governor (5/21) ..... 2438
May 29 85 Approved by Governor (5/24) ..... 2474

**LEGISLATIVE BILL 448. By Hoagland**

Jan. 21 9 Read first time ..... 283
Jan. 22 10 Referred to Committee on Judiciary ..... 298
Mar. 11 37 Notice of hearing (3/18) ..... 910
Mar. 21 44 Placed on General File - Com am #0367 ..... 1113

**LEGISLATIVE BILL 449. By Administrative Rules and Regulations Review Committee**

Jan. 21 9 Read first time ..... 283
Jan. 22 10 Referred to Committee on Administrative Rules and Regulations Review ..... 298
Jan. 31 14 Notice of hearing (2/11) ..... 414

**LEGISLATIVE BILL 450. By DeCamp**

Jan. 21 9 Read first time ..... 283
Jan. 22 10 Referred to Committee on Banking, Commerce and Insurance ..... 298
Feb. 4 16 Notice of hearing (2/12) ..... 452
Mar. 26 47 Indefinitely postponed ..... 1196

**LEGISLATIVE BILL 451. By DeCamp**

Jan. 21 9 Read first time ..... 284
Jan. 22 10 Referred to Committee on Banking, Commerce and Insurance ..... 298
Feb. 4 16 Notice of hearing (2/12) ..... 452
Mar. 21 44 Placed on General File ..... 1112
Mar. 27 48 Advanced for Review ..... 1215
Mar. 29 50 Placed on Select File ..... 1296
Apr. 1 51 Advanced for Engrossment ..... 1324
Apr. 3 53 Beutler amendment #0918 printed ..... 1368
Apr. 3 53 Beutler amendment #0912 printed ..... 1369
Apr. 9 55 Correctly Engrossed ..... 1418

Apr. 12 58 Returned to Select File for Beutler amendment. Beutler pending amendment #0918 adopted. Advanced for Re-Engrossment. Beutler motion to return to Select File withdrawn. Beutler pending amendment #0912 p. 1369 withdrawn ..... 1522
Apr. 16 60 Correctly Re-Engrossed ..... 1573
Apr. 16 60 ER0057 change ..... 1574
June 4 89 Passed over ..... 2686

**LEGISLATIVE BILL 452. By DeCamp, Schmit**

Jan. 21 9 Read first time ..... 284
Jan. 22 10 Referred to Committee on Banking, Commerce and Insurance ..... 298
Jan. 28 11 Notice of hearing (2/4) ..... 372
Jan. 28 11 Harris name added ..... 375
Feb. 20 27 Placed on General File ..... 665
Mar. 21 44 Banking, Commerce and Insurance Committee priority bill ..... 1119
Apr. 2 52 DeCamp amendment #0900 printed ..... 1348
Apr. 3 53 Attorney General's Opinion #53 to Harris ..... 1360
Apr. 9 55 Attorney General's Opinion #58 to DeCamp ..... 1437

**LEGISLATIVE BILL 453. By DeCamp**

Jan. 21 9 Read first time ..... 284
Jan. 22 10 Referred to Committee on Banking, Commerce and Insurance ..... 298
Feb. 14 24 Notice of hearing (3/4) ..... 599
Mar. 7 35 Placed on General File - Com am #0470 ..... 868
Mar. 11 37 DeCamp amendment #0528 to committee amendment printed ..... 909
Mar. 20 43 Hefner priority bill ..... 1086
Apr. 9 55 DeCamp amendment to committee amendment printed ..... 1434
Apr. 24 65 Attorney General's Opinion #67 to DeCamp and Pappas ..... 1853

**LEGISLATIVE BILL 454. By DeCamp**

Jan. 21 9 Read first time ..... 284
Jan. 22 10 Referred to Committee on Nebraska Retirement Systems ..... 298

Mar. 1 31 Notice of hearing (3/26) ..... 786

**LEGISLATIVE BILL 455. By Vickers, Chizek**

Jan. 21 9 Read first time ..... 284
Jan. 22 10 Referred to Committee on Education ..... 298
Feb. 4 16 Notice of hearing (3/5) ..... 453

**LEGISLATIVE BILL 456. By Vickers**

Jan. 21 9 Read first time ..... 284
Jan. 22 10 Referred to Committee on Agriculture and Environment ..... 298
Feb. 6 18 Notice of hearing (2/21) ..... 494
Mar. 6 34 Indefinitely postponed ..... 839

**LEGISLATIVE BILL 457. By Vickers, Scofield**

Jan. 21 9 Read first time ..... 285
Jan. 22 10 Referred to Committee on Business and Labor .... 298
Feb. 5 17 Notice of hearing (3/13) ..... 465
Mar. 21 44 Business and Labor Committee priority bill ..... 1119
Mar. 26 47 Placed on General File - Com am #0758 ..... 1197
Mar. 29 50 Vickers amendment #0835 printed ..... 1268
Apr. 11 57 Attorney General's Opinion #60 to Vickers ..... 1501
Apr. 18 62 Committee amendment #0758 adopted as amended by Vickers amendment #0793 ..... 1673
Apr. 18 62 Vickers amendment #0835 p. 1268 withdrawn. Advanced for Review ..... 1674
Apr. 18 62 Scofield amendment #0834 and Wesely amendment #0927 printed ..... 1676
Apr. 24 65 Placed on Select File - AM5148 ..... 1849
May 6 73 AM5148 (E & R) adopted. Vickers motion to bracket until 1/86 prevailed ..... 2090

**LEGISLATIVE BILL 458. By R. Johnson**

Jan. 21 9 Read first time ..... 285
Jan. 22 10 Referred to Committee on Agriculture and Environment ..... 298
Feb. 6 18 Notice of hearing (3/1) ..... 494
Feb. 7 19 Attorney General's Opinion #15 to R. Johnson ... 498
Mar. 7 35 Indefinitely postponed ..... 871

**LEGISLATIVE BILL 459. By R. Johnson**


Jan. 21 9 Read first time ..... 285
Jan. 22 10 Referred to Committee on Agriculture and Environment ..... 298
Feb. 6 18 Notice of hearing (3/1) ..... 494
Mar. 22 45 Nichol priority bill ..... 1154
Mar. 27 48 Placed on General File - Com am #0751 ..... 1207
Apr. 2 52 Attorney General's Opinion #52 to Vickers ..... 1344
Apr. 15 59 Vickers amendment #1024 printed ..... 1544


**LEGISLATIVE BILL 460. By R. Johnson**


Jan. 21 9 Read first time ..... 286
Jan. 22 10 Referred to Committee on Agriculture and Environment ..... 298
Feb. 6 18 Notice of hearing (2/14) ..... 494
Mar. 27 48 Placed on General File - Com am #0752 ..... 1208
May 31 87 Committee amendment #0752 adopted as amended by Haberman amendment. Advanced for Review ..... 2563
May 31 87 Placed on Select File - AM5180 ..... 2596
June 3 88 AM5180 (E & R) adopted. Advanced for Engrossment ..... 2615
June 3 88 Correctly Engrossed ..... 2625
June 5 90 Nichol motion to suspend rules prevailed ..... 2701
June 5 90 Final Reading w/E 46-1-2 ..... 2706
June 5 90 President signed ..... 2712
June 5 90 Presented to Governor (6/5) ..... 2723
June 12 AJ Approved by Governor (6/7) ..... 2735


**LEGISLATIVE BILL 461. By R. Johnson, Vickers, Scofield, Withem, Baack, Conway**


Jan. 21 9 Read first time ..... 286
Jan. 22 10 Referred to Committee on Education ..... 298
Feb. 4 16 Notice of hearing (2/12) ..... 453


**LEGISLATIVE BILL 462. By Beutler**


Jan. 21 9 Read first time ..... 286
Jan. 22 10 Referred to Committee on Judiciary ..... 298
Mar. 11 37 Notice of hearing (3/20) ..... 910
Apr. 4 54 Indefinitely postponed ..... 1405

**LEGISLATIVE BILL 463. By Beutler**

Jan. 21 9 Read first time ..... 286
Jan. 22 10 Referred to Committee on Agriculture and Environment ..... 298
Jan. 22 10 Schmit motion to rerefer to Public Works Committee laid over ..... 315
Jan. 29 12 Schmit pending motion p. 315 to rerefer withdrawn ..... 384
Jan. 29 12 Notice of hearing (2/7) ..... 388
Jan. 31 14 Pappas name added ..... 411
Jan. 31 14 Notice of hearing (2/7) (Cancelled). Notice of hearing (2/14) (Reset) ..... 415
Feb. 6 18 Notice of hearing (2/14) (Cancelled. Notice of hearing (2/28) (Reset) ..... 495

**LEGISLATIVE BILL 464. By Beutler**

Jan. 21 9 Read first time ..... 287
Jan. 22 10 Referred to Committee on Judiciary ..... 298
Mar. 11 37 Notice of hearing (3/19) ..... 910
Apr. 9 55 Placed on General File - Com am #0928 ..... 1444

**LEGISLATIVE BILL 465. By Pappas, Schmit, Labedz, Scofield, Rupp**

Jan. 21 9 Read first time ..... 287
Jan. 22 10 Referred to Committee on Appropriations ..... 298
Mar. 4 32 Notice of hearing (3/13) ..... 814

**LEGISLATIVE BILL 466. By Lamb**

Jan. 21 9 Read first time ..... 288
Jan. 22 10 Referred to Committee on Public Health and Welfare ..... 298
Feb. 7 19 Notice of hearing (3/18) ..... 510

**LEGISLATIVE BILL 467. By DeCamp**

Jan. 21 9 Read first time ..... 288
Jan. 22 10 Referred to Committee on Government, Military and Veterans Affairs ..... 298
Mar. 11 37 Landis motion to suspend rules prevailed ..... 905
Mar. 11 37 Notice of hearing (3/14) ..... 906

**LEGISLATIVE BILL 468. By DeCamp**

Jan. 21 9 Read first time ..... 288
Jan. 22 10 Referred to Committee on Public Works ..... 298
Feb. 7 19 Notice of hearing (3/1) ..... 507
Feb. 15 25 Notice of hearing (3/1) (Cancelled)
Notice of hearing (3/6) (Reset) ..... 631
Mar. 12 38 Placed on General File - Com am #0532 ..... 923

**LEGISLATIVE BILL 469. By DeCamp, Pappas**

Jan. 21 9 Read first time ..... 288
Jan. 22 10 Referred to Committee on Banking,
Commerce and Insurance ..... 298
Feb. 4 16 Notice of hearing (2/12) ..... 453

**LEGISLATIVE BILL 470. By DeCamp, V. Johnson**

Jan. 21 9 Read first time ..... 288
Jan. 22 10 Referred to Committee on Public
Health and Welfare ..... 298
Feb. 7 19 Notice of hearing (3/5) ..... 510
Apr. 1 51 Indefinitely postponed ..... 1327

**LEGISLATIVE BILL 471. By Hannibal, Withem, Goodrich, Barrett**

Jan. 21 9 Read first time ..... 288
Jan. 22 10 Referred to Committee on Government,
Military and Veterans Affairs ..... 298
Mar. 11 37 Landis motion to suspend rules prevailed ..... 905
Mar. 11 37 Notice of hearing (3/14) ..... 906
Apr. 2 52 Placed on General File ..... 1332

**LEGISLATIVE BILL 472. By Marsh**

Jan. 21 9 Read first time ..... 289
Jan. 22 10 Referred to Committee on Public Works ..... 298
Feb. 7 19 Notice of hearing (3/1) ..... 507
Mar. 11 37 Indefinitely postponed ..... 912

**LEGISLATIVE BILL 473. By Eret**

Jan. 21 9 Read first time ..... 289
Jan. 22 10 Referred to Committee on Revenue ..... 298
Feb. 8 20 Notice of hearing (2/20) ..... 516

Mar. 11 37 Indefinitely postponed ..... 905

**LEGISLATIVE BILL 474. By Public Works Committee**

Jan. 21 9 Read first time ..... 289
Jan. 22 10 Referred to Committee on Agriculture and Environment ..... 298
Feb. 6 18 Notice of hearing (2/15) ..... 494

**LEGISLATIVE BILL 475. By Pirsch**

Jan. 21 9 Read first time ..... 289
Jan. 22 10 Referred to Committee on Revenue ..... 298
Feb. 4 16 Notice of hearing (2/13) ..... 449
Feb. 19 26 Indefinitely postponed ..... 650

**LEGISLATIVE BILL 476. By Marsh**

Jan. 21 9 Read first time ..... 290
Jan. 22 10 Referred to Committee on Public Works ..... 299
Feb. 7 19 Notice of hearing (3/1) ..... 507
Mar. 12 38 Placed on General File - Com am #0312 ..... 924

**LEGISLATIVE BILL 478. By V. Johnson**

Jan. 21 9 Read first time ..... 290
Jan. 22 10 Referred to Committee on Education ..... 299
Jan. 29 12 Notice of hearing (2/5) ..... 386

**LEGISLATIVE BILL 479. By L. Johnson, Chronister, Remmers, V. Johnson**

Jan. 21 9 Read first time ..... 290
Jan. 22 10 Referred to Committee on Banking, Commerce and Insurance ..... 299
Feb. 4 16 Notice of hearing (2/12) ..... 453
Mar. 26 47 Indefinitely postponed ..... 1196

**LEGISLATIVE BILL 480. By Landis**

Jan. 21 9 Read first time ..... 290
Jan. 22 10 Referred to Committee on Banking, Commerce and Insurance ..... 299
Jan. 22 10 Lynch name added ..... 301
Feb. 4 16 Notice of hearing (2/12) ..... 453

Feb. 28 30 Placed on General File - Com am #0347 ..... 762
Mar. 13 39 Conway name added ..... 970
Mar. 14 40 Conway amendment #0593 printed ..... 986

**LEGISLATIVE BILL 481. By Haberman**

Jan. 21 9 Read first time ..... 291
Jan. 22 10 Referred to Committee on Judiciary ..... 299
Mar. 11 37 Notice of hearing (3/20) ..... 910
Apr. 1 51 Placed on General File - Com am #0850 ..... 1311

**LEGISLATIVE BILL 482. By Withem**

Jan. 21 9 Read first time ..... 291
Jan. 22 10 Referred to Committee on Urban Affairs ..... 299
Jan. 31 14 Notice of hearing (2/20) ..... 415
Mar. 7 35 Indefinitely postponed ..... 872

**LEGISLATIVE BILL 483. By Withem**

Jan. 21 9 Read first time ..... 291
Jan. 22 10 Referred to Committee on Urban Affairs ..... 299
Jan. 31 14 Notice of hearing (2/20) ..... 415
Mar. 5 33 Placed on General File - Com am #0399 ..... 821

**LEGISLATIVE BILL 484. By Withem**

Jan. 21 9 Read first time ..... 291
Jan. 22 10 Referred to Committee on Urban Affairs ..... 299
Jan. 31 14 Notice of hearing (2/20) ..... 415
Mar. 5 33 Placed on General File - Com am #0400 ..... 823

**LEGISLATIVE BILL 485. By Withem**

Jan. 21 9 Read first time ..... 291
Jan. 22 10 Referred to Committee on Business and Labor .... 299
Feb. 5 17 Notice of hearing (3/20) ..... 465

**LEGISLATIVE BILL 486. By Labedz**

Jan. 21 9 Read first time ..... 292
Jan. 22 10 Referred to Committee on Miscellaneous Subjects ..... 299
Jan. 29 12 Notice of hearing (2/7) ..... 384
Feb. 8 20 Placed on General File - Com am #0139 ..... 535

| | | | | |
|---|---|---|---|---|
| Feb. | 14 | 24 | Committee amendment #0139 adopted. Advanced for Review | 598 |
| Feb. | 19 | 26 | Placed on Select File - AM5044 | 637 |
| Feb. | 20 | 27 | Labedz amendment #0305 printed | 676 |
| Mar. | 7 | 35 | AM5044 (E & R) adopted. Labedz pending amendment #0305 p. 676 adopted. Advanced for Engrossment | 866 |
| Mar. | 12 | 38 | Correctly Engrossed | 917 |
| Mar. | 12 | 38 | ER0024 change | 918 |
| Mar. | 21 | 44 | Final Reading w/E 47-0-2 | 1096 |
| Mar. | 21 | 44 | Speaker signed | 1106 |
| Mar. | 21 | 44 | Presented to Governor (3/21) | 1118 |
| Mar. | 26 | 47 | Approved by Governor (3/25) | 1181 |

**LEGISLATIVE BILL 487. By DeCamp, Labedz**

| | | | | |
|---|---|---|---|---|
| Jan. | 21 | 9 | Read first time | 293 |
| Jan. | 22 | 10 | Referred to Committee on Banking, Commerce and Insurance | 299 |
| Feb. | 4 | 16 | Notice of hearing (2/11) | 452 |
| Feb. | 14 | 24 | Placed on General File - Com am #0189 | 595 |
| Feb. | 21 | 28 | Committee amendment #0189 lost. Advanced for Review | 687 |
| Feb. | 28 | 30 | Placed on Select File | 743 |
| Mar. | 1 | 31 | Labedz amendment #0398 printed | 785 |
| Mar. | 7 | 35 | Labedz pending amendment #0398 p. 785 adopted. Advanced for Engrossment | 884 |
| Mar. | 13 | 39 | Correctly Engrossed | 942 |
| Mar. | 13 | 39 | ER0026 change | 943 |
| Mar. | 22 | 45 | Returned to Select File for DeCamp amendment. DeCamp amendment #0711 adopted. Advanced for Re-Engrossment | 1131 |
| Mar. | 25 | 46 | Correctly Re-Engrossed. ER0039 change | 1163 |
| Mar. | 29 | 50 | Final Reading 46-0-3 | 1282 |
| Mar. | 29 | 50 | Speaker signed | 1287 |
| Mar. | 29 | 50 | Presented to Governor (3/29) | 1289 |
| Apr. | 3 | 53 | Approved by Governor (4/2) | 1351 |

**LEGISLATIVE BILL 488. By Vickers, Schmit**

| | | | | |
|---|---|---|---|---|
| Jan. | 21 | 9 | Read first time | 293 |
| Jan. | 22 | 10 | Referred to Committee on Public Works | 299 |
| Feb. | 5 | 17 | Notice of hearing (2/13) | 459 |
| Mar. | 6 | 34 | Placed on General File - Com am #0412 | 858 |
| Mar. | 20 | 43 | Vickers priority bill | 1086 |

Mar. 26 47 Pappas amendment printed ..... 1182
Mar. 27 48 Vickers amendment #0809 printed ..... 1211
Apr. 1 51 Committee amendment #0412 adopted. Pappas pending amendment p. 1182 withdrawn. Vickers pending amendment #0809 p. 1211 adopted. Advanced for Review ..... 1300
Apr. 4 54 Placed on Select File - AM5115 ..... 1381
Apr. 11 57 Vickers amendment #0971 printed ..... 1495
Apr. 12 58 AM5115 (E & R) adopted. Vickers pending amendment #0971 p. 1495 adopted. Advanced for Engrossment ..... 1529
Apr. 16 60 Correctly Engrossed. ER0056 change ..... 1596
Apr. 23 64 Beutler motion to return to Select File for amendment lost ..... 1757
Apr. 23 64 Final Reading w/E 40-2-7 ..... 1758
Apr. 23 64 Speaker signed ..... 1761
Apr. 23 64 Presented to Governor (4/23) ..... 1780
Apr. 26 67 Approved by Governor (4/26) ..... 1920

**LEGISLATIVE BILL 489. By Vickers, Peterson, Carsten, Hefner, Rogers**

Jan. 21 9 Read first time ..... 293
Jan. 22 10 Referred to Committee on Public Works ..... 299
Feb. 5 17 Notice of hearing (2/15) ..... 459
Feb. 8 20 Vickers amendment printed ..... 534

**LEGISLATIVE BILL 490. By Judiciary Committee**

Jan. 21 9 Read first time ..... 293
Jan. 22 10 Referred to Committee on Judiciary ..... 299
Feb. 21 28 Notice of hearing (3/4) ..... 691
May 13 77 Placed on General File - Com am #1352 ..... 2250
May 14 78 Attorney General's Opinion #80 to Wesely ..... 2285

**LEGISLATIVE BILL 491. By Chizek**

Jan. 21 9 Read first time ..... 293
Jan. 22 10 Referred to Committee on Agriculture and Environment ..... 299
Feb. 14 24 Notice of hearing (3/1) ..... 598
Mar. 20 43 Placed on General File - Com am #0633 ..... 1074

**LEGISLATIVE BILL 492. By Chizek**

| | | | | |
|---|---|---|---|---|
| Jan. | 21 | 9 | Read first time | 294 |
| Jan. | 22 | 10 | Referred to Committee on Judiciary | 299 |
| Feb. | 21 | 28 | Notice of hearing (3/6) | 691 |
| Mar. | 18 | 41 | Indefinitely postponed | 1037 |

**LEGISLATIVE BILL 493. By Chizek**

| | | | | |
|---|---|---|---|---|
| Jan. | 21 | 9 | Read first time | 294 |
| Jan. | 22 | 10 | Referred to Committee on Miscellaneous Subjects | 299 |
| Feb. | 14 | 24 | Rereferred to Committee on Judiciary | 595 |
| Feb. | 21 | 28 | Notice of hearing (3/6) | 691 |
| Mar. | 21 | 44 | Placed on General File - Com am #0616 | 1113 |
| Mar. | 21 | 44 | Chizek priority bill | 1118 |
| Apr. | 2 | 52 | Committee amendment #0616 adopted. Hoagland amendment #685 adopted. Advanced for Review | 1348 |
| Apr. | 9 | 55 | Placed on Select File - AM5123 | 1415 |
| Apr. | 12 | 58 | AM5123 (E & R) adopted. Advanced for Engrossment | 1530 |
| Apr. | 16 | 60 | Correctly Engrossed | 1596 |
| Apr. | 23 | 64 | Final Reading 44-0-5 | 1757 |
| Apr. | 23 | 64 | Speaker signed | 1761 |
| Apr. | 23 | 64 | Presented to Governor (4/23) | 1780 |
| Apr. | 26 | 67 | Approved by Governor (4/26) | 1920 |

**LEGISLATIVE BILL 494. By Abboud, L. Johnson, Lundy**

| | | | | |
|---|---|---|---|---|
| Jan. | 21 | 9 | Read first time | 295 |
| Jan. | 22 | 10 | Referred to Committee on Urban Affairs | 299 |
| Jan. | 22 | 10 | Conway name added | 300 |
| Jan. | 31 | 14 | Notice of hearing (2/13) | 415 |
| Mar. | 7 | 35 | Placed on General File - Com am #0203 | 872 |

**LEGISLATIVE BILL 495. By Vickers**

| | | | | |
|---|---|---|---|---|
| Jan. | 21 | 9 | Read first time | 295 |
| Jan. | 22 | 10 | Referred to Committee on Education | 299 |
| Feb. | 4 | 16 | Notice of hearing (2/11) | 453 |

**LEGISLATIVE BILL 496. By Morehead, Goll, Marsh, Lundy, Hefner, Rogers, Smith, Nichol, Hall, Higgins, Remmers, Beyer, Schmit, Nelson**

| | | | | |
|---|---|---|---|---|
| Jan. | 21 | 9 | Read first time | 296 |
| Jan. | 22 | 10 | Referred to Committee on Public Works | 299 |
| Jan. | 22 | 10 | Chronister name added | 301 |
| Jan. | 29 | 12 | Notice of hearing (2/6) | 386 |
| Jan. | 29 | 12 | Hoagland name added | 392 |
| Feb. | 15 | 25 | Placed on General File - Com am #0185 | 631 |
| Feb. | 15 | 25 | Schmit amendment #0258 printed | 632 |
| Feb. | 28 | 30 | Morehead amendment #0329 printed | 756 |
| Mar. | 8 | 36 | Miller amendment #0504 printed | 893 |
| Mar. | 19 | 42 | Morehead priority bill | 1062 |
| Mar. | 22 | 45 | Hoagland amendment #0622 to committee amendment printed | 1122 |
| Mar. | 22 | 45 | Hoagland amendment #0727 to committee amendment printed | 1137 |
| Mar. | 27 | 48 | Morehead-Goll amendment #0798 to committee amendment printed | 1229 |
| Mar. | 28 | 49 | Committee amendment #0185 adopted as amended by Morehead-Goll pending amendment p. 1229 | 1251 |
| Mar. | 28 | 49 | Schmit pending amendment #0258 p. 632, Morehead pending amendment #0329 p. 756 and Miller pending amendment #0504 p. 893 withdrawn. Haberman amendment adopted as amended by Beutler amendment. Haberman motion to indefinitely postpone lost. Advanced for Review | 1258 |
| Mar. | 28 | 49 | Beutler amendment printed | 1261 |
| Apr. | 1 | 51 | Placed on Select File - AM5109 | 1314 |
| Apr. | 3 | 53 | AM5109 (E & R) adopted. Hoagland pending amendments #0622 p. 1122 and #0727 p. 1137 withdrawn. Beutler pending amendment p. 1261 and Vickers amendment adopted. Hoagland-Beutler-V. Johnson amendment #0908 adopted. Chambers and Haberman-Chambers amendments to amendment #0908 withdrawn. Haberman amendment pending | 1358 |
| Apr. | 3 | 53 | Morehead amendment to Haberman pending amendment withdrawn. Haberman pending amendment p. 1359 lost. Hall amendment lost | 1364 |
| Apr. | 3 | 53 | Vickers amendment lost. Vickers motion to indefinitely postpone lost | 1372 |
| Apr. | 3 | 53 | Advanced for Engrossment | 1378 |
| Apr. | 4 | 54 | Chambers amendments #1 and #2 printed | 1393 |

| | | | | |
|---|---|---|---|---|
| Apr. | 4 | 54 | Chambers amendments #3 and #4, and Pirsch amendment printed | 1394 |
| Apr. | 9 | 55 | Hall name withdrawn | 1433 |
| Apr. | 10 | 56 | Correctly Engrossed. ER0050 change | 1459 |
| Apr. | 12 | 58 | Hefner-Morehead amendment #1017 printed | 1528 |
| Apr. | 15 | 59 | Chambers motion to return to Select File for amendment (1) p. 1393 lost | 1540 |
| Apr. | 15 | 59 | Chambers motion to return to Select File for amendment (2) p. 1393 lost. Chambers motion to return to Select File for amendment (3) p. 1394 pending | 1541 |
| Apr. | 15 | 59 | Chambers pending motion to return to Select File for amendment (3) lost. Returned to Select File for Chambers amendment (4). Chambers pending amendment (4) p. 1394 adopted. Advanced for Re-Engrossment | 1551 |
| Apr. | 15 | 59 | Pirsch pending amendment p. 1394 withdrawn. Pirsch motion to return to Select File for amendment pending | 1553 |
| Apr. | 15 | 59 | Pirsch pending motion to return to Select File lost. Returned to Select File for Hefner-Morehead amendment. Hefner-Morehead pending amendment #1017 p. 1528 lost. Advanced for Re-Engrossment | 1556 |
| Apr. | 17 | 61 | Correctly Re-Engrossed | 1603 |
| Apr. | 17 | 61 | ER0059 change | 1604 |
| Apr. | 18 | 62 | Labedz amendment #1049 printed | 1659 |
| Apr. | 18 | 62 | Attorney General's Opinion to Hannibal | 1661 |
| May | 1 | 70 | Morehead-Schmit amendment #1270 printed | 2009 |
| May | 7 | 74 | Attorney General's Opinion #75 to Morehead | 2133 |
| May | 7 | 74 | Morehead-Labedz-Schmit amendment #1342 printed | 2146 |
| May | 8 | 75 | Returned to Select File for Schmit-Morehead-Labedz amendment. Schmit-Morehead-Labedz amendment #1342 p. 2146 adopted. Advanced for Re-Engrossment. Morehead-Schmit pending amendment #1270 p. 2009 and Labedz pending amendment #1049 p. 1659 withdrawn | 2169 |
| May | 13 | 77 | Schmit amendment #1403 printed | 2218 |
| May | 14 | 78 | Nichol motion to suspend rules prevailed | 2260 |

May 14 78 Schmit pending amendment #1403 p. 2218 withdrawn. Returned to Select File for Schmit amendment. Schmit amendment #1442 adopted. Advanced for Re-Engrossment ..... 2306
May 16 80 Correctly Re-Engrossed ..... 2332
May 16 80 ER0085 change ..... 2333
May 31 87 Final Reading 26-20-3 ..... 2568
May 31 87 Speaker signed ..... 2569
May 31 87 Presented to Governor (5/31) ..... 2577
June 3 88 Attorney General's Opinion #94 to Vickers ..... 2626
June 5 90 Approved by Governor (6/5) ..... 2710

**LEGISLATIVE BILL 497. By Wesely**

Jan. 22 10 Read first time ..... 302
Jan. 22 10 Referred to Committee on Business and Labor .... 338
Feb. 5 17 Notice of hearing (3/13) ..... 465

**LEGISLATIVE BILL 498. By Chambers**

Jan. 22 10 Read first time ..... 302
Jan. 22 10 Referred to Committee on Judiciary ..... 338
Jan. 28 11 Notice of hearing (2/4) ..... 381
Feb. 12 22 Placed on General File - Com am #0137 ..... 569
Feb. 15 25 Committee amendment #0137 adopted. Advanced for Review ..... 627
Feb. 21 28 Placed on Select File - AM5053 ..... 683
Mar. 5 33 AM5053 (E & R) adopted. Advanced for Engrossment ..... 836
Mar. 8 36 Correctly Engrossed ..... 891
Mar. 13 39 Final Reading 47-0-2 ..... 961
Mar. 13 39 President signed ..... 962
Mar. 13 39 Presented to Governor (3/13) ..... 969
Mar. 18 41 Approved by Governor (3/15) ..... 1011

**LEGISLATIVE BILL 499. By Chambers**

Jan. 22 10 Read first time ..... 302
Jan. 22 10 Referred to Committee on Government, Military and Veterans Affairs ..... 338
Mar. 12 38 Notice of hearing (3/21) ..... 924
May 31 87 Placed on General File ..... 2585

**LEGISLATIVE BILL 500. By Marsh**

Jan. 22 10 Read first time ..... 302
Jan. 22 10 Referred to Committee on Government, Military and Veterans Affairs ..... 338
Jan. 30 13 Notice of hearing (2/22) ..... 404
Mar. 4 32 Indefinitely postponed ..... 794

**LEGISLATIVE BILL 501. By Warner**

Jan. 22 10 Read first time ..... 302
Jan. 22 10 Referred to Committee on Public Works ..... 338
Feb. 5 17 Notice of hearing (2/15) ..... 459
Mar. 7 35 Placed on General File - Com am #0413 ..... 879
May 16 80 Warner amendment #1478 printed ..... 2347
May 17 81 Committee amendment #0413 lost. Warner pending amendment #1478 p. 2347 adopted. Advanced for Review ..... 2377
May 20 82 Placed on Select File - AM5173 ..... 2397
May 30 86 AM5173 (E & R) adopted. Warner amendment #1573 adopted. Advanced for Engrossment ..... 2525
May 30 86 Wesely amendment #1594 printed ..... 2545
May 30 86 Correctly Engrossed. ER0095 change ..... 2550
June 4 89 Wesely pending amendment #1594 p. 2545 withdrawn ..... 2664
June 4 89 Final Reading 48-1-0 ..... 2665
June 4 89 Speaker signed ..... 2671
June 4 89 Presented to Governor (6/4) ..... 2677
June 12 AJ Approved by Governor (6/7) ..... 2735

**LEGISLATIVE BILL 502. By Warner**

Jan. 22 10 Read first time ..... 303
Jan. 22 10 Referred to Committee on Public Works ..... 338
Feb. 7 19 Notice of hearing (2/22) ..... 507

**LEGISLATIVE BILL 503. By Nichol**

Jan. 22 10 Read first time ..... 303
Jan. 22 10 Referred to Committee on Agriculture and Environment ..... 338
Feb. 6 18 Notice of hearing (2/28) ..... 494
Mar. 20 43 Placed on General File - Com am #0634 ..... 1074
Mar. 21 44 Nichol priority bill ..... 1119
Apr. 2 52 Committee amendment #0634 adopted. Advanced for Review ..... 1347

Apr. 9 55 Placed on Select File - AM5122 ..... 1414
Apr. 12 58 AM5122 (E & R) adopted.
Advanced for Engrossment ..... 1530
Apr. 16 60 Correctly Engrossed ..... 1596
Apr. 23 64 Final Reading 44-0-5 ..... 1759
Apr. 23 64 Speaker signed ..... 1761
Apr. 23 64 Presented to Governor (4/23) ..... 1780
Apr. 26 67 Approved by Governor (4/26) ..... 1920

**LEGISLATIVE BILL 504. By Remmers**

Jan. 22 10 Read first time ..... 303
Jan. 22 10 Referred to Committee on Judiciary ..... 338
Feb. 28 30 Attorney General's Opinion #24 to Remmers ..... 734
Mar. 11 37 Notice of hearing (3/19) ..... 910
Mar. 21 44 Placed on General File - Com am #0719 ..... 1114
Mar. 27 48 Remmers amendment #0812 printed ..... 1209

**LEGISLATIVE BILL 505. By Remmers**

Jan. 22 10 Read first time ..... 303
Jan. 22 10 Referred to Committee on Revenue ..... 338
Feb. 22 29 Notice of hearing (3/5) ..... 726
Mar. 21 44 Remmers priority bill ..... 1119
Apr. 3 53 Placed on General File - Com am #0852 ..... 1376
Apr. 9 55 Vickers name added ..... 1441
Apr. 10 56 Hartnett name added ..... 1448
Apr. 11 57 Vickers amendment #0963 to committee
amendment printed ..... 1478
Apr. 17 61 Remmers amendment #1079 to committee
amendment printed ..... 1617
Apr. 19 63 Withem amendment #1126 printed ..... 1702
Apr. 23 64 Warner amendment #1149 to committee
amendment printed ..... 1781
Apr. 24 65 Warner amendment #1162 to committee
amendment printed ..... 1878
Apr. 25 66 DeCamp amendment #1177 printed ..... 1892
Apr. 25 66 Vickers-Wesely amendment #1182 and
Wesely amendment #1181 printed ..... 1909
Apr. 26 67 Vickers pending amendment #0963 p. 1478
withdrawn. Vickers-Wesely pending
amendment #1182 p. 1909 to committee
amendment ruled germane and lost ..... 1912
Apr. 26 67 DeCamp pending amendment #1177 p. 1892
ruled not germane. Warner amendment

#1149 p. 1781 withdrawn. Committee amendment #0852 adopted. Remmers motion to indefinitely postpone prevailed ..... 1915

**LEGISLATIVE BILL 505A. By Remmers**

Apr. 18 62 Read first time. Placed on General File ..... 1669
Apr. 26 67 Remmers motion to indefinitely postpone prevailed ..... 1920

**LEGISLATIVE BILL 506. By Nichol, Baack, Barrett, Vickers, Hefner, Sieck, Peterson, Rupp**

Jan. 22 10 Read first time ..... 303
Jan. 22 10 Referred to Committee on Education ..... 338
Feb. 5 17 Notice of hearing (3/25) ..... 462

**LEGISLATIVE BILL 507. By Miller**

Jan. 22 10 Read first time ..... 304
Jan. 22 10 Referred to Committee on Revenue ..... 338
Mar. 1 31 Notice of hearing (3/12) ..... 786
Mar. 20 43 Placed on General File - Com am #0678 ..... 1087

**LEGISLATIVE BILL 508. By Beyer**

Jan. 22 10 Read first time ..... 304
Jan. 22 10 Referred to Committee on Banking, Commerce and Insurance ..... 338
Jan. 28 11 Notice of hearing (2/5) ..... 372
Feb. 11 21 Placed on General File ..... 552
Feb. 15 25 Advanced for Review ..... 608
Feb. 20 27 Landis amendment #0278 printed ..... 668
Feb. 20 27 Placed on Select File - AM5052 ..... 674
Mar. 7 35 AM5052 (E & R) adopted. Landis pending amendment #0278 p. 668 ruled not germane. Landis amendment lost. Advanced for Engrossment ..... 866
Mar. 12 38 Correctly Engrossed ..... 917
Mar. 12 38 ER0029 change ..... 918
Mar. 21 44 Title read for Final Reading. Beutler motion to return to Select File pending ..... 1097
Apr. 10 56 Beutler pending motion to return to Select File p. 1097 withdrawn. Returned to Select File for Beutler

amendment. Beutler amendment #0975 adopted. Advanced for Re-Engrossment ..... 1451
Apr. 11 57 Correctly Re-Engrossed ..... 1495
Apr. 11 57 ER0051 change ..... 1496
Apr. 18 62 Final Reading 42-0-7 ..... 1649
Apr. 18 62 President signed ..... 1656
Apr. 18 62 Presented to Governor (4/18) ..... 1662
Apr. 24 65 Approved by Governor (4/24) ..... 1861

**LEGISLATIVE BILL 509. By Marsh**

Jan. 22 10 Read first time ..... 304
Jan. 22 10 Referred to Committee on Judiciary ..... 338
Mar. 11 37 Notice of hearing (3/18) ..... 910
Mar. 20 43 Indefinitely postponed ..... 1086

**LEGISLATIVE BILL 510. By Marsh**

Jan. 22 10 Read first time ..... 304
Jan. 22 10 Referred to Committee on Public Works ..... 338
Feb. 7 19 Notice of hearing (2/21) ..... 507
Mar. 11 37 Indefinitely postponed ..... 912

**LEGISLATIVE BILL 511. By Chizek**

Jan. 22 10 Read first time ..... 304
Jan. 22 10 Schmit name added ..... 315
Jan. 22 10 Referred to Committee on Government, Military and Veterans Affairs ..... 338
Feb. 28 30 Notice of hearing (3/21) ..... 732
Apr. 2 52 Placed on General File - Com am #0878 ..... 1346

**LEGISLATIVE BILL 512. By Chizek, Labedz**

Jan. 22 10 Read first time ..... 305
Jan. 22 10 Referred to Committee on Government, Military and Veterans Affairs ..... 338
Jan. 30 13 Notice of hearing (3/7) ..... 404
Mar. 8 36 Placed on General File - Com am #0514 ..... 896

**LEGISLATIVE BILL 513. By Rogers**

Jan. 22 10 Read first time ..... 305
Jan. 22 10 Referred to Committee on Business and Labor .... 338
Feb. 5 17 Notice of hearing (3/13) ..... 465

**LEGISLATIVE BILL 514. By Beutler**

Jan. 22 10 Read first time ..... 305
Jan. 22 10 Referred to Committee on Judiciary ..... 338
Feb. 22 29 Notice of hearing (3/12) ..... 727
Mar. 4 32 Notice of hearing (3/12) (Cancelled)
Notice of hearing (3/11) (Reset) ..... 815

**LEGISLATIVE BILL 515. By Beutler**

Jan. 22 10 Read first time ..... 306
Jan. 22 10 Referred to Committee on Miscellaneous
Subjects ..... 338
Feb. 1 15 Notice of hearing (2/14) ..... 437

**LEGISLATIVE BILL 516. By Beutler**

Jan. 22 10 Read first time ..... 306
Jan. 22 10 Referred to Committee on Judiciary ..... 338
Feb. 4 16 Notice of hearing (2/11) ..... 455
Mar. 1 31 Placed on General File - Com am #0214 ..... 787
Mar. 20 43 Hoagland amendment #0689 to committee
amendment printed ..... 1084
Mar. 21 44 Beutler priority bill ..... 1118
Mar. 29 50 Attorney General's Opinion #51 to Nichol ..... 1293
May 1 70 Beutler amendment #1251 to committee
amendment printed ..... 1978
May 6 73 Marsh amendment #1315 to committee
amendment printed ..... 2092
May 8 75 Hoagland pending amendment #0689
p. 1084 withdrawn. Beutler pending
amendment #1251 p. 1978 to committee
amendment adopted. Lamb amendment
#1303 to amendment #1251 pending ..... 2188
May 9 76 Lamb pending amendment #1303 p. 2188
and Lamb amendment to committee
amendment lost. Committee amendment
#0214 lost. Lamb motion to indefinitely
postpone laid over ..... 2199
May 13 77 Lamb pending motion to indefinitely
postpone p. 2202 lost. Beutler
amendment #1408 adopted as amended
by Lamb and Smith amendments. Marsh
pending amendment #1315 p. 2092

withdrawn. Marsh amendment lost. Advanced for Review ..... 2221
May 14 78 Placed on Select File - AM5168 ..... 2289
May 17 81 Lamb amendment #1477 to amendment #1408 printed ..... 2355
May 29 85 Attorney General's Opinion #85 to Vickers. Attorney General's Opinion #86 to Beutler .... 2477
June 3 88 Passed over ..... 2615
June 3 88 Attorney General's Opinion #95 to Beutler ..... 2628

**LEGISLATIVE BILL 517. By Beutler**

Jan. 22 10 Read first time ..... 306
Jan. 22 10 Referred to Committee on Constitutional Revision and Recreation ..... 338
Feb. 13 23 Notice of hearing (3/1) ..... 580
Mar. 8 36 DeCamp amendment printed ..... 896

**LEGISLATIVE BILL 518. By Beutler**

Jan. 22 10 Read first time ..... 306
Jan. 22 10 Referred to Committee on Education ..... 338
Jan. 29 12 Notice of hearing (2/5) ..... 386
Mar. 21 44 Education Committee priority bill ..... 1120
Mar. 28 49 Placed on General File - Com am #0425 ..... 1236
Apr. 19 63 Committee amendment #0425 adopted. Warner motion to bracket until 1986 lost. Advanced for Review ..... 1694
Apr. 24 65 Placed on Select File - AM5149 ..... 1850
May 14 78 Beutler amendment #1379 printed ..... 2275
June 3 88 AM5149 (E & R) adopted. Beutler pending amendment #1379 p. 2275 adopted. Advanced for Engrossment ..... 2618
June 3 88 Correctly Engrossed ..... 2625
June 5 90 Nichol motion to suspend rules prevailed ..... 2701
June 5 90 Final Reading 44-1-4 ..... 2707
June 5 90 President signed ..... 2712
June 5 90 Presented to Governor (6/5) ..... 2723
June 12 AJ Approved by Governor (6/7) ..... 2735

**LEGISLATIVE BILL 519. By Beutler**

Jan. 22 10 Read first time ..... 307
Jan. 22 10 Referred to Committee on Urban Affairs ..... 338
Jan. 31 14 Notice of hearing (3/13) ..... 415

**LEGISLATIVE BILL 520. By Beutler**

Jan. 22 10 Read first time ..... 307
Jan. 22 10 Referred to Committee on Judiciary ..... 338
Feb. 21 28 Notice of hearing (3/4) ..... 691
Mar. 22 45 Nichol priority bill ..... 1154
Apr. 1 51 Placed on General File - Com am #0563 ..... 1311

**LEGISLATIVE BILL 521. By Beutler**

Jan. 22 10 Read first time ..... 307
Jan. 22 10 Referred to Committee on Judiciary ..... 338
Feb. 12 22 Notice of hearing (2/20) ..... 569
Mar. 18 41 Placed on General File ..... 1037

**LEGISLATIVE BILL 522. By Hoagland**

Jan. 22 10 Read first time ..... 307
Jan. 22 10 Referred to Committee on Judiciary ..... 338
Feb. 22 29 Notice of hearing (3/12) ..... 727
Mar. 21 44 Placed on General File - Com am #0718 ..... 1114

**LEGISLATIVE BILL 523. By Hoagland**

Jan. 22 10 Read first time ..... 307
Jan. 22 10 Referred to Committee on Banking, Commerce and Insurance ..... 338
Feb. 14 24 Notice of hearing (3/5) ..... 599
Mar. 26 47 Indefinitely postponed ..... 1196

**LEGISLATIVE BILL 524. By Hoagland**

Jan. 22 10 Read first time ..... 307
Jan. 22 10 Referred to Committee on Public Works ..... 338
Feb. 7 19 Notice of hearing (3/1) ..... 507
Mar. 21 44 Hoagland priority bill ..... 1118

**LEGISLATIVE BILL 525. By Hoagland**

Jan. 22 10 Read first time ..... 308
Jan. 22 10 Referred to Committee on Judiciary ..... 338
Feb. 12 22 Notice of hearing (2/19) ..... 569
Feb. 22 29 Placed on General File ..... 720

**LEGISLATIVE BILL 526. By Hoagland**

Jan. 22 10 Read first time ..... 308
Jan. 22 10 Referred to Committee on Judiciary ..... 338
Feb. 22 29 Notice of hearing (3/11) ..... 727
Mar. 18 41 Placed on General File ..... 1037

**LEGISLATIVE BILL 527. By Judiciary Committee and DeCamp**

Jan. 22 10 Read first time ..... 308
Jan. 22 10 Referred to Committee on Judiciary ..... 338
Feb. 22 29 Notice of hearing (3/11) ..... 727

**LEGISLATIVE BILL 528. By Judiciary Committee**

Jan. 22 10 Read first time ..... 308
Jan. 22 10 Referred to Committee on Judiciary ..... 338
Feb. 21 28 Notice of hearing (3/6) ..... 691
Mar. 20 43 Placed on General File - Com am #0614 ..... 1070

**LEGISLATIVE BILL 529. By Hoagland**

Jan. 22 10 Read first time ..... 309
Jan. 22 10 Referred to Committee on Judiciary ..... 338
Feb. 12 22 Notice of hearing (2/19) ..... 569
Mar. 22 45 Nichol priority bill ..... 1154
Apr. 4 54 Placed on General File - Com am #0864 ..... 1384
Apr. 12 58 Hoagland amendment #0958 printed ..... 1517

**LEGISLATIVE BILL 530. By Judiciary Committee**

Jan. 22 10 Read first time ..... 309
Jan. 22 10 Referred to Committee on Judiciary ..... 338
Feb. 4 16 Notice of hearing (2/11) ..... 455
Mar. 20 43 Placed on General File - Com am #0613 ..... 1072

**LEGISLATIVE BILL 531. By Withem**

Jan. 22 10 Read first time ..... 309
Jan. 22 10 Referred to Committee on Revenue ..... 338
Mar. 1 31 Notice of hearing (3/12) ..... 786
Mar. 20 43 Placed on General File ..... 1086
May 2 71 Withem amendment #1269 printed ..... 2018

**LEGISLATIVE BILL 532. By Withem, Haberman, Higgins, R. Johnson, Baack, Pappas, Morehead, Peterson**

| | | | | |
|---|---|---|---|---|
| Jan. | 22 | 10 | Read first time | 309 |
| Jan. | 22 | 10 | Referred to Committee on Urban Affairs | 338 |
| Jan. | 31 | 14 | Notice of hearing (3/6) | 415 |
| Mar. | 7 | 35 | Placed on General File - Com am #0494 | 879 |
| Mar. | 21 | 44 | Urban Affairs Committee priority bill | 1120 |
| Apr. | 16 | 60 | Committee amendment #0494 adopted. Advanced for Review | 1589 |
| Apr. | 17 | 61 | Placed on Select File - AM5136 | 1617 |
| May | 6 | 73 | AM5136 (E & R) adopted. Advanced for Engrossment | 2087 |
| May | 8 | 75 | Correctly Engrossed | 2191 |
| May | 14 | 78 | Final Reading 45-0-4 | 2272 |
| May | 14 | 78 | Speaker signed | 2300 |
| May | 15 | 79 | Presented to Governor (5/14) | 2312 |
| May | 15 | 79 | Smith explanation of vote | 2324 |
| May | 20 | 82 | Approved by Governor (5/17) | 2391 |

**LEGISLATIVE BILL 533. By Smith**

| | | | | |
|---|---|---|---|---|
| Jan. | 22 | 10 | Read first time | 310 |
| Jan. | 22 | 10 | Referred to Committee on Revenue | 338 |
| Feb. | 8 | 20 | Notice of hearing (2/19) | 516 |
| Feb. | 22 | 29 | Placed on General File - Com am #0302 | 727 |
| Mar. | 27 | 48 | Committee amendment #0302 adopted. Advanced for Review | 1216 |
| Apr. | 1 | 51 | Placed on Select File - AM5103 | 1302 |
| Apr. | 3 | 53 | AM5103 (E & R) adopted. Advanced for Engrossment | 1376 |
| Apr. | 10 | 56 | Correctly Engrossed | 1459 |
| Apr. | 15 | 59 | Final Reading 44-0-5 | 1539 |
| Apr. | 15 | 59 | President signed | 1541 |
| Apr. | 15 | 59 | Presented to Governor (4/15) | 1550 |
| Apr. | 19 | 63 | Approved by Governor (4/19) | 1701 |

**LEGISLATIVE BILL 534. By Smith**

| | | | | |
|---|---|---|---|---|
| Jan. | 22 | 10 | Read first time | 310 |
| Jan. | 22 | 10 | Referred to Committee on Education | 338 |
| Feb. | 4 | 16 | Notice of hearing (3/11) | 453 |
| Mar. | 28 | 49 | Placed on General File - Com am #0821 | 1246 |

**LEGISLATIVE BILL 535. By Haberman**

| | | | | |
|---|---|---|---|---|
| Jan. | 22 | 10 | Read first time | 310 |

Jan. 22 10 Referred to Committee on Miscellaneous Subjects ..... 338
Feb. 1 15 Notice of hearing (2/15) ..... 437
Feb. 28 30 Indefinitely postponed ..... 731

**LEGISLATIVE BILL 536. By Haberman**

Jan. 22 10 Read first time ..... 310
Jan. 22 10 Referred to Committee on Administrative Rules and Regulations Review ..... 338
Jan. 31 14 Notice of hearing (2/11) ..... 414

**LEGISLATIVE BILL 537. By Scofield**

Jan. 22 10 Read first time ..... 310
Jan. 22 10 Referred to Committee on Agriculture and Environment ..... 338
Feb. 6 18 Notice of hearing (3/1) ..... 494
Feb. 13 23 Notice of hearing (3/1) (Cancelled) ..... 580
Feb. 13 23 Notice of hearing (3/7) (Reset) ..... 581
Mar. 21 44 Scofield priority bill ..... 1119
Mar. 27 48 Indefinitely postponed ..... 1209

**LEGISLATIVE BILL 538. By Abboud**

Jan. 22 10 Read first time ..... 311
Jan. 22 10 Referred to Committee on Public Works ..... 338
Feb. 5 17 Notice of hearing (2/14) ..... 459
Feb. 21 28 Indefinitely postponed ..... 694

**LEGISLATIVE BILL 539. By Revenue Committee**

Jan. 22 10 Read first time ..... 311
Jan. 22 10 Referred to Committee on Revenue ..... 338
Mar. 7 35 Notice of hearing (3/27) ..... 865
May 17 81 Placed on General File - Com am #1493 ..... 2389
May 20 82 Warner amendment #1513 printed. Landis-Hefner amendment #1510 to committee amendment printed ..... 2416
May 21 83 Beutler motion to bracket until 5/28 withdrawn. Landis-Hefner pending amendment #1510 p. 2416 withdrawn. Committee amendment #1493 lost. Warner pending amendment #1513 p. 2416 withdrawn. Advanced for Review ..... 2437

May 22 84 Placed on Select File ..... 2457
May 22 84 Lamb-Hefner-Abboud motion to indefinitely postpone printed ..... 2465
June 3 88 Lamb-Hefner-Abboud pending motion p. 2465 to indefinitely postpone withdrawn. Warner reoffered amendment #1513 p. 2416 lost. DeCamp amendment #1598 lost ..... 2622
June 3 88 Beutler-Lamb-Hefner-Abboud motion to indefinitely postpone lost. Warner amendment lost ..... 2634
June 3 88 Chambers motion to reconsider Warner amendment p. 2634 lost ..... 2636

**LEGISLATIVE BILL 540. By Pirsch**

Jan. 22 10 Read first time ..... 312
Jan. 22 10 Referred to Committee on Judiciary ..... 339
Mar. 11 37 Notice of hearing (3/19) ..... 910
Mar. 22 45 Nichol priority bill ..... 1154
Apr. 4 54 Placed on General File - Com am #0896 ..... 1404

**LEGISLATIVE BILL 541. By Pirsch**

Jan. 22 10 Read first time ..... 312
Jan. 22 10 Referred to Committee on Judiciary ..... 339
Mar. 11 37 Notice of hearing (3/18) ..... 910
Mar. 20 43 Indefinitely postponed ..... 1086

**LEGISLATIVE BILL 542. By Pirsch**

Jan. 22 10 Read first time ..... 312
Jan. 22 10 Referred to Committee on Judiciary ..... 339
Feb. 21 28 Notice of hearing (3/6) ..... 691
Apr. 4 54 Indefinitely postponed ..... 1387

**LEGISLATIVE BILL 543. By Pirsch**

Jan. 22 10 Read first time ..... 312
Jan. 22 10 Referred to Committee on Judiciary ..... 339
Jan. 28 11 Notice of hearing (2/4) ..... 381
May 14 78 Placed on General File - Com am #0088 ..... 2257

**LEGISLATIVE BILL 544. By Pirsch**

Jan. 22 10 Read first time ..... 312

Jan. 22 10 Referred to Committee on Urban Affairs ..... 339
Jan. 31 14 Notice of hearing (3/6) ..... 415

**LEGISLATIVE BILL 545. By Landis**

Jan. 22 10 Read first time ..... 313
Jan. 22 10 Referred to Committee on Judiciary ..... 339
Mar. 11 37 Notice of hearing (3/26) ..... 910
Apr. 11 57 Indefinitely postponed ..... 1477

**LEGISLATIVE BILL 546. By Landis**

Jan. 22 10 Read first time ..... 313
Jan. 22 10 Referred to Committee on Nebraska Retirement Systems ..... 339
Mar. 1 31 Notice of hearing (3/19) ..... 786
Mar. 21 44 Landis priority bill ..... 1119
Apr. 17 61 Placed on General File - Com am #0855 ..... 1623

**LEGISLATIVE BILL 547. By Landis**

Jan. 22 10 Read first time ..... 313
Jan. 22 10 Referred to Committee on Government, Military and Veterans Affairs ..... 339
Jan. 30 13 Notice of hearing (3/7) ..... 404
Mar. 12 38 Placed on General File ..... 924
Mar. 14 40 Advanced for Review ..... 997
Mar. 18 41 Placed on Select File - AM5086 ..... 1020
Mar. 20 43 AM5086 (E & R) adopted. Advanced for Engrossment ..... 1084
Mar. 22 45 Correctly Engrossed ..... 1153
Mar. 29 50 Final Reading 27-15-7 ..... 1279
Mar. 29 50 Speaker signed ..... 1287
Mar. 29 50 Presented to Governor (3/29) ..... 1289
Apr. 3 53 Approved by Governor (4/2) ..... 1351

**LEGISLATIVE BILL 548. By Landis**

Jan. 22 10 Read first time ..... 313
Jan. 22 10 Referred to Committee on Miscellaneous Subjects ..... 339
Feb. 13 23 Notice of hearing (3/8) ..... 590
Mar. 6 34 Landis amendment #0418 printed ..... 847
Mar. 21 44 Miscellaneous Subjects Committee priority bill ..... 1120

Apr. 19 63 Placed on General File - Com am #1118 ..... 1688
May 8 75 DeCamp amendment #1371 printed ..... 2189
May 15 79 Landis amendment #1441 to committee amendment printed ..... 2317
May 15 79 Beutler amendment #1461 printed ..... 2325
May 30 86 Landis amendment #1596 to committee amendment printed ..... 2541

**LEGISLATIVE BILL 549. By Peterson, Chronister, Hefner**

Jan. 22 10 Read first time ..... 314
Jan. 22 10 Referred to Committee on Public Health and Welfare ..... 339
Feb. 7 19 Notice of hearing (3/12) ..... 510

**LEGISLATIVE BILL 550. By Peterson, Wesely, Chronister, Hefner**

Jan. 22 10 Read first time ..... 314
Jan. 22 10 Referred to Committee on Public Health and Welfare ..... 339
Feb. 7 19 Notice of hearing (3/12) ..... 510
Mar. 18 41 Placed on General File - Com am #0627 ..... 1031

**LEGISLATIVE BILL 551. By Hefner, Lamb, Peterson**

Jan. 22 10 Read first time ..... 314
Jan. 22 10 Referred to Committee on Education ..... 339
Feb. 4 16 Notice of hearing (3/11) ..... 453
Mar. 28 49 Indefinitely postponed ..... 1238

**LEGISLATIVE BILL 552. By Hefner**

Jan. 22 10 Read first time ..... 314
Jan. 22 10 Referred to Committee on Revenue ..... 339
Feb. 4 16 Notice of hearing (2/11) ..... 448
Feb. 15 25 Placed on General File - Com am #0200 ..... 622
Feb. 20 27 V. Johnson-Hefner amendment #0292 to committee amendment printed ..... 673
Mar. 6 34 Committee amendment #0200 adopted as amended by pending V. Johnson-Hefner amendment #0292 p. 673. Advanced for Review ..... 857
Mar. 8 36 Placed on Select File - AM5068 ..... 899
Mar. 18 41 Attorney General's Opinion #37 to Schmit ..... 1031
Mar. 20 43 Correctly Engrossed ..... 1066

Apr. 11 57 Hefner amendment #0948 printed ..... 1477
Apr. 18 62 Returned to Select File for Hefner amendment. Hefner pending amendment #0948 p. 1477 adopted. Advanced for Re-Engrossment ..... 1656
Apr. 23 64 Correctly Re-Engrossed ..... 1762
Apr. 30 69 Baack motion to return to Select File for amendment withdrawn. Final Reading 25-20-4 ..... 1960
Apr. 30 69 President signed ..... 1967
Apr. 30 69 DeCamp motion to reconsider Final Passage laid over ..... 1968
May 1 70 DeCamp pending motion p. 1968 to reconsider Final Passage withdrawn ..... 1981
May 1 70 Presented to Governor (5/1) ..... 1983
May 8 75 Returned by Governor without approval (5/7) ... 2153

**LEGISLATIVE BILL 552A. By Hefner**

Mar. 14 40 Read first time. Placed on General File ..... 996
Mar. 28 49 Advanced for Review ..... 1239
Apr. 1 51 Placed on Select File - AM5108 ..... 1310
Apr. 3 53 AM5108 (E & R) adopted. Advanced for Engrossment ..... 1377
Apr. 10 56 Correctly Engrossed ..... 1459
Apr. 30 69 Final Reading 26-19-4 ..... 1961
Apr. 30 69 Marsh point of order ..... 1962
Apr. 30 69 President signed ..... 1967
May 1 70 Presented to Governor (5/1) ..... 1983
May 8 75 Returned by Governor without approval (5/7) ... 2153

**LEGISLATIVE BILL 553. By Schmit, Miller**

Jan. 22 10 Read first time ..... 314
Jan. 22 10 Referred to Committee on Public Works ..... 339
Feb. 5 17 Notice of hearing (2/14) ..... 459
Mar. 6 34 Placed on General File - Com am #0416 ..... 839
Mar. 21 44 Public Works Committee priority bill ..... 1120
Apr. 1 51 Schmit amendment #0868 to committee amendment printed ..... 1325
Apr. 16 60 Committee amendment #0416 adopted as amended by Schmit pending amendment #0868 p. 1325. Warner motion to indefinitely postpone withdrawn. Warner amendment #1006 adopted.

Advanced for Review ..... 1587
Apr. 17 61 Placed on Select File - AM5137 ..... 1617
Apr. 23 64 Conway amendment #1007 printed ..... 1780
May 2 71 Haberman amendment #1297 printed ..... 2036
May 6 73 AM5137 (E & R) adopted. Conway pending amendment #1007 p. 1780, Haberman pending amendment #1297 p. 2036 and Nichol amendment adopted. Warner motion to indefinitely postpone pending ..... 2082
May 6 73 Warner pending motion to indefinitely postpone withdrawn. Lynch motion to reconsider Haberman amendment prevailed. Haberman reconsidered amendment #1297 withdrawn. Advanced for Engrossment ..... 2086
May 8 75 Correctly Engrossed ..... 2191
May 8 75 ER0075 change ..... 2192
May 14 78 Returned to Select File for Beutler amendment. Beutler amendment #1439 adopted. Advanced for Re-Engrossment ..... 2272
May 15 79 Correctly Re-Engrossed ..... 2312
May 21 83 Final Reading 43-0-6 ..... 2423
May 21 83 Speaker signed ..... 2436
May 21 83 Presented to Governor (5/21) ..... 2438
May 29 85 Approved by Governor (5/24) ..... 2474

**LEGISLATIVE BILL 554. By Eret**

Jan. 22 10 Read first time ..... 315
Jan. 22 10 Referred to Committee on Revenue ..... 339
Mar. 1 31 Notice of hearing (3/11) ..... 786
Mar. 19 42 Indefinitely postponed ..... 1039

**LEGISLATIVE BILL 555. By Eret**

Jan. 22 10 Read first time ..... 316
Jan. 22 10 Referred to Committee on Agriculture and Environment ..... 339
Feb. 6 18 Notice of hearing (2/21) ..... 494

**LEGISLATIVE BILL 556. By Labedz**

Jan. 22 10 Read first time ..... 316
Jan. 22 10 Referred to Committee on Revenue ..... 339
Mar. 1 31 Notice of hearing (3/11) ..... 786
Mar. 21 44 Labedz priority bill ..... 1119

Mar. 27 48 Hall name added ..... 1232
Apr. 16 60 Labedz motion to place on General File laid over ..... 1595
Apr. 24 65 Labedz pending motion p. 1595 prevailed. Placed on General File ..... 1857
May 22 84 Advanced for Review ..... 2462
May 29 85 Placed on Select File ..... 2475
May 31 87 Advanced for Engrossment ..... 2579
May 31 87 Correctly Engrossed ..... 2606

**LEGISLATIVE BILL 556A. By Labedz**

May 13 77 Read first time. Placed on General File ..... 2229
May 22 84 Advanced for Review ..... 2463
May 29 85 Placed on Select File ..... 2475
May 31 87 Advanced for Engrossment ..... 2579
May 31 87 Correctly Engrossed ..... 2606

**LEGISLATIVE BILL 557. By Rupp, Scofield**

Jan. 22 10 Read first time ..... 316
Jan. 22 10 Referred to Committee on Constitutional Revision and Recreation ..... 339
Jan. 22 10 Notice of hearing (2-1) ..... 357
Feb. 5 17 Placed on General File ..... 469
Feb. 7 19 Advanced for Review ..... 509
Feb. 11 21 Placed on Select File - AM5033 ..... 542
Feb. 12 22 AM5033 (E & R) adopted. Advanced for Engrossment ..... 564
Feb. 14 24 Correctly Engrossed ..... 592
Feb. 22 29 Final Reading 37-1-11 ..... 719
Feb. 22 29 Higgins explanation of vote ..... 722
Feb. 22 29 President signed ..... 725
Feb. 28 30 Presented to Governor (2/22). Approved by Governor (2-27) ..... 741

**LEGISLATIVE BILL 558. By Rupp**

Jan. 22 10 Read first time ..... 316
Jan. 22 10 Referred to Committee on Constitutional Revision and Recreation ..... 339
Jan. 30 13 Notice of hearing (2/8) ..... 405
Mar. 7 35 Placed on General File - Com am #0482 ..... 879

**LEGISLATIVE BILL 559. By Hannibal**

Jan. 22 10 Read first time ..... 316
Jan. 22 10 Referred to Committee on Government, Military and Veterans Affairs ..... 339
Feb. 28 30 Notice of hearing (3/14) ..... 732
Mar. 18 41 Placed on General File ..... 1030
Mar. 27 48 Advanced for Review ..... 1210
Mar. 28 49 Abboud name added ..... 1264
Mar. 28 49 Placed on Select File ..... 1266
Apr. 1 51 Advanced for Engrossment ..... 1324
Apr. 4 54 Correctly Engrossed ..... 1404
Apr. 11 57 Final Reading 45-0-4 ..... 1492
Apr. 11 57 Speaker signed ..... 1506
Apr. 12 58 Presented to Governor (4/11) ..... 1516
Apr. 15 59 Approved by Governor (4/15) ..... 1555

**LEGISLATIVE BILL 560. By Hannibal**

Jan. 22 10 Read first time ..... 317
Jan. 22 10 Referred to Committee on Revenue ..... 339
Feb. 4 16 Notice of hearing (2/11) ..... 448
Feb. 19 26 Indefinitely postponed ..... 650

**LEGISLATIVE BILL 561. By Hannibal**

Jan. 22 10 Read first time ..... 317
Jan. 22 10 Referred to Committee on Revenue ..... 339
Mar. 7 35 Notice of hearing (3/26) ..... 865
Mar. 28 49 Placed on General File - Com am #0829 ..... 1242

**LEGISLATIVE BILL 562. By Hoagland**

Jan. 22 10 Read first time ..... 317
Jan. 22 10 Referred to Committee on Public Health and Welfare ..... 339
Feb. 7 19 Notice of hearing (3/19) ..... 511
Mar. 21 44 Indefinitely postponed ..... 1113

**LEGISLATIVE BILL 563. By Hoagland**

Jan. 22 10 Read first time ..... 317
Jan. 22 10 Referred to Committee on Government, Military and Veterans Affairs ..... 339
Mar. 12 38 Notice of hearing (3/22) ..... 924

**LEGISLATIVE BILL 564. By Performance Review and Audit Committee**

Jan. 22 10 Read first time ..... 317
Jan. 22 10 Referred to Committee on Government, Military and Veterans Affairs ..... 339
Feb. 28 30 Notice of hearing (3/21) ..... 732
Apr. 2 52 Placed on General File - Com am #0886 ..... 1347
Apr. 30 69 Committee amendment #0886 adopted as amended by Hannibal-Landis amendment. Advanced for Review ..... 1967
May 3 72 Placed on Select File - AM5160 ..... 2051
May 7 74 Hannibal-Landis amendment printed ..... 2130
May 15 79 Goodrich amendment #1464 printed ..... 2326
May 31 87 AM5160 (E & R) adopted. Hannibal-Landis pending amendment p. 2130 and Goodrich pending amendment #1464 p. 2326 adopted. Advanced for Engrossment ..... 2579
June 3 88 Correctly Engrossed. ER0101 change ..... 2610
June 5 90 Nichol motion to suspend rules prevailed ..... 2701
June 5 90 Final Reading 47-0-2 ..... 2708
June 5 90 President signed ..... 2712
June 5 90 Presented to Governor (6/5) ..... 2723
June 12 AJ Approved by Governor (6/7) ..... 2735

**LEGISLATIVE BILL 565. By Wesely**

Jan. 22 10 Read first time ..... 317
Jan. 22 10 Referred to Committee on Public Health and Welfare ..... 339
Feb. 7 19 Notice of hearing (3/26) ..... 511

**LEGISLATIVE BILL 566. By Wesely**

Jan. 22 10 Read first time ..... 317
Jan. 22 10 Referred to Committee on Government, Military and Veterans Affairs ..... 339
Feb. 28 30 Notice of hearing (3/21) ..... 732

**LEGISLATIVE BILL 567. By Wesely**

Jan. 22 10 Read first time ..... 318
Jan. 22 10 Referred to Committee on Nebraska Retirement Systems ..... 339
Jan. 30 13 Notice of hearing (3/18) ..... 405

**LEGISLATIVE BILL 568. By Chizek**

| | | | | |
|---|---|---|---|---|
| Jan. | 22 | 10 | Read first time | 318 |
| Jan. | 22 | 10 | Referred to Committee on Banking, Commerce and Insurance | 339 |
| Feb. | 8 | 20 | Notice of hearing (2/19) | 529 |
| Feb. | 28 | 30 | Placed on General File | 760 |
| Mar. | 14 | 40 | Advanced for Review | 994 |
| Mar. | 18 | 41 | Placed on Select File | 1014 |
| Mar. | 20 | 43 | Advanced for Engrossment | 1083 |
| Mar. | 22 | 45 | Correctly Engrossed | 1138 |
| Mar. | 29 | 50 | Final Reading 45-0-4 | 1280 |
| Mar. | 29 | 50 | Speaker signed | 1287 |
| Mar. | 29 | 50 | Presented to Governor (3/29) | 1289 |
| Apr. | 3 | 53 | Approved by Governor (4/2) | 1351 |

**LEGISLATIVE BILL 569. By Rupp**

| | | | | |
|---|---|---|---|---|
| Jan. | 22 | 10 | Read first time | 318 |
| Jan. | 22 | 10 | Referred to Committee on Public Works | 339 |
| Feb. | 7 | 19 | Notice of hearing (2/20) | 507 |
| Feb. | 28 | 30 | Placed on General File | 748 |
| Mar. | 27 | 48 | Vickers-Beutler amendment adopted. Advanced for Review | 1209 |
| Mar. | 28 | 49 | Placed on Select File - AM5096 | 1250 |
| Apr. | 1 | 51 | AM5096 (E & R) adopted. Advanced for Engrossment | 1324 |
| Apr. | 3 | 53 | Wesely amendment #0872 printed | 1367 |
| Apr. | 4 | 54 | Correctly Engrossed | 1392 |
| Apr. | 11 | 57 | Wesely pending amendment #0872 p. 1367 withdrawn. Final Reading 40-0-9 | 1505 |
| Apr. | 11 | 57 | Speaker signed | 1506 |
| Apr. | 12 | 58 | Presented to Governor (4/11) | 1516 |
| Apr. | 15 | 59 | Approved by Governor (4/15) | 1555 |

**LEGISLATIVE BILL 570. By Vickers**

| | | | | |
|---|---|---|---|---|
| Jan. | 22 | 10 | Read first time | 318 |
| Jan. | 22 | 10 | Referred to Committee on Judiciary | 339 |
| Mar. | 11 | 37 | Notice of hearing (3/19) | 910 |
| Apr. | 11 | 57 | Indefinitely postponed | 1477 |

**LEGISLATIVE BILL 571. By R. Johnson**

Jan. 22 10 Read first time ..... 318
Jan. 22 10 Referred to Committee on Banking, Commerce and Insurance ..... 339
Feb. 14 24 Notice of hearing (3/5) ..... 599

**LEGISLATIVE BILL 572. By Marsh, Lundy, Carsten, Hannibal, Vickers, Goll, Warner, Rupp**

Jan. 22 10 Read first time ..... 318
Jan. 22 10 Referred to Committee on Public Health and Welfare ..... 339
Feb. 7 19 Notice of hearing (3/11) ..... 510
Mar. 5 33 Carsten name withdrawn ..... 821

**LEGISLATIVE BILL 573. By Lynch**

Jan. 22 10 Read first time ..... 319
Jan. 22 10 Referred to Committee on Banking, Commerce and Insurance ..... 339
Feb. 1 15 DeCamp name added ..... 433
Feb. 14 24 Notice of hearing (3/5) ..... 599
Mar. 22 45 Placed on General File - Com am #0701 ..... 1151

**LEGISLATIVE BILL 574. By Lynch**

Jan. 22 10 Read first time ..... 319
Jan. 22 10 Referred to Committee on Banking, Commerce and Insurance ..... 339
Feb. 14 24 Notice of hearing (3/11) ..... 599

**LEGISLATIVE BILL 575. By Lynch**

Jan. 22 10 Read first time ..... 319
Jan. 22 10 Referred to Committee on Public Works ..... 339
Feb. 5 17 Notice of hearing (2/15) ..... 459
Mar. 6 34 Placed on General File - Com am #0417 ..... 840
Mar. 27 48 Schmit amendment #0817 to committee amendment printed ..... 1228

**LEGISLATIVE BILL 576. By Lynch**

Jan. 22 10 Read first time ..... 319
Jan. 22 10 Referred to Committee on Judiciary ..... 339
Mar. 11 37 Notice of hearing (3/26) ..... 910
Apr. 11 57 Indefinitely postponed ..... 1477

**LEGISLATIVE BILL 577. By Lynch**

| | | | | |
|---|---|---|---|---|
| Jan. | 22 | 10 | Read first time | 319 |
| Jan. | 22 | 10 | Referred to Committee on Revenue | 339 |
| Feb. | 4 | 16 | Notice of hearing (2/11) | 448 |
| Feb. | 19 | 26 | Indefinitely postponed | 650 |

**LEGISLATIVE BILL 578. By Lynch**

| | | | | |
|---|---|---|---|---|
| Jan. | 22 | 10 | Read first time | 319 |
| Jan. | 22 | 10 | Referred to Committee on Public Health and Welfare | 339 |
| Feb. | 7 | 19 | Notice of hearing (3/5) | 510 |
| Mar. | 20 | 43 | Placed on General File | 1070 |
| Mar. | 27 | 48 | Advanced for Review | 1210 |
| Mar. | 29 | 50 | Placed on Select File | 1295 |
| Apr. | 3 | 53 | Advanced for Engrossment | 1357 |
| Apr. | 9 | 55 | Attorney General's Opinion #57 to Wesely | 1428 |
| Apr. | 9 | 55 | Correctly Engrossed | 1445 |
| May | 2 | 71 | Lynch amendment #1264 printed | 2028 |

**LEGISLATIVE BILL 578A. By Lynch**

| | | | | |
|---|---|---|---|---|
| Mar. | 25 | 46 | Read first time. Placed on General File | 1177 |
| Mar. | 27 | 48 | Advanced for Review | 1210 |
| Mar. | 29 | 50 | Placed on Select File | 1296 |
| Apr. | 3 | 53 | Advanced for Engrossment | 1357 |
| Apr. | 9 | 55 | Correctly Engrossed | 1445 |

**LEGISLATIVE BILL 579. By Scofield**

| | | | | |
|---|---|---|---|---|
| Jan. | 22 | 10 | Read first time | 320 |
| Jan. | 22 | 10 | Referred to Committee on Public Health and Welfare | 339 |
| Feb. | 7 | 19 | Notice of hearing (3/11) | 510 |

**LEGISLATIVE BILL 580. By Morehead, Eret**

| | | | | |
|---|---|---|---|---|
| Jan. | 22 | 10 | Read first time | 320 |
| Jan. | 22 | 10 | Referred to Committee on Judiciary | 339 |
| Feb. | 22 | 29 | Notice of hearing (3/12) | 727 |
| May | 13 | 77 | Indefinitely postponed | 2250 |

**LEGISLATIVE BILL 581. By Morehead, Lundy, Chronister, Beutler,**

**Carsten**

Jan. 22 10 Read first time ..... 320
Jan. 22 10 Referred to Committee on Banking, Commerce and Insurance ..... 339
Feb. 14 24 Notice of hearing (3/11) ..... 599
Mar. 21 44 Carsten priority bill ..... 1118

**LEGISLATIVE BILL 582. By Pirsch**

Jan. 22 10 Read first time ..... 320
Jan. 22 10 Referred to Committee on Public Works ..... 339
Feb. 5 17 Notice of hearing (2/14) ..... 459
Mar. 11 37 Indefinitely postponed ..... 912

**LEGISLATIVE BILL 583. By Eret**

Jan. 22 10 Read first time ..... 320
Jan. 22 10 Referred to Committee on Revenue ..... 339
Mar. 7 35 Notice of hearing (3/26) ..... 865
Mar. 28 49 Indefinitely postponed ..... 1242

**LEGISLATIVE BILL 584. By Schmit, Labedz**

Jan. 22 10 Read first time ..... 321
Jan. 22 10 Referred to Committee on Public Works ..... 339
Feb. 7 19 Notice of hearing (2/28) ..... 507
Mar. 6 34 Placed on General File - Com am #0410 ..... 843
Mar. 27 48 Schmit amendment #0816 to committee amendment printed ..... 1228

**LEGISLATIVE BILL 584A. By Schmit**

Mar. 19 42 Read first time. Placed on General File ..... 1059

**LEGISLATIVE BILL 585. By Schmit, Labedz**

Jan. 22 10 Read first time ..... 321
Jan. 22 10 Referred to Committee on Public Works ..... 340
Feb. 5 17 Notice of hearing (2/13) ..... 459
Feb. 28 30 Placed on General File - Com am #0384 ..... 761
Mar. 27 48 Committee amendment #0384 adopted. Advanced for Review ..... 1221
Apr. 1 51 Placed on Select File - AM5106 ..... 1309
Apr. 3 53 Schmit amendment #0901 printed ..... 1374

Apr. 12 58 AM5106 (E & R) adopted. Schmit pending amendment #0901 p. 1374 adopted. Advanced for Engrossment ..... 1528
Apr. 16 60 Correctly Engrossed ..... 1596
Apr. 23 64 Final Reading 46-0-3 ..... 1759
Apr. 23 64 Speaker signed ..... 1761
Apr. 23 64 Presented to Governor (4/23) ..... 1780
Apr. 26 67 Approved by Governor (4/26) ..... 1920

**LEGISLATIVE BILL 586. By Withem**

Jan. 22 10 Read first time ..... 321
Jan. 22 10 Referred to Committee on Public Health and Welfare ..... 340
Feb. 7 19 Notice of hearing (3/5) ..... 510

**LEGISLATIVE BILL 587. By DeCamp**

Jan. 22 10 Read first time ..... 321
Jan. 22 10 Referred to Committee on Education ..... 340
Jan. 28 11 Notice of hearing (2/4) ..... 381
Feb. 8 20 Placed on General File ..... 513
Feb. 12 22 Advanced for Review ..... 562
Feb. 13 23 Placed on Select File - AM5036 ..... 581
Feb. 15 25 AM5036 (E & R) adopted. Advanced for Engrossment ..... 627
Feb. 20 27 Correctly Engrossed ..... 672
Mar. 4 32 Final Reading w/E 42-2-5 ..... 807
Mar. 4 32 Speaker signed ..... 811
Mar. 5 33 Presented to Governor (3/4) ..... 818
Mar. 8 36 Approved by Governor (3/7) ..... 888

**LEGISLATIVE BILL 588. By DeCamp**

Jan. 22 10 Read first time ..... 321
Jan. 22 10 Referred to Committee on Banking, Commerce and Insurance ..... 340
Feb. 14 24 Notice of hearing (3/12) ..... 600
Mar. 4 32 Attorney General's Opinion #28 to DeCamp ..... 790
Mar. 26 47 Indefinitely postponed ..... 1196

**LEGISLATIVE BILL 589. By Schmit, Miller**

Jan. 22 10 Read first time ..... 321
Jan. 22 10 Referred to Committee on Agriculture

and Environment ..... 340
Feb. 6 18 Notice of hearing (3/8) ..... 495
Mar. 19 42 Indefinitely postponed ..... 1048

**LEGISLATIVE BILL 590. By Schmit, Rupp**

Jan. 22 10 Read first time ..... 322
Jan. 28 11 Referred to Committee on Judiciary ..... 377
Mar. 11 37 Notice of hearing (3/18) ..... 910
Mar. 26 47 Indefinitely postponed ..... 1197

**LEGISLATIVE BILL 591. By Schmit, Rupp**

Jan. 22 10 Read first time ..... 322
Jan. 28 11 Referred to Committee on Revenue ..... 377
Mar. 1 31 Notice of hearing (3/11) ..... 786
Mar. 19 42 Indefinitely postponed ..... 1039

**LEGISLATIVE BILL 592. By Vickers, Harris, Peterson**

Jan. 22 10 Read first time ..... 322
Jan. 28 11 Referred to Committee on Education ..... 377
Jan. 28 11 Notice of hearing (2/4) ..... 381
Feb. 11 21 Placed on General File - Com am #0109 ..... 551
Feb. 14 24 Committee amendment #0109 adopted.
Advanced for Review ..... 598
Feb. 19 26 Placed on Select File - AM5045 ..... 637
Feb. 21 28 Scofield amendment #0308 to committee
amendment printed ..... 699
Mar. 12 38 AM5045 (E & R) adopted. Scofield
pending amendment #0308 adopted.
Advanced for Engrossment ..... 926
Mar. 14 40 Correctly Engrossed ..... 978
Mar. 22 45 Final Reading 44-0-5 ..... 1133
Mar. 22 45 Speaker signed ..... 1146
Mar. 22 45 Presented to Governor (3/22) ..... 1154
Mar. 26 47 Approved by Governor (3/25) ..... 1182

**LEGISLATIVE BILL 593. By Barrett**

Jan. 22 10 Read first time ..... 322
Jan. 28 11 Referred to Committee on Banking,
Commerce and Insurance ..... 377
Feb. 4 16 Notice of hearing (2/11) ..... 452
Feb. 21 28 Placed on General File - Com am #0197 ..... 691

Mar. 21 44 DeCamp amendment #0696 printed ..... 1112
Mar. 22 45 Nichol priority bill ..... 1154
Mar. 25 46 Committee amendment #0197 adopted ..... 1177
Mar. 26 47 Conway amendment lost ..... 1194
Mar. 26 47 Vickers amendments lost ..... 1195
Apr. 4 54 Marsh amendment #0914 printed ..... 1394
Apr. 16 60 DeCamp amendment #1023 printed ..... 1574
May 1 70 Marsh amendment #1265 printed ..... 2010

**LEGISLATIVE BILL 594. By V. Johnson**

Jan. 22 10 Read first time ..... 322
Jan. 28 11 Referred to Committee on Revenue ..... 377
Feb. 4 16 Notice of hearing (2/12) ..... 449
Mar. 20 43 Placed on General File - Com am #0679 ..... 1088

**LEGISLATIVE BILL 595. By V. Johnson**

Jan. 22 10 Read first time ..... 323
Jan. 28 11 Referred to Committee on Government, Military and Veterans Affairs ..... 377
Feb. 28 30 Notice of hearing (3/21) ..... 732
Apr. 2 52 Placed on General File ..... 1332

**LEGISLATIVE BILL 596. By Sieck**

Jan. 22 10 Read first time ..... 323
Jan. 28 11 Referred to Committee on Agriculture and Environment ..... 377
Feb. 6 18 Notice of hearing (2/28) ..... 494
Mar. 27 48 Placed on General File ..... 1207

**LEGISLATIVE BILL 597. By Sieck**

Jan. 22 10 Read first time ..... 323
Jan. 28 11 Notice of hearing (2/5) ..... 373
Jan. 28 11 Referred to Committee on Revenue ..... 377
Feb. 15 25 Indefinitely postponed ..... 624

**LEGISLATIVE BILL 598. By Sieck, Lundy, Chronister, Labedz, Hoagland**

Jan. 22 10 Read first time ..... 323
Jan. 28 11 Referred to Committee on Miscellaneous Subjects ..... 377

Feb. 13 23 Notice of hearing (3/7) ..... 590
Mar. 12 38 Placed on General File - Com am #0512 ..... 919
Mar. 20 43 Sieck priority bill ..... 1086
Mar. 28 49 Sieck amendment to committee amendment printed ..... 1258
Apr. 2 52 Sieck pending amendment p. 1258 to committee amendment pending ..... 1333
May 13 77 Committee amendment #0512 adopted as amended by Sieck pending amendment p. 1258. Vickers motion to indefinitely postpone lost. Vickers amendment lost ..... 2238
May 13 77 Advanced for Review ..... 2251
May 14 78 Placed on Select File - AM5169 ..... 2292
May 31 87 AM5169 (E & R) adopted. Advanced for Engrossment ..... 2578
May 31 87 Correctly Engrossed ..... 2606
June 4 89 Nichol motion to suspend rules prevailed ..... 2658
June 4 89 Final Reading 25-23-1 ..... 2670
June 4 89 Speaker signed ..... 2671
June 4 89 Presented to Governor (6/4) ..... 2677
June 5 90 Returned by Governor without approval (6/4) ... 2712

**LEGISLATIVE BILL 599. By Lamb**

Jan. 22 10 Read first time ..... 323
Jan. 28 11 Referred to Committee on Appropriations ..... 377
Feb. 1 15 Notice of hearing (2/22) ..... 443
Mar. 21 44 Appropriations Committee priority bill ..... 1119
Apr. 25 66 Placed on General File - Com am #0982 ..... 1902

**LEGISLATIVE BILL 600. By Judiciary Committee**

Jan. 22 10 Read first time ..... 323
Jan. 28 11 Referred to Committee on Judiciary ..... 377
Feb. 12 22 Notice of hearing (2/19) ..... 569
Mar. 21 44 Judiciary Committee priority bill ..... 1120
May 17 81 Placed on General File - Com am #1489 ..... 2372
May 20 82 Hoagland amendment to committee amendment printed ..... 2415
May 22 84 Hoagland pending amendment p. 2415 withdrawn. Committee amendment #1489 adopted as amended by Hoagland amendment. Chambers amendments lost. Advanced for Review ..... 2468
May 29 85 Placed on Select File - AM5179 ..... 2475

May 30 86 Higgins amendment #1550 to committee amendment printed ..... 2541
May 30 86 Hoagland amendment #1565 printed ..... 2553
May 31 87 Hoagland amendment #1612 printed ..... 2591

**LEGISLATIVE BILL 600A. By Hoagland**

May 21 83 Read first time. Placed on General File ..... 2455
May 30 86 Hoagland amendment #1599 printed ..... 2553
May 30 86 Advanced for Review ..... 2560
May 31 87 Placed on Select File ..... 2562

**LEGISLATIVE BILL 601. By DeCamp, Pappas**

Jan. 22 10 Read first time ..... 324
Jan. 28 11 Referred to Committee on Public Works ..... 377
Feb. 7 19 Notice of hearing (2/22) ..... 507

**LEGISLATIVE BILL 602. By DeCamp**

Jan. 22 10 Read first time ..... 324
Jan. 28 11 Referred to Committee on Banking, Commerce and Insurance ..... 377
Feb. 11 21 Attorney General's Opinion #16 to DeCamp ..... 538
Feb. 14 24 Notice of hearing (3/4) ..... 599
Mar. 26 47 Indefinitely postponed ..... 1196

**LEGISLATIVE BILL 603. By Schmit, Labedz, Beyer, Pappas, DeCamp, Higgins, Haberman**

Jan. 22 10 Read first time ..... 324
Jan. 28 11 Referred to Committee on Banking, Commerce and Insurance ..... 377
Feb. 8 20 Notice of hearing (2/19) ..... 529
Mar. 25 46 Placed on General File - Com am #0713 ..... 1172

**LEGISLATIVE BILL 604. By DeCamp**

Jan. 22 10 Read first time ..... 324
Jan. 28 11 Referred to Committee on Banking, Commerce and Insurance ..... 377
Feb. 8 20 Notice of hearing (2/19) ..... 529
Mar. 21 44 Placed on General File ..... 1112

**LEGISLATIVE BILL 604A. By DeCamp**

Mar. 28 49 Read first time. Placed on General File ..... 1252

**LEGISLATIVE BILL 605. By DeCamp**

Jan. 22 10 Read first time ..... 325
Jan. 28 11 Referred to Committee on Banking, Commerce and Insurance ..... 377
Feb. 8 20 Notice of hearing (2/19) ..... 529
Mar. 26 47 Indefinitely postponed ..... 1196

**LEGISLATIVE BILL 606. By DeCamp**

Jan. 22 10 Read first time ..... 325
Jan. 28 11 Referred to Committee on Banking, Commerce and Insurance ..... 377
Feb. 8 20 Notice of hearing (2/19) ..... 529
Feb. 28 30 Placed on General File ..... 760
Mar. 14 40 Advanced for Review ..... 994
Mar. 18 41 Placed on Select File - AM5073 ..... 1014
Mar. 18 41 DeCamp amendments (1) and (2) printed ..... 1029
Mar. 27 48 DeCamp amendment #0747 printed ..... 1218
Apr. 1 51 AM5073 (E & R) adopted. Laid over ..... 1311
Apr. 12 58 DeCamp pending amendments (1) and (2) p. 1029 and #0747 p. 1218 withdrawn. Passed over ..... 1531
Apr. 16 60 DeCamp amendment #1002 printed ..... 1582
Apr. 17 61 DeCamp pending amendment #1002 p. 1582 and Pappas amendment adopted. Haberman amendment lost. Advanced for Engrossment ..... 1621
Apr. 19 63 Lynch amendment #1123 printed ..... 1704
Apr. 23 64 Correctly Engrossed. ER0061 change ..... 1762
May 6 73 DeCamp amendment #1313 to printed ..... 2107
May 17 81 Lynch pending amendment #1123 p. 1704 withdrawn. Returned to Select File for DeCamp amendment. DeCamp pending amendment #1313 p. 2107 adopted. Advanced for Re-Engrossment ..... 2370
May 20 82 Correctly Re-Engrossed ..... 2409
May 20 82 ER0089 change ..... 2410
May 31 87 Final Reading w/E 41-1-7 ..... 2565
May 31 87 Speaker signed ..... 2569
May 31 87 Presented to Governor (5/31) ..... 2577
June 4 89 Approved by Governor (6/4) ..... 2677

**LEGISLATIVE BILL 606A. By DeCamp**

| | | | | |
|---|---|---|---|---|
| Mar. | 21 | 44 | Read first time. Placed on General File | 1109 |
| Mar. | 28 | 49 | Advanced for Review | 1239 |
| Apr. | 1 | 51 | Placed on Select File | 1310 |
| Apr. | 17 | 61 | Advanced for Engrossment | 1629 |
| Apr. | 23 | 64 | Correctly Engrossed | 1762 |
| May | 17 | 81 | Labedz motion to suspend rules prevailed. Returned to Select File for Labedz et al amendment. Labedz-Abboud-Baack-Barrett-Beyer-Carsten-Chambers-Chizek-Chronister-Conway-DeCamp-Eret-Goll-Goodrich-Haberman-Hall-Harris-Hartnett-Hefner-Higgins-Hoagland-L. Johnson-R. Johnson-V. Johnson-Lamb-Lundy-Lynch-Miller-Morehead-Nelson-Nichol-Pappas-Pirsch-Remmers-Rogers-Rupp-Schmit-Scofield-Sieck-Smith-Warner-Wesely-Withem amendment #1391 adopted. Advanced for Re-Engrossment | 2370 |
| May | 20 | 82 | Correctly Re-Engrossed | 2409 |
| May | 20 | 82 | ER0091 change | 2410 |
| May | 31 | 87 | Final Reading 41-0-8 | 2566 |
| May | 31 | 87 | Speaker signed | 2569 |
| May | 31 | 87 | Presented to Governor (5/31) | 2577 |
| June | 4 | 89 | Approved by Governor (6/4) | 2677 |

**LEGISLATIVE BILL 607. By Education Committee**

| | | | | |
|---|---|---|---|---|
| Jan. | 22 | 10 | Read first time | 325 |
| Jan. | 28 | 11 | Referred to Committee on Education | 377 |
| Feb. | 4 | 16 | Notice of hearing (2/19) | 453 |

**LEGISLATIVE BILL 608. By Schmit**

| | | | | |
|---|---|---|---|---|
| Jan. | 22 | 10 | Read first time | 336 |
| Jan. | 28 | 11 | Referred to Committee on Business and Labor | 377 |
| Feb. | 5 | 17 | Notice of hearing (3/6) | 465 |
| Mar. | 21 | 44 | Business and Labor Committee priority bill | 1119 |
| Mar. | 22 | 45 | Placed on General File - Com am #0725 | 1142 |
| Apr. | 9 | 55 | Vickers amendment #0930 printed | 1418 |
| Apr. | 15 | 59 | Schmit amendment #1016 printed | 1566 |
| Apr. | 17 | 61 | Committee amendment #0725 adopted. | |

Goll and Schmit amendments to amendment #1016 adopted ..... 1614
Apr. 18 62 Vickers pending amendment #0930 p. 1418 withdrawn. Schmit pending amendment #1016 p. 1566 adopted. Advanced for Review ..... 1672
Apr. 23 64 Chambers name added ..... 1756
Apr. 24 65 Placed on Select File - AM5145 ..... 1849
May 6 73 AM5145 (E & R) adopted. Advanced for Engrossment ..... 2090
May 8 75 Attorney General's Opinion #76 to Schmit ..... 2154
May 9 76 Correctly Engrossed ..... 2209
June 4 89 Hefner motion to return to Select File for amendment withdrawn ..... 2686
June 4 89 Final Reading 29-16-4 ..... 2687
June 4 89 President signed ..... 2692
June 4 89 Presented to Governor (6/4) ..... 2695
June 12 AJ Approved by Governor (6/7) ..... 2735


**LEGISLATIVE BILL 608A. By Schmit**


Apr. 18 62 Read first time. Placed on General File ..... 1670
May 3 72 Advanced for Review ..... 2075
May 6 73 Placed on Select File ..... 2107
May 8 75 Advanced for Engrossment ..... 2172
May 9 76 Correctly Engrossed ..... 2209
June 4 89 Final Reading 30-15-4 ..... 2687
June 4 89 President signed ..... 2692
June 4 89 Presented to Governor (6/4) ..... 2695
June 12 AJ Approved by Governor (6/7) ..... 2735


**LEGISLATIVE BILL 609. By Schmit**


Jan. 22 10 Read first time ..... 336
Jan. 28 11 Referred to Committee on Revenue ..... 377
Feb. 8 20 Notice of hearing (2/20) ..... 516
Mar. 19 42 Indefinitely postponed ..... 1039


**LEGISLATIVE BILL 610. By Schmit**


Jan. 22 10 Read first time ..... 340
Jan. 28 11 Referred to Committee on Judiciary ..... 377
Feb. 12 22 Notice of hearing (2/19) ..... 569


**LEGISLATIVE BILL 611. By Schmit**

| | | | | |
|---|---|---|---|---|
| Jan. | 22 | 10 | Read first time | 340 |
| Jan. | 28 | 11 | Referred to Committee on Judiciary | 377 |
| Mar. | 11 | 37 | Notice of hearing (3/18) | 910 |
| Mar. | 20 | 43 | Indefinitely postponed | 1086 |

**LEGISLATIVE BILL 612. By Schmit**

| | | | | |
|---|---|---|---|---|
| Jan. | 22 | 10 | Read first time | 340 |
| Jan. | 28 | 11 | Referred to Committee on Judiciary | 377 |
| Mar. | 11 | 37 | Notice of hearing (3/25) | 910 |
| Mar. | 20 | 43 | Hannibal amendment #0706 printed | 1085 |
| Mar. | 21 | 44 | Hannibal priority bill | 1118 |
| Apr. | 9 | 55 | Placed on General File - Com am #0949 | 1444 |
| Apr. | 11 | 57 | Hoagland amendment #0973 to committee amendment printed | 1477 |
| Apr. | 11 | 57 | Hoagland amendment #0989 to committee amendment printed | 1508 |
| Apr. | 15 | 59 | Hannibal name added | 1561 |
| May | 2 | 71 | Hoagland pending amendments #0973 p. 1477 and #0989 p. 1508 withdrawn. Committee amendment #0949 adopted as amended by Hoagland amendment #1281 | 2016 |
| May | 8 | 75 | Hannibal pending amendment #0706 p. 1085 withdrawn. Advanced for Review | 2173 |
| May | 13 | 77 | Placed on Select File - AM5167 | 2213 |
| May | 31 | 87 | AM5167 (E & R) adopted. Advanced for Engrossment | 2578 |
| May | 31 | 87 | Correctly Engrossed | 2606 |
| June | 4 | 89 | Chambers motion to return to Select File lost. Chambers motion to return to Select File withdrawn. Passed over | 2671 |
| June | 5 | 90 | Final Reading 46-1-2 | 2718 |
| June | 5 | 90 | President signed | 2721 |
| June | 5 | 90 | Presented to Governor (6/5) | 2723 |
| June | 12 | AJ | Approved by Governor (6/7) | 2735 |

**LEGISLATIVE BILL 613. By Schmit**

| | | | | |
|---|---|---|---|---|
| Jan. | 22 | 10 | Read first time | 340 |
| Jan. | 28 | 11 | Referred to Committee on Banking, Commerce and Insurance | 378 |
| Feb. | 4 | 16 | Notice of hearing (2/11) | 452 |
| Feb. | 20 | 27 | Placed on General File - Com am #0226 | 665 |

**LEGISLATIVE BILL 614. By Schmit**

| | | | | |
|---|---|---|---|---|
| Jan. | 22 | 10 | Read first time | 340 |
| Jan. | 28 | 11 | Referred to Committee on Banking, Commerce and Insurance | 378 |
| Feb. | 4 | 16 | Notice of hearing (2/11) | 452 |
| Feb. | 13 | 23 | Placed on General File - Com am #0195 | 591 |
| Feb. | 19 | 26 | Committee amendment #0195 adopted. DeCamp motion to indefinitely postpone laid over | 643 |
| Feb. | 20 | 27 | DeCamp pending motion to indefinitely postpone withdrawn. Harris amendment withdrawn. Hannibal amendment adopted. Advanced for Review | 671 |
| Feb. | 28 | 30 | Placed on Select File - AM5060 | 742 |
| Mar. | 7 | 35 | AM5060 (E & R) adopted. Advanced for Engrossment | 883 |
| Mar. | 13 | 39 | Correctly Engrossed | 942 |
| Mar. | 13 | 39 | ER0030 change | 943 |
| Apr. | 4 | 54 | Pappas amendment printed | 1395 |
| May | 6 | 73 | L. Johnson, Baack, Barrett, Beutler, Beyer, Chambers, Chizek, Chronister, Conway, DeCamp, Eret, Goll, Goodrich, Haberman, Hall, Hannibal, Hartnett, Hefner, R. Johnson, V. Johnson, Lundy, Lynch, Peterson, Remmers, Rupp, Schmit, Sieck, Vickers, Wesely, Labedz, Marsh, Morehead, Nelson, Pirsch, Smith and Scofield amendment #1310 printed | 2085 |
| May | 16 | 80 | Schmit amendment to AM1310 printed | 2340 |
| May | 17 | 81 | Pappas pending amendment p. 1395 withdrawn. Schmit-L. Johnson motion to suspend rules prevailed. Returned to Select File for L. Johnson et al amendment. L. Johnson et al amendment #1310 p. 2085 adopted. Advanced for Re-Engrossment. Returned to Select File for Schmit amendment. Schmit pending amendment p. 2340 adopted. Advanced for Re-Engrossment | 2371 |
| May | 20 | 82 | Correctly Re-Engrossed | 2409 |
| May | 21 | 82 | ER0092 change | 2410 |
| May | 31 | 87 | Schmit motion to return to Select File for amendment withdrawn | 2566 |
| May | 31 | 87 | Final Reading 43-0-6 | 2567 |

May 31 87 Speaker signed ..... 2569
May 31 87 Presented to Governor (5/31) ..... 2577
June 4 89 Approved by Governor (6/4) ..... 2677

**LEGISLATIVE BILL 615. By Schmit**

Jan. 22 10 Read first time ..... 341
Jan. 28 11 Referred to Committee on Revenue ..... 378
Feb. 22 29 Notice of hearing (3/5) ..... 726
Mar. 25 46 Indefinitely postponed ..... 1173

**LEGISLATIVE BILL 616. By Schmit**

Jan. 22 10 Read first time ..... 341
Jan. 28 11 Referred to Committee on Revenue ..... 378
Feb. 1 15 DeCamp name added ..... 432
Mar. 7 35 Notice of hearing (3/19) ..... 864
Mar. 7 35 Notice of hearing (3/19) (Cancelled)
Notice of hearing (3/18) (Reset) ..... 885
Mar. 22 45 Nichol priority bill ..... 1154
Mar. 25 46 Indefinitely postponed ..... 1173
Mar. 27 48 Attorney General's Opinion #46 to DeCamp ..... 1206
Mar. 29 50 DeCamp motion to place on General
File laid over ..... 1297
Apr. 9 55 DeCamp pending motion to place on
General File withdrawn ..... 1410
Apr. 9 55 Attorney General's Opinion #56 to DeCamp ..... 1416

**LEGISLATIVE BILL 617. By Schmit**

Jan. 22 10 Read first time ..... 341
Jan. 28 11 Referred to Committee on Agriculture
and Environment ..... 378
Feb. 6 18 Notice of hearing (3/1) ..... 495

**LEGISLATIVE BILL 618. By Schmit**

Jan. 22 10 Read first time ..... 341
Jan. 28 11 Referred to Committee on Banking,
Commerce and Insurance ..... 378
Feb. 4 16 Notice of hearing (2/11) ..... 452
Feb. 12 22 Indefinitely postponed ..... 562

**LEGISLATIVE BILL 619. By Schmit**

Jan. 22 10 Read first time ..... 341
Jan. 28 11 Referred to Committee on Agriculture and Environment ..... 378
Feb. 6 18 Notice of hearing (3/8) ..... 495
Mar. 19 42 Indefinitely postponed ..... 1048

**LEGISLATIVE BILL 620. By Schmit**

Jan. 22 10 Read first time ..... 341
Jan. 28 11 Referred to Committee on Government, Military and Veterans Affairs ..... 378
Feb. 14 24 Notice of hearing (2/22) ..... 597
Mar. 4 32 Indefinitely postponed ..... 794

**LEGISLATIVE BILL 621. By Goodrich**

Jan. 22 10 Read first time ..... 342
Jan. 28 11 Referred to Committee on Government, Military and Veterans Affairs ..... 378
Feb. 14 24 Notice of hearing (2/22) ..... 597
Apr. 2 52 Placed on General File ..... 1332

**LEGISLATIVE BILL 622. By Goodrich, Labedz, Schmit**

Jan. 22 10 Read first time ..... 342
Jan. 28 11 Referred to Committee on Banking, Commerce and Insurance ..... 378
Feb. 14 24 Notice of hearing (3/4) ..... 599
Mar. 26 47 Indefinitely postponed ..... 1196

**LEGISLATIVE BILL 623. By Chronister**

Jan. 22 10 Read first time ..... 342
Jan. 28 11 Referred to Committee on Public Health and Welfare ..... 378
Feb. 7 19 Notice of hearing (3/18) ..... 510
Mar. 27 48 Placed on General File - Com am #0803 ..... 1226

**LEGISLATIVE BILL 624. By Chronister**

Jan. 22 10 Read first time ..... 342
Jan. 28 11 Referred to Committee on Banking, Commerce and Insurance ..... 378
Feb. 8 20 Notice of hearing (2/19) ..... 529
Mar. 26 47 Indefinitely postponed ..... 1196

**LEGISLATIVE BILL 625. By DeCamp**

| | | | | |
|---|---|---|---|---|
| Jan. | 22 | 10 | Read first time | 342 |
| Jan. | 28 | 11 | Referred to Committee on Banking, Commerce and Insurance | 378 |
| Feb. | 14 | 24 | Notice of hearing (3/4) | 599 |
| Mar. | 7 | 35 | Placed on General File | 868 |
| Mar. | 14 | 40 | Advanced for Review | 996 |
| Mar. | 18 | 41 | Placed on Select File - AM5075 | 1015 |
| Mar. | 20 | 43 | AM5075 (E & R) adopted. Advanced for Engrossment | 1083 |
| Mar. | 22 | 45 | Correctly Engrossed | 1153 |
| Mar. | 29 | 50 | Final Reading w/E 46-0-3 | 1280 |
| Mar. | 29 | 50 | Speaker signed | 1287 |
| Mar. | 29 | 50 | Presented to Governor (3/29) | 1289 |
| Apr. | 3 | 53 | Approved by Governor (4/2) | 1351 |

**LEGISLATIVE BILL 626. By Judiciary Committee**

| | | | | |
|---|---|---|---|---|
| Jan. | 22 | 10 | Read first time | 342 |
| Jan. | 28 | 11 | Referred to Committee on Judiciary | 378 |
| Feb. | 5 | 17 | Notice of hearing (2/12) | 467 |
| Feb. | 22 | 29 | Placed on General File - Com am #0254 | 720 |

**LEGISLATIVE BILL 627. By Schmit, Rupp**

| | | | | |
|---|---|---|---|---|
| Jan. | 22 | 10 | Read first time | 343 |
| Jan. | 28 | 11 | Referred to Committee on Revenue | 378 |
| Feb. | 22 | 29 | Notice of hearing (3/6) | 726 |
| Apr. | 15 | 59 | Indefinitely postponed | 1572 |

**LEGISLATIVE BILL 628. By Schmit, Sieck, Eret, Lamb, R. Johnson, Barrett, Remmers**

| | | | | |
|---|---|---|---|---|
| Jan. | 22 | 10 | Read first time | 343 |
| Jan. | 28 | 11 | Referred to Committee on Agriculture and Environment | 378 |
| Feb. | 6 | 18 | Notice of hearing (2/28) | 494 |
| Mar. | 21 | 44 | Schmit priority bill | 1119 |
| Mar. | 27 | 48 | Placed on General File - Com am #0750 | 1209 |
| Apr. | 4 | 54 | Committee amendment #0750 adopted. Lamb amendment adopted. Advanced for Review | 1400 |
| Apr. | 11 | 57 | Placed on Select File - AM5127 | 1473 |

Apr. 12 58 AM5127 (E & R) adopted.
Advanced for Engrossment ..... 1530
Apr. 16 60 Correctly Engrossed ..... 1598
Apr. 23 64 Final Reading 40-6-3 ..... 1760
Apr. 23 64 Speaker signed ..... 1761
Apr. 23 64 Presented to Governor (4/23) ..... 1780
Apr. 26 67 Approved by Governor (4/26) ..... 1920

**LEGISLATIVE BILL 629. By Schmit, Sieck, R. Johnson, Eret, Remmers**

Jan. 22 10 Read first time ..... 343
Jan. 28 11 Referred to Committee on Revenue ..... 378
Mar. 7 35 Notice of hearing (3/19) ..... 865
Mar. 25 46 Indefinitely postponed ..... 1173

**LEGISLATIVE BILL 630. By R. Johnson, Remmers, Schmit, Sieck**

Jan. 22 10 Read first time ..... 343
Jan. 28 11 Referred to Committee on Appropriations ..... 378
Jan. 31 14 Notice of hearing (2/13) ..... 414
Apr. 12 58 Indefinitely postponed ..... 1528

**LEGISLATIVE BILL 631. By Abboud, Hoagland, Remmers**

Jan. 22 10 Read first time ..... 343
Jan. 28 11 Referred to Committee on Judiciary ..... 378
Feb. 5 17 Notice of hearing (2/12) ..... 467
Feb. 20 27 Abboud and Remmers names withdrawn ..... 670
Feb. 22 29 Placed on General File - Com am #0321 ..... 720

**LEGISLATIVE BILL 631A. By Hoagland**

Mar. 20 43 Read first time. Placed on General File ..... 1086

**LEGISLATIVE BILL 632. By Goodrich, V. Johnson, Chambers**

Jan. 22 10 Read first time ..... 344
Jan. 28 11 Referred to Committee on Public
Health and Welfare ..... 378
Feb. 1 15 Notice of hearing (2/19) ..... 438
Mar. 21 44 V. Johnson priority bill ..... 1118
Mar. 27 48 Placed on General File - Com am #0788 ..... 1227
Apr. 9 55 Committee amendment #0788 adopted.
V. Johnson amendment #0903 lost.

Advanced for Review ..... 1424
Apr. 11 57 Placed on Select File - AM5130 ..... 1504
Apr. 17 61 V. Johnson amendment #1098 printed ..... 1634
May 8 75 AM5130 (E & R) adopted. V. Johnson pending amendment #1098 p. 1634 withdrawn. Failed to advance for Engrossment ..... 2171
June 3 88 V. Johnson motion to bracket until 1/1/86 prevailed ..... 2618

**LEGISLATIVE BILL 632A. By V. Johnson**

Apr. 17 61 Read first time. Placed on General File ..... 1606
Apr. 19 63 Advanced for Review ..... 1685
Apr. 24 65 Placed on Select File ..... 1850

**LEGISLATIVE BILL 633. By Education Committee**

Jan. 22 10 Read first time ..... 344
Jan. 28 11 Referred to Committee on Education ..... 378
Feb. 4 16 Notice of hearing (3/5) ..... 453
Mar. 21 44 Education Committee priority bill ..... 1120
Mar. 28 49 Placed on General File - Com am #0820 ..... 1247
Apr. 17 61 Withem amendment #1052 and Vickers amendment #1092 printed ..... 1618
Apr. 18 62 Lamb amendment #1099 to committee amendment printed ..... 1671
Apr. 19 63 Lamb pending amendment #1099 p. 1671 lost. Committee amendment #0820 adopted. Rogers amendment #1047 ruled not germane. Rogers motion to overrule Chair pending ..... 1696
Apr. 30 69 Rogers pending amendment #1047 p. 1697 withdrawn. Rogers amendment ruled not germane. Chair overruled. Rogers amendment adopted. Withem pending amendment #1052 p. 1618 withdrawn. Vickers pending amendment #1092 p. 1618 adopted ... 1974
May 1 70 Withem amendment #1250 lost. Lamb amendment to committee amendment adopted. Advanced for Review ..... 1996
May 3 72 Lamb amendment #1290 to Lamb amendment printed ..... 2051
May 6 73 Placed on Select File - AM5163 ..... 2105
May 8 75 AM5163 (E & R) adopted. Lamb pending amendment #1290 p. 2051 and Vickers

amendment #1207 adopted. Advanced for Engrossment ..... 2171
May 14 78 Correctly Engrossed ..... 2253
May 14 78 ER0082 change ..... 2254
May 17 81 Final Reading 44-0-5 ..... 2369
May 17 81 Speaker signed ..... 2372
May 17 81 Presented to Governor (5/17) ..... 2375
May 22 84 Approved by Governor (5/22) ..... 2456

**LEGISLATIVE BILL 634. By Judiciary Committee**

Jan. 22 10 Read first time ..... 344
Jan. 28 11 Referred to Committee on Judiciary ..... 378
Mar. 11 37 Notice of hearing (3/25) ..... 910
Apr. 26 67 Indefinitely postponed ..... 1928

**LEGISLATIVE BILL 635. By Landis**

Jan. 22 10 Read first time ..... 344
Jan. 28 11 Referred to Committee on Banking, Commerce and Insurance ..... 378
Feb. 14 24 Notice of hearing (3/4) ..... 599
Mar. 28 49 Placed on General File - Com am #0791 ..... 1242

**LEGISLATIVE BILL 636. By Education Committee**

Jan. 22 10 Read first time ..... 345
Jan. 28 11 Referred to Committee on Education ..... 378
Feb. 4 16 Notice of hearing (3/4) ..... 453
Apr. 9 55 Placed on General File - Com am #0851 ..... 1419

**LEGISLATIVE BILL 637. By Eret**

Jan. 22 10 Read first time ..... 345
Jan. 28 11 Referred to Committee on Government, Military and Veterans Affairs ..... 378
Feb. 28 30 Notice of hearing (3/22) ..... 732
Apr. 2 52 Indefinitely postponed ..... 1332

**LEGISLATIVE BILL 638. By Eret**

Jan. 22 10 Read first time ..... 345
Jan. 28 11 Referred to Committee on Agriculture and Environment ..... 378
Feb. 6 18 Notice of hearing (3/7) ..... 495

Apr. 15 59 Attorney General's Opinion to R. Johnson ..... 1553

**LEGISLATIVE BILL 639. By Conway, Landis, Scofield**

Jan. 22 10 Read first time ..... 345
Jan. 28 11 Referred to Committee on Judiciary ..... 378
Mar. 11 37 Notice of hearing (3/26) ..... 910

**LEGISLATIVE BILL 640. By Hartnett, Withem**

Jan. 22 10 Read first time ..... 345
Jan. 28 11 Referred to Committee on Public Works ..... 378
Feb. 7 19 Notice of hearing (2/28) ..... 507
Mar. 6 34 Placed on General File - Com am #0408 ..... 843

**LEGISLATIVE BILL 641. By Vickers**

Jan. 22 10 Read first time ..... 345
Jan. 28 11 Referred to Committee on Education ..... 378
Feb. 4 16 Notice of hearing (3/12) ..... 453
Mar. 28 49 Placed on General File - Com am #0819 ..... 1248
Apr. 9 55 Vickers amendment #0916 to committee amendment printed ..... 1415

**LEGISLATIVE BILL 642. By Scofield**

Jan. 22 10 Read first time ..... 346
Jan. 28 11 Referred to Committee on Education ..... 378
Feb. 4 16 Notice of hearing (3/11) ..... 453
Mar. 28 49 Placed on General File - Com am #0822 ..... 1248

**LEGISLATIVE BILL 643. By Pappas, L. Johnson**

Jan. 22 10 Read first time ..... 346
Jan. 28 11 Referred to Committee on Public Health and Welfare ..... 378
Feb. 7 19 Notice of hearing (3/19) ..... 510
Mar. 22 45 Nichol priority bill ..... 1154
Mar. 25 46 Placed on General File - Com am #0735 ..... 1173

**LEGISLATIVE BILL 643A. By Pappas**

Mar. 28 49 Read first time. Placed on General File ..... 1252

**LEGISLATIVE BILL 644. By Nelson, Labedz, Hall**

Jan. 22 10 Read first time ..... 346
Jan. 28 11 Referred to Committee on Government, Military and Veterans Affairs ..... 378
Jan. 30 13 Notice of hearing (2/28) ..... 404
Mar. 12 38 Placed on General File - Com am #0533 ..... 938
Mar. 22 45 Nichol priority bill ..... 1154

**LEGISLATIVE BILL 645. By L. Johnson, Goodrich, Pappas**

Jan. 22 10 Read first time ..... 346
Jan. 28 11 Referred to Committee on Banking, Commerce and Insurance ..... 378
Feb. 14 24 Notice of hearing (3/4) ..... 599
Mar. 21 44 Goodrich priority bill ..... 1118
Mar. 26 47 Placed on General File ..... 1193
Apr. 2 52 Pappas name withdrawn ..... 1350
Apr. 4 54 Higgins motion to indefinitely postpone lost. Failed to advance for Review ..... 1396

**LEGISLATIVE BILL 645A. By L. Johnson, Goodrich**

Mar. 29 50 Read first time. Placed on General File ..... 1288

**LEGISLATIVE BILL 646. By Schmit, Pirsch**

Jan. 22 10 Read first time ..... 346
Jan. 28 11 Referred to Committee on Judiciary ..... 378
Feb. 5 17 Notice of hearing (2/12) ..... 467
Mar. 1 31 Indefinitely postponed ..... 787

**LEGISLATIVE BILL 647. By Higgins, Morehead, Labedz, Carsten, Chronister, Lundy**

Jan. 22 10 Read first time ..... 347
Jan. 28 11 Referred to Committee on Banking, Commerce and Insurance ..... 378
Feb. 14 24 Notice of hearing (3/11) ..... 599
Mar. 22 45 Placed on General File - Com am #0712 ..... 1152

**LEGISLATIVE BILL 648. By Chronister, Lundy**

Jan. 22 10 Read first time ..... 347
Jan. 28 11 Referred to Committee on Judiciary ..... 378
Feb. 21 28 Notice of hearing (3/6) ..... 691

Feb. 28 30 Chronister-Lundy motion to withdraw laid over. Lundy motion to cancel hearing laid over ..... 746
Mar. 1 31 Lundy pending motion to cancel hearing prevailed. Chronister-Lundy pending motion p. 746 prevailed. Withdrawn ..... 784
Mar. 1 31 Notice of hearing (3/6) (Cancelled) ..... 787

**LEGISLATIVE BILL 649. By Lundy**

Jan. 22 10 Read first time ..... 347
Jan. 28 11 Referred to Committee on Judiciary ..... 378
Feb. 1 15 Lundy motion to withdraw laid over ..... 429
Feb. 4 16 Lundy pending motion p. 429 prevailed. Withdrawn ..... 449

**LEGISLATIVE BILL 650. By Haberman**

Jan. 22 10 Read first time ..... 347
Jan. 28 11 Referred to Committee on Education ..... 378
Jan. 29 12 Notice of hearing (2/5) ..... 386

**LEGISLATIVE BILL 651. By Banking, Commerce and Insurance Committee**

Jan. 22 10 Read first time ..... 347
Jan. 28 11 Referred to Committee on Banking, Commerce and Insurance ..... 378
Feb. 14 24 Notice of hearing (3/11) ..... 599
Mar. 26 47 Indefinitely postponed ..... 1196

**LEGISLATIVE BILL 652. By Eret, Schmit, Nelson**

Jan. 22 10 Read first time ..... 348
Jan. 28 11 Referred to Committee on Judiciary ..... 378
Feb. 22 29 Notice of hearing (3/11) ..... 727
May 13 77 Indefinitely postponed ..... 2250

**LEGISLATIVE BILL 653. By Banking, Commerce and Insurance Committee**

Jan. 22 10 Read first time ..... 348
Jan. 28 11 Referred to Committee on Banking, Commerce and Insurance ..... 378
Feb. 14 24 Notice of hearing (3/11) ..... 599

Mar. 22 45 Nichol priority bill ..... 1154
May 1 70 Placed on General File - Com am #0741 ..... 1977
May 1 70 DeCamp amendment #1233 printed ..... 1978
May 2 71 DeCamp amendment #1288 to amendment #1233 printed ..... 2029
May 6 73 Committee amendment #0741 lost. DeCamp pending amendments #1233 p. 1978 and #1288 p. 2029 adopted. Advanced for Review ..... 2079
May 7 74 Placed on Select File - AM5165 ..... 2151
May 21 83 DeCamp amendment printed ..... 2451
May 29 85 Schmit amendment #1531 to amendment #1233 printed ..... 2522
May 30 86 DeCamp-Chronister amendment #1578 printed ..... 2530
May 31 87 Attorney General's Opinion #91 to Pappas ..... 2602
May 31 87 Attorney General's Opinion #92 to Schmit ..... 2604
June 3 88 AM5165 (E & R) adopted. DeCamp pending amendment p. 2451 and Schmit pending amendment #1531 p. 2522 withdrawn. DeCamp-Chronister pending amendment #1578 p. 2530 adopted. Advanced for Engrossment ..... 2614
June 3 88 Correctly Engrossed. ER0103 change ..... 2625
June 5 90 Nichol motion to suspend rules prevailed ..... 2701
June 5 90 Schmit motion to return to Select File for amendment withdrawn ..... 2709
June 5 90 Final Reading w/E 44-0-5 ..... 2713
June 5 90 President signed ..... 2721
June 5 90 Presented to Governor (6/5) ..... 2723
June 12 AJ Approved by Governor (6/7) ..... 2735

**LEGISLATIVE BILL 653A. By DeCamp**

May 3 72 Read first time. Placed on General File ..... 2073
May 6 73 Advanced for Review ..... 2080
May 7 74 Placed on Select File ..... 2152
May 22 84 Lamb amendment #1518 printed ..... 2464
May 29 85 DeCamp amendment #1545 printed ..... 2481
June 3 88 Lamb pending amendment #1518 p. 2464 and DeCamp pending amendment #1545 p. 2481 withdrawn. V. Johnson-Wesely motion to suspend rules to permit consideration of amendment p. 2545 prevailed. V. Johnson-Wesely pending

amendment #1594 p. 2545 adopted.
Advanced for Engrossment ..... 2614
June 3 88 Correctly Engrossed ..... 2632
June 3 88 ER0104 change ..... 2633
June 5 90 Attorney General's Opinion #99 to Chizek ..... 2698
June 5 90 Nichol motion to suspend rules prevailed ..... 2701
June 5 90 V. Johnson motion to return to Select File withdrawn. Final Reading 36-10-3 ..... 2714
June 5 90 President signed ..... 2721
June 5 90 Presented to Governor (6/5) ..... 2723
June 12 AJ Approved by Governor (6/7) ..... 2735

**LEGISLATIVE BILL 654. By Public Health and Welfare Committee**

Jan. 22 10 Read first time ..... 348
Jan. 28 11 Referred to Committee on Public Health and Welfare ..... 378
Feb. 1 15 Notice of hearing (2/12) ..... 438
Mar. 11 37 Placed on General File - Com am #0501 ..... 912
Mar. 14 40 Correction ..... 978
Mar. 18 41 Correction ..... 1011

**LEGISLATIVE BILL 654A. By Wesely**

Mar. 14 40 Read first time. Placed on General File ..... 993

**LEGISLATIVE BILL 655. By Wesely**

Jan. 22 10 Read first time ..... 349
Jan. 28 11 Referred to Committee on Nebraska Retirement Systems ..... 378
Mar. 1 31 Notice of hearing (3/26) ..... 786

**LEGISLATIVE BILL 656. By Wesely, Landis**

Jan. 22 10 Read first time ..... 349
Jan. 28 11 Referred to Committee on Revenue ..... 378
Mar. 1 31 Notice of hearing (3/11) ..... 786
Mar. 20 43 Indefinitely postponed ..... 1089

**LEGISLATIVE BILL 657. By Conway**

Jan. 22 10 Read first time ..... 349
Jan. 28 11 Referred to Committee on Miscellaneous Subjects ..... 378

Feb. 5 17 Notice of hearing (2/28) ..... 466

**LEGISLATIVE BILL 658. By V. Johnson**

Jan. 22 10 Read first time ..... 349
Jan. 28 11 Referred to Committee on Appropriations ..... 379
Jan. 31 14 Notice of hearing (2/7) ..... 414
Feb. 13 23 Indefinitely postponed ..... 570

**LEGISLATIVE BILL 659. By V. Johnson**

Jan. 22 10 Read first time ..... 349
Jan. 28 11 Referred to Committee on Public Health and Welfare ..... 379
Feb. 7 19 Notice of hearing (3/18) ..... 510
Mar. 21 44 Indefinitely postponed ..... 1109

**LEGISLATIVE BILL 660. By Labedz**

Jan. 22 10 Read first time ..... 350
Jan. 28 11 Referred to Committee on Education ..... 379
Jan. 29 12 Notice of hearing (2/5) ..... 386
Mar. 28 49 Indefinitely postponed ..... 1238

**LEGISLATIVE BILL 661. By Vickers**

Jan. 22 10 Read first time ..... 352
Jan. 28 11 Referred to Committee on Public Works ..... 379
Feb. 7 19 Notice of hearing (2/28) ..... 507

**LEGISLATIVE BILL 662. By Hoagland, V. Johnson, Landis**

Jan. 22 10 Read first time ..... 353
Feb. 4 16 Referred to Committees on Education and Executive Board ..... 452
Feb. 4 16 Notice of hearing (2/14). Lamb motion to rerefer to Education Committee laid over ..... 454
Feb. 4 16 V. Johnson motion to rerefer to Revenue Committee laid over ..... 455
Feb. 4 16 V. Johnson-Hoagland-Landis amendment #0074 printed ..... 456
Feb. 5 17 Lamb pending motion p. 454 lost ..... 464
Feb. 5 17 V. Johnson pending motion p. 455 withdrawn. Haberman motion to rerefer to Education and Revenue Committees lost ..... 466

| | | | | |
|---|---|---|---|---|
| Feb. | 11 | 21 | Hoagland-Landis-V. Johnson amendment #0152 printed | 554 |
| Feb. | 19 | 26 | Placed on General File - Com am #0253 | 650 |
| Feb. | 19 | 26 | Lynch name added | 654 |
| Feb. | 21 | 28 | DeCamp amendment #0319 printed | 688 |
| Mar. | 4 | 32 | DeCamp amendment #0433 printed | 812 |
| Mar. | 4 | 32 | Vickers amendments #0421 and #0430 to committee amendment printed | 813 |
| Mar. | 4 | 32 | Lamb amendments #0377 (1), #0378 (2), #0379 (3), and #0381 (4) to committee amendment printed | 815 |
| Mar. | 5 | 33 | Attorney General's Opinion #30 to Lamb | 820 |
| Mar. | 5 | 33 | Vickers pending amendments #0421 and #0430 p. 813 adopted. Lamb pending amendments (1), (2), and (3) p. 815 withdrawn. Lamb pending amendment #0381 (4) p. 816 adopted. Division of question sustained. Committee amendment (1) adopted and (2) pending. Vickers amendment to committee amendment (2) adopted | 823 |
| Mar. | 5 | 33 | Committee amendment (2) adopted as amended by V. Johnson amendment. V. Johnson-Landis Hoagland pending amendments #0074 p. 456 and #0152 p. 544 withdrawn. DeCamp pending amendment #0319 p. 688 withdrawn. R. Johnson motion to indefinitely postpone lost. Labedz motion to refer to Education, Revenue and Executive Board Committees lost. DeCamp pending amendment #0433 p. 812 withdrawn. Smith amendment #0457 adopted. Advanced for Review | 828 |
| Mar. | 5 | 33 | Carsten-DeCamp amendment #0460 printed | 835 |
| Mar. | 8 | 36 | Placed on Select File - AM5066 | 891 |
| Mar. | 14 | 40 | Scofield amendment #0609 to E & R AM5066 printed | 998 |
| Mar. | 14 | 40 | Vickers amendment #0485 to E & R AM5066 printed | 1000 |
| Mar. | 14 | 40 | Vickers amendment #0582 to E & R AM5066 printed | 1002 |
| Mar. | 18 | 41 | AM5066 (E & R) adopted | 1021 |
| Mar. | 18 | 41 | DeCamp-Carsten pending amendment #0460 p. 835 lost | 1022 |
| Mar. | 18 | 41 | Attorney General's Opinion #34 to Lamb | 1023 |
| Mar. | 18 | 41 | Attorney General's Opinion #35 to Landis | 1024 |

Mar. 18 41 Scofield pending amendment #0609 p. 998 withdrawn. Vickers pending amendments #0485 p. 1000 and #0582 p. 1002 to E & R AM5066 adopted. DeCamp amendment lost as amended by DeCamp amendment ..... 1026
Mar. 18 41 Scofield amendment #0657 lost ..... 1034
Mar. 19 42 Landis amendment adopted. Schmit amendment to E & R AM5066 lost. Lamb amendment #0490 to E & R AM5066 adopted 1043
Mar. 19 42 R. Johnson amendment #0652 and Hoagland amendment #0687 lost. Schmit amendment #0677 and Beutler amendment #0674 adopted. Smith amendment lost. Advanced for Engrossment ..... 1049
Mar. 22 45 Correctly Engrossed. ER0036 change ..... 1123
Mar. 27 48 Schmit amendment #0775 printed ..... 1212
Mar. 29 50 Schmit amendment #0857 printed ..... 1283
Apr. 3 53 Warner amendment #0890 Printed ..... 1368
Apr. 4 54 DeCamp amendment #0938 printed ..... 1401
Apr. 10 56 Schmit pending amendment #0775 p. 1212 withdrawn. Returned to Select File for Schmit amendment. Schmit amendment #0857 p. 1283 adopted. Advanced for Re-Engrossment ..... 1453
Apr. 10 56 DeCamp motion to return to Select File withdrawn. DeCamp pending amendment #0938 p. 1401 withdrawn. Returned to Select File for V. Johnson-Landis amendment. V. Johnson-Landis amendment #0953 p. 1454 adopted. Advanced for Re-Engrossment ..... 1454
Apr. 10 56 Scofield motion to return to Education Committee pending ..... 1459
Apr. 10 56 Scofield pending motion to return to Education Committee lost. Returned to Select File for V. Johnson-Landis amendment. V. Johnson-Landis amendment #0970 adopted. Advanced for Re-Engrossment. Lamb and Warner motions to return to Select File lost. Warner pending amendment #0890 p. 1368 withdrawn. Returned to Select File for Landis-V. Johnson amendment. Landis-V. Johnson amendment adopted. Advanced for Re-Engrossment. Schmit and DeCamp

motions to return to Select File lost. Scofield motion to return to Select File for amendment pending ..... 1461
Apr. 11 57 Scofield pending motion p. 1470 and Nichol motion to return to Select File lost ..... 1493
Apr. 11 57 Lamb motion to return to Select File lost. Returned to Select File for Scofield amendment. Scofield amendment #1005 adopted. Advanced for Re-Engrossment. Returned to Select File for DeCamp amendment. DeCamp amendment adopted. Advanced for Re-Engrossment ..... 1497
Apr. 11 57 Remmers motion to return to Select File for amendment lost. Goodrich name added .... 1504
Apr. 12 58 Warner amendment printed ..... 1525
Apr. 12 58 Withem amendment #1018 printed ..... 1532
Apr. 15 59 Correctly Re-Engrossed. ER0053 change ..... 1563
Apr. 17 61 Wesely amendment #1038 printed ..... 1626
Apr. 18 62 Attorney General's Opinion #63 to Lamb ..... 1643
Apr. 18 62 Attorney General's Opinion #64 to Scofield ..... 1644
Apr. 18 62 Warner motion to return to Select File for amendment p. 1525 lost. Withem pending amendment #1018 p. 1532 withdrawn. Wesely motion to return to Select File for amendment p. 1626 lost. Lamb motion to return to Select File for amendment withdrawn ..... 1656
Apr. 18 62 Final Reading 25-23-1 ..... 1658
Apr. 18 62 Presented to Governor (4/18) ..... 1666
Apr. 19 63 President signed. (Correction) ..... 1684
Apr. 25 66 Approved by Governor (4/24) ..... 1886
May 20 82 Referred to Education and Taxation Committee mandated by LB 662 ..... 2403

**LEGISLATIVE BILL 663. By Labedz, Higgins, Schmit, Nelson, L. Johnson, Hefner, Smith, Hall, Lynch, Pirsch, Remmers, Sieck, Rogers, Beyer, Hartnett, Peterson, Chronister, Rupp, Chizek, Carsten, Barrett, Lamb, Goodrich, Conway, Pappas**

Jan. 22 10 Read first time ..... 353
Jan. 28 11 Referred to Committee on Judiciary ..... 379
Feb. 21 28 Notice of hearing (3/5) ..... 691
Mar. 20 43 Placed on General File - Com am #0617 ..... 1072
Mar. 22 45 Nichol priority bill ..... 1154
May 15 79 Landis amendment #1418 printed ..... 2320

May 22 84 Committee amendment #0617 adopted. Landis pending amendment #1418 p. 2320 adopted. Advanced for Review ..... 2466
May 29 85 Placed on Select File ..... 2475
May 31 87 Labedz amendment #1561 printed ..... 2586
June 3 88 Labedz pending amendment #1561 p. 2586 - division of question sustained. Labedz amendment (1) lost. Labedz amendment (2) pending ..... 2653
June 3 88 Labedz pending amendment (2) lost ..... 2656

**LEGISLATIVE BILL 664. By Abboud, Hoagland**

Jan. 22 10 Read first time ..... 353
Jan. 28 11 Referred to Committee on Government, Military and Veterans Affairs ..... 379
Jan. 30 13 Notice of hearing (2/28) ..... 404
Mar. 6 34 Placed on General File - Com am #0427 ..... 839
Apr. 18 62 Attorney General's Opinion #65 to Landis ..... 1645

**LEGISLATIVE BILL 665. By Abboud**

Jan. 22 10 Read first time ..... 354
Jan. 28 11 Referred to Committee on Urban Affairs ..... 379
Jan. 31 14 Notice of hearing (3/13) ..... 415
Mar. 21 44 Indefinitely postponed ..... 1090

**LEGISLATIVE BILL 666. By Abboud**

Jan. 22 10 Read first time ..... 354
Jan. 28 11 Referred to Committee on Urban Affairs ..... 379
Jan. 31 14 Notice of hearing (3/13) ..... 415
Mar. 21 44 Indefinitely postponed ..... 1090

**LEGISLATIVE BILL 667. By Higgins, Eret, Labedz, Chambers**

Jan. 22 10 Read first time ..... 354
Jan. 28 11 Referred to Committee on Banking, Commerce and Insurance ..... 379
Feb. 14 24 Notice of hearing (3/12) ..... 600
Mar. 13 39 R. Johnson priority bill ..... 976
Mar. 25 46 Placed on General File - Com am #0723 ..... 1172
Apr. 1 51 Higgins amendment #0870 to committee amendment printed ..... 1309
Apr. 4 54 Committee amendment #0723 adopted as

amended by Higgins pending amendment #0870 p. 1309. Advanced for Review ..... 1395
Apr. 11 57 Placed on Select File - AM5126 ..... 1473
Apr. 16 60 Beutler amendments #1061, #1060, and #1022 printed ..... 1591
Apr. 16 60 Marsh amendment #1053 printed ..... 1599
Apr. 17 61 Higgins amendments #1065, #1066 and #1067 to committee amendment printed ..... 1626
Apr. 25 66 AM5126 (E & R) adopted. Beutler pending amendment #1061 p. 1591 adopted ..... 1910
Apr. 29 68 Beutler amendment #1060 p. 1591 withdrawn. Beutler pending amendment #1022 p. 1591 and Marsh pending amendment #1053 p. 1599 adopted. Higgins pending amendment #1065 p. 1627 withdrawn. Higgins pending amendments #1066 and #1067 p. 1627 adopted. Hartnett motion to bracket until after 1/1/86 prevailed ..... 1939
June 5 90 Higgins amendment #1618 printed ..... 2721

**LEGISLATIVE BILL 667A. By Higgins**

Apr. 4 54 Read first time. Placed on General File ..... 1398
Apr. 19 63 Advanced for Review ..... 1685
Apr. 24 65 Placed on Select File ..... 1850

**LEGISLATIVE BILL 668. By Landis, Goodrich, Beyer, Hannibal, Schmit, V. Johnson, Hall, Remmers, Lundy, Nelson, Smith, Barrett, Higgins, Hartnett, Peterson, Chronister, Labedz, Pappas, Rogers, Morehead, R. Johnson, Chizek, Sieck, Conway, Withem, Pirsch, Lynch, Lamb, Rupp, Nichol, Abboud**

Jan. 22 10 Read first time ..... 354
Jan. 28 11 Referred to Committee on Judiciary ..... 379
Feb. 1 15 Hefner name added ..... 433
Feb. 21 28 Notice of hearing (3/5) ..... 691
Mar. 8 36 Higgins priority bill ..... 891
Apr. 11 57 Placed on General File - Com am #0967 ..... 1475
Apr. 15 59 Higgins amendment #1028 (1) to committee amendment printed ..... 1543
Apr. 15 59 Higgins amendments #1029 (2) and #1030 (3) to committee amendment printed ..... 1544
May 20 82 Committee amendment #0967 adopted as amended by Higgins pending amendments

#1028 (1) p. 1543 and #1029 (2) p. 1544.
Higgins pending amendment #1030 (3)
p. 1544 lost. Advanced for Review ..... 2394
May 21 83 Placed on Select File - AM5175 ..... 2439
May 31 87 AM5175 (E & R) adopted.
Advanced for Engrossment ..... 2579
May 31 87 Correctly Engrossed ..... 2606
June 4 89 Nichol motion to suspend rules prevailed ..... 2658
June 4 89 Final Reading 44-2-3 ..... 2672
June 4 89 Speaker signed ..... 2676
June 4 89 Presented to Governor (6/4) ..... 2677
June 12 AJ Approved by Governor (6/7) ..... 2735

**LEGISLATIVE BILL 669. By Pirsch**

Jan. 22 10 Read first time ..... 354
Jan. 28 11 Referred to Committee on Banking,
Commerce and Insurance ..... 379
Feb. 14 24 Notice of hearing (3/5) ..... 599

**LEGISLATIVE BILL 670. By Barrett**

Jan. 22 10 Read first time ..... 354
Jan. 28 11 Referred to Committee on Education ..... 379
Feb. 4 16 Notice of hearing (3/4) ..... 453
June 4 89 Attorney General's Opinion #96 to Barrett ..... 2679

**LEGISLATIVE BILL 671. By Chambers**

Jan. 22 10 Read first time ..... 355
Jan. 28 11 Referred to Committee on Agriculture
and Environment ..... 379
Feb. 6 18 Notice of hearing (3/8) ..... 495
Mar. 20 43 Placed on General File - Com am #0649 ..... 1075

**LEGISLATIVE BILL 672. By L. Johnson, Chronister, Rupp**

Jan. 22 10 Read first time ..... 355
Jan. 28 11 Referred to Committee on Public Works ..... 379
Feb. 7 19 Notice of hearing (3/1) ..... 507
Feb. 15 25 Notice of hearing (3/1) (Cancelled)
Notice of hearing (3/6) (Reset) ..... 631
Mar. 11 37 Indefinitely postponed ..... 912

**LEGISLATIVE BILL 673. By Wesely**

Jan. 22 10 Read first time ..... 355
Jan. 28 11 Referred to Committee on Urban Affairs ..... 379
Jan. 31 14 Notice of hearing (2/13) ..... 415
Mar. 7 35 Indefinitely postponed ..... 873

**LEGISLATIVE BILL 674. By Wesely**

Jan. 22 10 Read first time ..... 355
Jan. 28 11 Referred to Committee on Public Health and Welfare ..... 379
Feb. 7 19 Notice of hearing (3/26) ..... 511
Mar. 29 50 Placed on General File - Com am #0840 ..... 1268

**LEGISLATIVE BILL 675. By Wesely**

Jan. 22 10 Read first time ..... 355
Jan. 28 11 Referred to Committee on Public Health and Welfare ..... 379
Feb. 7 19 Notice of hearing (3/26) ..... 511

**LEGISLATIVE BILL 676. By Marsh**

Jan. 22 10 Read first time ..... 356
Jan. 28 11 Referred to Committee on Banking, Commerce and Insurance ..... 379
Feb. 14 24 Notice of hearing (3/5) ..... 599

**LEGISLATIVE BILL 677. By Hannibal**

Jan. 22 10 Read first time ..... 356
Jan. 28 11 Referred to Committee on Revenue ..... 379
Mar. 7 35 Notice of hearing (3/19) ..... 865
Mar. 25 46 Indefinitely postponed ..... 1173

**LEGISLATIVE BILL 678. By Sieck**

Jan. 22 10 Read first time ..... 356
Jan. 28 11 Referred to Committee on Banking, Commerce and Insurance ..... 379
Feb. 14 24 Notice of hearing (3/11) ..... 600
Mar. 26 47 Indefinitely postponed ..... 1196

**LEGISLATIVE BILL 679. By Lynch**

Jan. 22 10 Read first time ..... 356
Feb. 4 16 Referred to Committees on Education and Executive Board ..... 452
Feb. 4 16 Notice of hearing (2/14). Lamb motion to rerefer to Education Committee laid over ..... 454
Feb. 5 17 Lamb pending motion p. 454 lost ..... 464
Feb. 5 17 Haberman motion to rerefer to Education and Revenue Committees lost ..... 466
Feb. 21 28 Indefinitely postponed ..... 684

**LEGISLATIVE BILL 680. By Vickers, Landis, Beutler, Baack, Marsh**

Jan. 22 10 Read first time ..... 357
Jan. 28 11 Referred to Committee on Appropriations ..... 379
Feb. 22 29 Notice of hearing (3/4) ..... 722
Apr. 12 58 Indefinitely postponed ..... 1528

**LEGISLATIVE BILL 681. By V. Johnson, Vickers**

Jan. 22 10 Read first time ..... 357
Jan. 28 11 Referred to Committee on Banking, Commerce and Insurance ..... 379
Feb. 6 18 Vickers-V. Johnson amendment printed ..... 492
Feb. 14 24 Notice of hearing (3/12) ..... 600
Mar. 22 45 Nichol priority bill ..... 1154

**LEGISLATIVE BILL 682. By Pappas**

Jan. 22 10 Read first time ..... 358
Jan. 28 11 Referred to Committee on Revenue ..... 379
Mar. 7 35 Notice of hearing (3/18) ..... 864
Mar. 25 46 Indefinitely postponed ..... 1173

**LEGISLATIVE BILL 683. By DeCamp**

Jan. 22 10 Read first time ..... 358
Jan. 28 11 Referred to Committee on Government, Military and Veterans Affairs ..... 379
Feb. 28 30 Notice of hearing (3/22) ..... 732
Apr. 2 52 Indefinitely postponed ..... 1332

**LEGISLATIVE BILL 684. By DeCamp**

Jan. 22 10 Read first time ..... 358

Jan. 28 11 Referred to Committee on Miscellaneous Subjects ..... 379
Feb. 13 23 Notice of hearing (3/7) ..... 590
Mar. 12 38 Indefinitely postponed ..... 919

**LEGISLATIVE BILL 685. By DeCamp**

Jan. 22 10 Read first time ..... 358
Jan. 28 11 Referred to Committee on Public Health and Welfare ..... 379
Feb. 7 19 Notice of hearing (3/12) ..... 510
May 20 82 Placed on General File ..... 2396

**LEGISLATIVE BILL 686. By DeCamp**

Jan. 22 10 Read first time ..... 358
Jan. 28 11 Referred to Committee on Banking, Commerce and Insurance ..... 379
Feb. 14 24 Notice of hearing (3/5) ..... 599

**LEGISLATIVE BILL 687. By DeCamp**

Jan. 22 10 Read first time ..... 358
Jan. 28 11 Referred to Committee on Constitutional Revision and Recreation ..... 379
Jan. 30 13 Notice of hearing (2/8) ..... 405
Mar. 20 43 Constitutional Revision and Recreation Committee priority bill ..... 1086
Mar. 25 46 Beutler name added ..... 1177
Mar. 27 48 Placed on General File - Com am #0500 ..... 1220
Apr. 30 69 Committee amendment #0500 lost. Haberman motion to indefinitely postpone laid over ..... 1973
May 1 70 Haberman motion to indefinitely postpone withdrawn. Beutler amendment #1256 ruled not germane. Beutler motion to suspend rules to permit consideration withdrawn. Haberman motion to reconsider committee amendment prevailed. Beutler renewed amendment #1256 p. 1982 to committee amendment pending ..... 1982
May 1 70 Beutler pending amendment #1256 p. 1982 withdrawn. Vickers amendment to committee amendment adopted. Chambers amendment to committee amendment lost ..... 1985

May 1 70 Chambers amendment to committee amendment lost. Committee amendment #0500 lost as amended. Chambers motion to indefinitely postpone prevailed ..... 1991

**LEGISLATIVE BILL 688. By DeCamp**

Jan. 22 10 Read first time ..... 358
Jan. 28 11 Referred to Committee on Public Health and Welfare ..... 379
Feb. 7 19 Notice of hearing (3/25) ..... 511
Mar. 27 48 Indefinitely postponed ..... 1228

**LEGISLATIVE BILL 689. By DeCamp**

Jan. 22 10 Read first time ..... 359
Jan. 28 11 Referred to Committee on Education ..... 379
Feb. 4 16 Notice of hearing (3/5) ..... 453
Mar. 28 49 Indefinitely postponed ..... 1249

**LEGISLATIVE BILL 690. By Haberman, Pappas, Barrett**

Jan. 22 10 Read first time ..... 359
Jan. 28 11 Referred to Committee on Judiciary ..... 379
Feb. 22 29 Notice of hearing (3/11) ..... 727
Mar. 4 32 Notice of hearing (3/11) (Cancelled) Notice of hearing (3/12) (Reset) ..... 815
May 13 77 Indefinitely postponed ..... 2250

**LEGISLATIVE BILL 691. By DeCamp**

Jan. 22 10 Read first time ..... 359
Jan. 28 11 Referred to Committee on Banking, Commerce and Insurance ..... 379
Feb. 4 16 Notice of hearing (2/11) ..... 452
Feb. 20 27 Placed on General File - Com am #0265 ..... 666
Mar. 13 39 Attorney General's Opinion #32 to Lundy ..... 944
Mar. 18 41 DeCamp amendment printed ..... 1029
Mar. 25 46 Committee amendment #0265 adopted. DeCamp pending amendment p. 1029 adopted ..... 1162
Mar. 25 46 Vickers-Beutler motion to indefinitely postpone laid over ..... 1164
Mar. 27 48 Attorney General's Opinion #45 to DeCamp ..... 1203

**LEGISLATIVE BILL 692. By Lynch, Hall**

Jan. 22 10 Read first time ..... 359
Jan. 28 11 Referred to Committee on Judiciary ..... 379
Feb. 21 28 Notice of hearing (3/4) ..... 691
Mar. 18 41 Indefinitely postponed ..... 1037

**LEGISLATIVE BILL 693. By Hall, Higgins**

Jan. 22 10 Read first time ..... 359
Jan. 28 11 Referred to Committee on Banking, Commerce and Insurance ..... 379
Feb. 14 24 Notice of hearing (3/11) ..... 600
Mar. 26 47 Indefinitely postponed ..... 1196

**LEGISLATIVE BILL 694. By Pappas, Haberman, Schmit, Chronister, Rupp**

Jan. 22 10 Read first time ..... 360
Jan. 28 11 Referred to Committee on Executive Board ..... 379
Feb. 20 27 Notice of hearing (3/11) ..... 665
Mar. 29 50 Indefinitely postponed ..... 1268

**LEGISLATIVE BILL 695. By Pappas**

Jan. 22 10 Read first time ..... 360
Jan. 28 11 Referred to Committee on Education ..... 379
Feb. 4 16 Notice of hearing (2/12) ..... 453

**LEGISLATIVE BILL 696. By Pappas**

Jan. 22 10 Read first time ..... 360
Jan. 28 11 Referred to Committee on Agriculture and Environment ..... 379
Feb. 6 18 Notice of hearing (2/15) ..... 494
Feb. 20 27 Indefinitely postponed ..... 670

**LEGISLATIVE BILL 697. By V. Johnson, Hartnett**

Jan. 22 10 Read first time ..... 360
Jan. 28 11 Referred to Committee on Public Works ..... 379
Feb. 7 19 Notice of hearing (2/21) ..... 507
Mar. 29 50 Indefinitely postponed ..... 1268

**LEGISLATIVE BILL 698. By V. Johnson**

Jan. 22 10 Read first time ..... 360

Jan. 28 11 Referred to Committee on Revenue ..... 379
Feb. 22 29 Notice of hearing (3/4) ..... 726
Mar. 19 42 Indefinitely postponed ..... 1039

**LEGISLATIVE BILL 699. By Pappas**

Jan. 22 10 Read first time ..... 360
Jan. 28 11 Referred to Committee on Miscellaneous Subjects ..... 379
Feb. 1 15 Notice of hearing (2/22) ..... 437
Feb. 28 30 Indefinitely postponed ..... 731

**LEGISLATIVE BILL 700. By Pappas**

Jan. 22 10 Read first time ..... 361
Jan. 28 11 Referred to Committee on Banking, Commerce and Insurance ..... 379
Feb. 8 20 Notice of hearing (2/19) ..... 529
Feb. 28 30 Placed on General File - Com am #0349 ..... 762
Mar. 27 48 Committee amendment #0349 adopted. Advanced for Review ..... 1222
Apr. 1 51 Placed on Select File - AM5107 ..... 1310
Apr. 3 53 AM5107 (E & R) adopted. Advanced for Engrossment ..... 1376
Apr. 10 56 Correctly Engrossed ..... 1459
Apr. 15 59 Final Reading 42-0-7 ..... 1539
Apr. 15 59 President signed ..... 1541
Apr. 15 59 Presented to Governor (4/15) ..... 1550
Apr. 19 63 Approved by Governor (4/19) ..... 1702

**LEGISLATIVE BILL 701. By Pappas**

Jan. 22 10 Read first time ..... 361
Jan. 28 11 Referred to Committee on Public Health and Welfare ..... 379
Feb. 7 19 Notice of hearing (3/19) ..... 511

**LEGISLATIVE BILL 702. By Pappas**

Jan. 22 10 Read first time ..... 361
Jan. 28 11 Referred to Committee on Banking, Commerce and Insurance ..... 379
Feb. 8 20 Notice of hearing (2/19) ..... 529
Feb. 28 30 Indefinitely postponed ..... 760

**LEGISLATIVE BILL 703. By Pappas**

Jan. 22 10 Read first time ..... 361
Jan. 28 11 Referred to Committee on Judiciary ..... 379
Feb. 21 28 Notice of hearing (3/5) ..... 691
Mar. 21 44 Indefinitely postponed ..... 1115

**LEGISLATIVE BILL 704. By Pappas**

Jan. 22 10 Read first time ..... 361
Jan. 28 11 Referred to Committee on Public Works ..... 379
Feb. 7 19 Notice of hearing (3/1) ..... 507
Feb. 15 25 Notice of hearing (3/1) (Cancelled)
Notice of hearing (3/6) (Reset) ..... 631
Mar. 25 46 Indefinitely postponed ..... 1163

**LEGISLATIVE BILL 705. By Pappas**

Jan. 22 10 Read first time ..... 361
Jan. 28 11 Referred to Committee on Public Works ..... 380
Feb. 5 17 Notice of hearing (2/15) ..... 459
Feb. 28 30 Placed on General File - Com am #0385 ..... 761
Mar. 27 48 Committee amendment #0385 adopted.
Advanced for Review ..... 1210
Mar. 28 49 Placed on Select File - AM5097 ..... 1250
Apr. 1 51 AM5097 (E & R) adopted.
Advanced for Engrossment ..... 1324
Apr. 4 54 Correctly Engrossed ..... 1392
Apr. 11 57 Returned to Select File for Beutler
amendment. Beutler amendment #0880
adopted. Advanced for Re-Engrossment ..... 1492
Apr. 12 58 Correctly Re-Engrossed. ER0052 change ..... 1516
Apr. 18 62 Final Reading 44-0-5 ..... 1651
Apr. 18 62 President signed ..... 1656
Apr. 18 62 Presented to Governor (4/18) ..... 1662
Apr. 24 65 Approved by Governor (4/24) ..... 1861

**LEGISLATIVE BILL 706. By Pappas**

Jan. 22 10 Read first time ..... 362
Jan. 28 11 Referred to Committee on Nebraska
Retirement Systems ..... 380
Jan. 30 13 Notice of hearing (2/20) ..... 405

**LEGISLATIVE BILL 707. By Pappas**

Jan. 22 10 Read first time ..... 362
Jan. 28 11 Referred to Committee on Government, Military and Veterans Affairs ..... 380
Feb. 28 30 Notice of hearing (3/22) ..... 732
Apr. 2 52 Indefinitely postponed ..... 1347

**LEGISLATIVE BILL 708. By Conway, Pappas**

Jan. 22 10 Read first time ..... 362
Jan. 28 11 Referred to Committee on Banking, Commerce and Insurance ..... 380
Feb. 14 24 Notice of hearing (3/4) ..... 599
Mar. 26 47 Indefinitely postponed ..... 1196

**LEGISLATIVE BILL 709. By Eret, Beutler, Miller, R. Johnson, Peterson, Pirsch, Smith, Chronister, Nelson, Hartnett, Hefner, Haberman, Remmers, Morehead, Higgins, Barrett, Labedz, Sieck, Carsten, Lamb, Baack**

Jan. 22 10 Read first time ..... 362
Jan. 28 11 Referred to Committee on Judiciary ..... 380
Feb. 22 29 Notice of hearing (3/12) ..... 727
Mar. 20 43 Placed on General File - Com am #0615 ..... 1072
Mar. 21 44 Eret priority bill ..... 1118
Apr. 2 52 Committee amendment #0615 adopted. Advanced for Review ..... 1346
Apr. 9 55 Placed on Select File - AM5121 ..... 1414
Apr. 17 61 AM5121 (E & R) adopted. Advanced for Engrossment ..... 1621
Apr. 23 64 Correctly Engrossed ..... 1762
Apr. 23 64 ER0062 change ..... 1763
Apr. 30 69 Final Reading w/E 35-10-4 ..... 1962
Apr. 30 69 President signed ..... 1967
Apr. 30 69 Presented to Governor (4/30) ..... 1970
May 6 73 Approved by Governor (5/6) ..... 2104

**LEGISLATIVE BILL 710. By Lamb, Eret**

Jan. 22 10 Read first time ..... 363
Jan. 28 11 Referred to Committee on Education ..... 380
Feb. 4 16 Notice of hearing (2/11) ..... 453
Mar. 22 45 Nichol priority bill ..... 1154

**LEGISLATIVE BILL 711. By Lamb, Rogers**

Jan. 22 10 Read first time ..... 363
Jan. 28 11 Referred to Committee on Constitutional Revision and Recreation ..... 380
Jan. 30 13 Notice of hearing (2/8) ..... 405
Feb. 11 21 Indefinitely postponed ..... 555

**LEGISLATIVE BILL 712. By V. Johnson**

Jan. 22 10 Read first time ..... 363
Jan. 28 11 Notice of hearing (2/4) ..... 373
Jan. 28 11 Referred to Committee on Revenue ..... 380
Feb. 12 22 Placed on General File - Com am #0158 ..... 565
Mar. 11 37 Committee amendment #0158 - division of question sustained. Committee amendments (1) and (2) lost. Vickers amendment lost. V. Johnson amendment adopted. Failed to advance for Review ..... 906

**LEGISLATIVE BILL 713. By Business and Labor Committee**

Jan. 22 10 Read first time ..... 366
Jan. 28 11 Referred to Committee on Business and Labor .... 380
Jan. 29 12 Notice of hearing (2/13) ..... 387
Mar. 1 31 Attorney General's Opinion #26 to Barrett ..... 772
Mar. 19 42 Harris priority bill ..... 1039
May 1 70 Placed on General File - Com am #1232 ..... 1993
May 3 72 DeCamp amendment #1292 to committee amendment printed ..... 2041
May 6 73 DeCamp amendment #1295 to committee amendment printed ..... 2095
May 6 73 DeCamp amendment #1328 to committee amendment printed ..... 2109
May 7 74 Committee amendment considered. DeCamp amendments #1292 p. 2041 and #1295 p. 2095 withdrawn. DeCamp pending amendment #1328 p. 2109 to committee amendment adopted. Point of order by Warner. Chair ruled amendment adopted. Warner challenge of Chair pending ..... 2127
May 7 74 Warner pending motion to overrule Chair withdrawn. Beutler and Haberman amendments to committee amendment adopted. Haberman amendment lost ..... 2130
May 7 74 Haberman amendment lost. Committee

amendment #1232 adopted as amended. V. Johnson amendment adopted. Haberman motion to bracket until 5/15 withdrawn ..... 2142
May 8 75 Haberman motion to indefinitely postpone withdrawn. Advanced for Review ..... 2161
May 9 76 DeCamp amendment printed ..... 2202
May 13 77 Placed on Select File - AM5166 ..... 2212
May 21 83 Attorney General's Opinions #82, #83, and #84 to Haberman ..... 2419
May 29 85 AM5166 (E & R) adopted. DeCamp pending amendment p. 2202 withdrawn. Failed to advance for Engrossment ..... 2483
May 29 85 Attorney General's Opinion #87 to DeCamp ..... 2484
May 29 85 Warner explanation of vote ..... 2493
May 31 87 DeCamp-Hall-Lynch-Schmit-Withem-Nichol-Pappas-Beutler-Vickers-Conway-Chizek-Hartnett-Labedz-Higgins amendment #1579 printed ..... 2586
June 3 88 DeCamp et al pending amendment #1579 p. 2586 ruled not germane. DeCamp motion to bracket until 5:00 p.m. prevailed ..... 2637
June 3 88 DeCamp reoffered amendment p. 2202 - division of question sustained. DeCamp amendment to DeCamp amendment (1) lost. DeCamp pending amendment p. 2202 withdrawn ..... 2645
June 3 88 Beutler amendment #1628 lost. V. Johnson-DeCamp amendment #1633 adopted. Advanced for Engrossment ..... 2649
June 3 88 Correctly Engrossed. ER0108 change ..... 2654
June 5 90 Nichol motion to suspend rules prevailed ..... 2701
June 5 90 Final Reading 37-8-4 ..... 2715
June 5 90 President signed ..... 2721
June 5 90 Presented to Governor (6/5) ..... 2723
June 12 AJ Approved by Governor (6/7) ..... 2735

**LEGISLATIVE BILL 714. By Education Committee**

Feb. 21 28 Read first time ..... 686
Feb. 28 30 Referred to Committee on Education ..... 731
Feb. 28 30 Notice of hearing (3/18) ..... 755
Mar. 22 45 Nichol priority bill ..... 1154

**LEGISLATIVE BILL 715. By Speaker Nichol at request of Governor**

| | | | | |
|---|---|---|---|---|
| Feb. | 22 | 29 | Read first time | 721 |
| Feb. | 22 | 29 | Notice of hearing (3/4) | 726 |
| Feb. | 28 | 30 | Referred to Committee on Revenue | 731 |
| Mar. | 11 | 37 | Placed on General File - Com am #0523 | 915 |
| Apr. | 16 | 60 | V. Johnson amendment #1042 to committee amendment printed | 1581 |
| Apr. | 17 | 61 | Attorney General's Opinion #61 to Hefner | 1605 |
| Apr. | 19 | 63 | Withem amendment #1103 to committee amendment printed | 1686 |
| Apr. | 24 | 65 | V. Johnson pending amendment #1042 p. 1581, Withem pending amendment #1103 p. 1686, and Hefner amendment #1106 to committee amendment adopted | 1860 |
| Apr. | 24 | 65 | Committee amendment #0523 adopted as amended. Advanced for Review | 1863 |
| Apr. | 29 | 68 | Placed on Select File - AM5151 | 1942 |
| May | 1 | 70 | V. Johnson amendment #1157 to committee amendment printed | 1987 |
| May | 2 | 71 | Conway amendment #1286 to committee amendment printed | 2040 |
| May | 3 | 72 | AM5151 (E & R) adopted. V. Johnson pending amendment #1157 p. 1987, Conway pending amendment #1286 p. 2040, and Higgins amendment adopted. Advanced for Engrossment | 2048 |
| May | 8 | 75 | Correctly Engrossed | 2173 |
| May | 8 | 75 | ER0070 change | 2176 |
| May | 9 | 76 | Pappas amendment printed | 2203 |
| May | 14 | 78 | Nichol motion to suspend rules prevailed | 2260 |
| May | 14 | 78 | Pappas pending amendment p. 2203 withdrawn. Remmers motion to return to Select File lost | 2293 |
| May | 14 | 78 | Final Reading 25-22-2 | 2299 |
| May | 14 | 78 | Speaker signed | 2301 |
| May | 15 | 79 | Presented to Governor (5/14) | 2312 |
| May | 15 | 79 | Smith explanation of vote | 2324 |
| May | 20 | 82 | Approved by Governor (5/17) | 2391 |


**LEGISLATIVE BILL 715A. By V. Johnson**


| | | | | |
|---|---|---|---|---|
| Apr. | 25 | 66 | Read first time. Placed on General File | 1890 |
| May | 3 | 72 | Advanced for Review | 2075 |
| May | 6 | 73 | Placed on Select File | 2107 |
| May | 7 | 74 | V. Johnson amendment printed | 2141 |

May 8 75 V. Johnson pending amendment p. 2141 adopted. Failed to advance for Engrossment ..... 2162
May 9 76 Advanced for Engrossment. Expedited ..... 2194
May 9 76 Correctly Engrossed ..... 2198
May 14 78 Nichol motion to suspend rules prevailed ..... 2260
May 14 78 Final Reading 26-21-2 ..... 2300
May 14 78 Speaker signed ..... 2301
May 15 79 Presented to Governor (5/14) ..... 2312
May 15 79 Smith explanation of vote ..... 2324
May 20 82 Approved by Governor (5/17) ..... 2391

**LEGISLATIVE BILL 716. By Judiciary Committee**

Mar. 7 35 Read first time ..... 864
Mar. 11 37 Notice of hearing (3/18) ..... 910
Mar. 12 38 Referred to Committee on Judiciary ..... 939
Mar. 22 45 Placed on General File - Com am #0720 ..... 1142

**LEGISLATIVE BILL 717. By Speaker Nichol at request of Governor**

Mar. 11 37 Read first time ..... 911
Mar. 12 38 Referred to Committee on Revenue ..... 939
Mar. 13 39 Notice of hearing (3/20) ..... 977
Mar. 14 40 V. Johnson amendment #0596 printed ..... 982
Mar. 21 44 Revenue Committee priority bill ..... 1120
Apr. 17 61 Placed on General File - Com am #1077 ..... 1630
Apr. 19 63 Goodrich amendment #1041 printed ..... 1704
Apr. 23 64 Corrected Committee amendment #1077 printed ..... 1750
Apr. 24 65 DeCamp-Conway amendment #0667 printed ..... 1875
Apr. 25 66 Corrected committee amendment #1077 adopted as amended by V. Johnson amendment. V. Johnson pending amendment #0596 p. 982 withdrawn. Conway amendment to DeCamp-Conway amendment pending ..... 1889
Apr. 25 66 Conway pending amendment to DeCamp-Conway amendment lost. Labedz motion to bracket until 5/2 pending ..... 1892
Apr. 25 66 Labedz pending motion to bracket until 5/2 lost. DeCamp-Conway pending amendment #0667 p. 1875 withdrawn. Advanced for Review ..... 1892
Apr. 25 66 DeCamp amendment printed ..... 1896
Apr. 30 69 Placed on Select File - AM5153 ..... 1968

May 29 85 AM5153 (E & R) adopted. V. Johnson amendment #1515 adopted. DeCamp pending amendment p. 1896 withdrawn. DeCamp amendment adopted. Goodrich pending amendment #1041 p. 1704 withdrawn. Lundy motion to reconsider DeCamp amendment lost. DeCamp motion to bracket until 1/86 withdrawn. DeCamp amendment lost. Advanced for Engrossment ..... 2485
May 29 85 Attorney General's Opinion #88 to DeCamp ..... 2494
May 29 85 Correctly Engrossed. ER0094 change ..... 2517
May 31 87 Attorney General's Opinion #90 to V. Johnson .. 2596
June 3 88 Attorney General's Opinion #93 to DeCamp ..... 2612
June 4 89 V. Johnson motion to return to Select File for amendment #1634 lost ..... 2659
June 4 89 Final Reading 29-20-0 ..... 2663
June 4 89 Speaker signed ..... 2671
June 4 89 Presented to Governor (6/4) ..... 2677
June 5 90 Returned by Governor without approval (6/5) ... 2710

**LEGISLATIVE BILL 717A. By V. Johnson**

May 1 70 Read first time. Placed on General File ..... 2010
May 3 72 Advanced for Review ..... 2075
May 6 73 Placed on Select File ..... 2107
May 29 85 V. Johnson amendment lost. Advanced for Engrossment ..... 2498
May 29 85 Correctly Engrossed ..... 2517
June 4 89 Final Reading 33-14-2 ..... 2664
June 4 89 Speaker signed ..... 2671
June 4 89 Presented to Governor (6/4) ..... 2677
June 5 90 Returned by Governor without approval (6/5) ... 2710

**LEGISLATIVE BILL 718. By Business and Labor Committee**

Mar. 19 42 Read first time ..... 1042
Mar. 20 43 Referred to Committee on Business and Labor .. 1069
Mar. 20 43 Notice of hearing (3/27) ..... 1070
Apr. 15 59 Placed on General File - Com am #0965 ..... 1548
May 1 70 Committee amendment #0965 adopted. Advanced for Review ..... 1982
May 3 72 Placed on Select File - AM5161 ..... 2051
May 30 86 AM5161 (E & R) adopted. Advanced for Engrossment ..... 2560

May 31 87 Correctly Engrossed. ER0098 change ..... 2587
June 4 89 Nichol motion to suspend rules prevailed ..... 2658
June 4 89 Final Reading w/E 45-0-4 ..... 2672
June 4 89 Speaker signed ..... 2676
June 4 89 Presented to Governor (6/4) ..... 2677
June 5 90 Approved by Governor (6/5) ..... 2723

**LEGISLATIVE BILL 719. By Business and Labor Committee**

Mar. 19 42 Read first time ..... 1043
Mar. 20 43 Referred to Committee on Business and Labor .. 1069
Mar. 20 43 Notice of hearing (3/27) ..... 1070

**LEGISLATIVE BILL 720. By Warner**

Mar. 22 45 Read first time ..... 1147
Mar. 22 45 Referred to Committee on Business and Labor .. 1149
Mar. 25 46 Notice of hearing (4/3) ..... 1162

**LEGISLATIVE BILL 721. By Appropriations Committee**

Apr. 19 63 Read first time ..... 1700
Apr. 19 63 Warner motion to suspend rules prevailed. Placed on General File ..... 1701
Apr. 23 64 DeCamp amendment #1101 printed ..... 1727
Apr. 26 67 Appropriations Committee amendment #1189 printed ..... 1919
Apr. 29 68 Appropriations Committee pending amendment #1189 adopted. DeCamp amendment #1101 p. 1727 withdrawn. Advanced for Review ..... 1933
May 1 70 Placed on Select File - AM5155 ..... 2002
May 1 70 Schmit-Hefner-Conway amendment #1234 printed ..... 2006
May 7 74 Warner amendment #1338 printed ..... 2149
May 8 75 AM5155 (E & R) adopted. Warner pending amendment #1338 p. 2149 adopted. Schmit-Hefner-Conway pending amendment 1234 p. 2006 lost. Haberman amendment withdrawn. Advanced for Engrossment ..... 2156
May 13 77 Correctly Engrossed ..... 2245
May 13 77 ER0079 change ..... 2248
May 17 81 Final Reading w/E 40-1-8 ..... 2356
May 17 81 Speaker signed ..... 2372

May 17 81 Presented to Governor (5/17) ..... 2375
May 21 83 Approved by Governor (5/21) ..... 2429

**LEGISLATIVE BILL 722. By Appropriations Committee**

Apr. 19 63 Read first time ..... 1700
Apr. 19 63 Warner motion to suspend rules prevailed. Placed on General File ..... 1701
Apr. 26 67 Schmit amendment #1191 printed ..... 1924
Apr. 26 67 Schmit amendment #1198 and V. Johnson amendments printed ..... 1925
Apr. 26 67 Hoagland-Withem-V. Johnson amendment printed ..... 1928
Apr. 29 68 Schmit amendment #1191 p. 1924 adopted. Beutler-DeCamp amendment, Nichol amendment, and Vickers amendment #1219 lost. Chambers motion to reconsider Beutler-DeCamp amendment prevailed. Beutler-DeCamp amendment adopted. Advanced for Review ..... 1933
Apr. 29 68 DeCamp amendment #1221 printed ..... 1938
Apr. 29 68 Lynch amendment #1197 printed ..... 1941
May 1 70 Goodrich amendment #1255 printed ..... 1988
May 1 70 V. Johnson amendment printed ..... 1995
May 1 70 Vickers amendment printed ..... 1996
May 1 70 Hartnett-Chizek-Lynch amendment printed ..... 2001
May 1 70 Schmit amendment #1227 printed ..... 2008
May 2 71 Placed on Select File - AM5156 ..... 2018
May 3 72 Smith amendment #1300 printed ..... 2073
May 3 72 DeCamp amendment #1309 printed ..... 2074
May 6 73 Lynch amendment #1308 printed ..... 2096
May 7 74 Vickers amendment #1318 printed ..... 2130
May 8 75 Pappas and Pappas-Haberman-Labedz amendments printed ..... 2191
May 9 76 Hoagland amendment #1354 printed ..... 2199
May 9 76 V. Johnson amendments (1), (2), (3), and (4) printed ..... 2203
May 9 76 Vickers amendments #1370 and #1356 printed ..... 2205
May 14 78 Remmers amendment printed ..... 2276
May 14 78 Beutler amendment printed ..... 2289
May 14 78 Wesely amendment #1432 printed ..... 2295
May 14 78 Wesely amendment #1453 printed ..... 2301
May 14 78 Lynch-DeCamp amendment #1392 and Warner amendment #1422 printed ..... 2302

May 15 79 AM5156 (E & R) adopted. Hoagland-Withem-V. Johnson pending amendment p. 1928, Schmit pending amendment #1198 p. 1925, Lynch pending amendment #1197 p. 1941, and Vickers pending amendment p. 1996 withdrawn. V. Johnson pending amendments p. 1925 and p. 1995, Hartnett-Chizek-Lynch pending amendment p. 2001, and Schmit pending amendment #1227 p. 2008 lost ..... 2313
May 15 79 Smith pending amendment #1300 p. 2073 and Lynch pending amendment #1308 p. 2096 lost ..... 2318
May 15 79 Chambers amendment printed ..... 2320
May 15 79 Warner amendment printed ..... 2324
May 15 79 Carsten amendment #1476 printed ..... 2329
May 16 80 Vickers amendment #1318 p. 2130 lost. Pappas pending amendment p. 2191 ruled germane and lost. V. Johnson pending amendment (1) p. 2203 lost. Pappas-Haberman-Labedz pending amendment p. 2191 and Hoagland pending amendment #1354 p. 2199 withdrawn ..... 2336
May 16 80 V. Johnson pending amendments (2) p. 2204, (4) p. 2205, and Remmers pending amendment p. 2276 withdrawn. Beutler pending amendment p. 2289 pending ..... 2341
May 16 80 Beutler pending amendment p. 2289 adopted. Wesely pending amendments #1432 p. 2295 and #1453 p. 2301 lost. Vickers motion to reconsider amendment #1318 p. 2130 prevailed. Vickers reconsidered amendment #1318 adopted. Lynch-DeCamp pending amendment #1392 p. 2302 lost as amended by DeCamp amendment ..... 2343
May 16 80 Hannibal amendment printed ..... 2347
May 16 80 Warner pending amendment #1422 p. 2302 - division of question sustained. Warner amendment (1) adopted ..... 2348
May 16 80 Vickers amendment to Warner amendment printed ..... 2350
May 16 80 Lamb amendment printed ..... 2351
May 16 80 Warner amendments #1422 (2), (3), (4), and (5) adopted ..... 2352
May 17 81 Warner amendments (1), (2), and (3)

adopted. Warner amendment (4) pending. Vickers pending amendment p. 2350 to Warner amendment (4) lost ..... 2379
May 17 81 Harris motion to reconsider Lynch-DeCamp amendment #1392 laid over ..... 2387
May 17 81 Lynch amendment printed ..... 2388
May 17 81 Warner pending amendment (4) p. 2386 adopted. Warner amendment (5) pending ..... 2389
May 20 82 Warner pending amendments (5), (6) and #1450 adopted. DeCamp amendment pending. Beutler amendment to DeCamp amendment adopted. Chambers amendment to DeCamp amendment lost ..... 2403
May 20 82 Chambers amendment to DeCamp amendment lost. DeCamp amendment to DeCamp amendment withdrawn. DeCamp amendment p. 2407 lost as amended. Harris pending motion p. 2387 to reconsider amendment #1392 pending ..... 2411
May 21 83 Chambers motion to reconsider vote on DeCamp amendment laid over ..... 2421
May 21 83 Harris pending motion p. 2387 to reconsider amendment #1392 lost. DeCamp amendments lost. DeCamp pending amendments #1221 p. 1938, #1309 p. 2074, Goodrich pending amendment #1255 p. 1988, and Vickers pending amendments #1370 and #1356 p. 2205 withdrawn. Beutler-Landis-V. Johnson Withem-Vickers-Harris-Lynch-Morehead amendment lost ..... 2441
May 21 83 Haberman amendment lost. Chambers amendment p. 2320 withdrawn. Hannibal motion to suspend rules ruled out of order. Chambers amendment to Chambers amendment withdrawn. Warner pending amendment p. 2324 adopted. Carsten pending amendment #1476 p. 2329 withdrawn ..... 2449
May 21 83 Wesely amendment printed ..... 2455
May 22 84 Hannibal pending amendment p. 2347 withdrawn. Beutler-Vickers amendment pending. Beutler amendment to Beutler-Vickers amendment adopted. DeCamp-Hefner reoffered DeCamp amendment p. 2412 lost. Wesely amendment to Beutler-Vickers amendment lost. Lamb

motion to reconsider Beutler amendment to Beutler-Vickers amendment lost. Withem motion to suspend rules withdrawn. Point of order ..... 2458
May 22 84 Hannibal amendment printed ..... 2471
May 22 84 DeCamp amendments #1533, #1532, #1535, #1540, and #1534 printed ..... 2472
May 29 85 Beutler-Vickers pending amendment p. 2458 considered. Warner motion to suspend rules to permit consideration of Appropriation Committee amendment to pending amendment p. 2458 without division of question lost. Warner amendment to pending amendment p. 2458 ruled not germane. Vickers-Schmit amendment #1571 and Chambers amendment lost. Beutler amendment withdrawn. Beutler motion to to suspend rules to permit consideration of amendment lost ..... 2501
May 29 85 Chambers amendments lost. V. Johnson motion to reconsider Warner motion p. 2501 prevailed. Warner reconsidered motion to suspend rules prevailed ..... 2515
May 29 85 Chambers amendment printed ..... 2518
May 29 85 Warner reoffered amendment p. 2502 to pending amendment p. 2458 adopted ..... 2519
May 29 85 Warner amendment printed ..... 2523
May 30 86 Barrett explanation of vote. Chambers amendments to pending amendment p. 2458 lost ..... 2528
May 30 86 Chambers amendment lost ..... 2532
May 30 86 Chambers amendment pending ..... 2533
May 30 86 Chambers pending amendment p. 2533 lost. Chambers and Wesely amendments lost. Labedz amendment to pending amendment p. 2458 adopted. Wesely amendment to pending amendment p. 2458 withdrawn ..... 2534
May 30 86 Vickers amendment to pending amendment p. 2458 adopted. Beutler request to substitute amendment. Lamb objected. Beutler motion to substitute amendment lost. Hall motion to reconsider Chambers amendment lost. DeCamp motion to suspend rules ruled out of order. Point of order. DeCamp motion to overrule Chair lost.

Chambers motion to bracket until 6/10 lost ..... 2541
May 30 86 Beutler amendment to pending amendment p. 2458 lost. DeCamp motion to suspend rules prevailed. Beutler-Vickers pending amendment p. 2458 adopted as amended ..... 2550
May 30 86 Lamb pending amendment p. 2351 withdrawn. Conway-Peterson-Hefner-DeCamp amendment #1475 lost. Lynch pending amendment p. 2388 withdrawn. Pirsch amendment lost. Scofield-Hannibal motion to suspend rules prevailed. Advanced for Engrossment ..... 2557
May 31 87 Chizek-Landis-Goodrich motion to return to Select File for amendment lost. Lamb motion to bracket until 6/3 lost. Hoagland-Wesely-Lynch motion to return to Select File for amendment lost ..... 2588
May 31 87 Correctly Engrossed. ER0093 change ..... 2606
May 31 87 DeCamp motion to bracket until 6/4 lost. Nichol motion to return to Select File for amendment pending ..... 2607
June 4 89 Nichol motion to suspend rules prevailed ..... 2658
June 4 89 Nichol pending motion to return to Select File for amendment withdrawn. Withem-Morehead motion to return to Select File for amendment #1631 lost ..... 2673
June 4 89 Final Reading w/E 36-11-2 ..... 2676
June 4 89 President signed ..... 2677
June 4 89 Presented to Governor (6/4) ..... 2680
June 5 90 Approved by Governor (6/5) ..... 2723

**LEGISLATIVE BILL 723. By Appropriations Committee**

Apr. 19 63 Read first time. Warner motion to suspend rules prevailed. Placed on General File ..... 1701
Apr. 30 69 Advanced for Review ..... 1967
May 3 72 Placed on Select File - AM5157 ..... 2050
May 6 73 Miller amendment #1332 printed ..... 2113
May 9 76 Vickers amendment #1355 printed ..... 2205
May 14 78 Warner amendment #1421 printed ..... 2305
May 16 80 Warner amendment printed ..... 2347
May 31 87 AM5157 (E & R) adopted. R. Johnson amendment #1560 to pending amendment #1332 p. 2113 ruled germane and adopted.

Pappas amendment to pending amendment #1332 p. 2113 lost. Vickers amendment to pending amendment #1332 p. 2113 adopted. R. Johnson motion to reconsider Vickers amendment lost ..... 2573
May 31 87 Miller pending amendment #2113 adopted as amended. Vickers pending amendment #1355 p. 2205 withdrawn. Warner pending amendments #1421 p. 2305 and p. 2347 adopted. Haberman amendment lost. Warner amendment adopted. Advanced for Engrossment ..... 2576
June 3 88 Correctly Engrossed ..... 2610
June 3 88 ER0100 change ..... 2611
June 5 90 Nichol motion to suspend rules prevailed ..... 2701
June 5 90 Final Reading w/E 45-1-3 ..... 2716
June 5 90 President signed ..... 2721
June 5 90 Presented to Governor (6/5) ..... 2723
June 12 AJ Approved by Governor (6/10) ..... 2736

**LEGISLATIVE BILL 724. By Appropriations Committee**

Apr. 19 63 Read first time. Warner motion to suspend rules prevailed. Placed on General File ..... 1701
Apr. 29 68 Advanced for Review ..... 1938
May 2 71 Placed on Select File ..... 2020
May 14 78 Warner amendment #1449 printed ..... 2302
May 31 87 Warner pending amendment #1449 p. 2302 adopted. Warner amendment #1575 adopted. Advanced for Engrossment ..... 2572
June 3 88 Correctly Engrossed ..... 2610
June 3 88 ER0099 change ..... 2611
June 5 90 Nichol motion to suspend rules prevailed ..... 2701
June 5 90 Final Reading w/E 45-0-4 ..... 2717
June 5 90 President signed ..... 2721
June 5 90 Presented to Governor (6/5) ..... 2723
June 12 AJ Approved by Governor (6/7) ..... 2735

**LEGISLATIVE BILL 725. By Appropriations Committee**

Apr. 19 63 Read first time. Warner motion to suspend rules prevailed. Placed on General File ..... 1701
Apr. 29 68 Advanced for Review ..... 1938

May 2 71 Placed on Select File ..... 2020
May 15 79 Warner amendment printed ..... 2324
May 30 86 Warner pending amendment p. 2324 adopted. Advanced for Engrossment ..... 2560
May 31 87 Correctly Engrossed. ER0096 change ..... 2587
June 4 89 Nichol motion to suspend rules prevailed ..... 2658
June 4 89 Final Reading w/E 41-0-8 ..... 2680
June 4 89 President signed ..... 2692
June 4 89 Presented to Governor (6/4) ..... 2695
June 12 AJ Approved by Governor (6/7) ..... 2735

**LEGISLATIVE BILL 726. By Banking, Commerce and Insurance Committee**

Apr. 25 66 Read first time ..... 1887
Apr. 26 67 Referred to Committee on Banking, Commerce and Insurance. Notice of hearing (5/6) ..... 1930
May 6 73 Placed on General File ..... 2092
May 14 78 DeCamp amendment adopted. Advanced for Review ..... 2282
May 15 79 Placed on Select File - AM5171 ..... 2311
May 15 79 Smith explanation of vote ..... 2324
May 31 87 AM5171 (E & R) adopted. Advanced for Engrossment ..... 2579
May 31 87 Correctly Engrossed ..... 2606
June 4 89 Nichol motion to suspend rules prevailed ..... 2658
June 4 89 Final Reading w/E 43-0-6 ..... 2681
June 4 89 President signed ..... 2692
June 4 89 Presented to Governor (6/4) ..... 2695
June 12 AJ Approved by Governor (6/7) ..... 2735

**LEGISLATIVE BILL 727. By Appropriations Committee**

Apr. 26 67 Read first time. Warner motion to suspend rules prevailed. Placed on General File ..... 1921
May 1 70 Advanced for Review ..... 1982
May 3 72 Placed on Select File - AM5159 ..... 2051
May 7 74 Hoagland amendment #1259 printed ..... 2136
May 8 75 Hoagland amendment #1344 printed ..... 2177
May 13 77 Withem amendment #1404 printed ..... 2229
May 13 77 Attorney General's Opinion #78 to Withem ..... 2235
May 31 87 AM5159 (E & R) adopted. Hoagland pending amendments #1259 p. 2136, #1344 p. 2177,

and Withem pending amendment #1404 p. 2229 withdrawn. Hoagland-Beutler-Remmers-Miller-R. Johnson-Lamb-L. Johnson-Warner-Goll-Goodrich-Vickers-Wesely-Nichol-Peterson-Baack-Sieck-Nelson-Scofield amendment #1488 lost. Hall amendment #1485 adopted. Hoagland amendment to amendment #1485 lost. Advanced for Engrossment ..... 2579
June 3 88 Correctly Engrossed ..... 2610
June 3 88 ER0102 change ..... 2611
June 5 90 Nichol motion to suspend rules prevailed ..... 2701
June 5 90 Final Reading 38-8-3 ..... 2717
June 5 90 President signed ..... 2721
June 5 90 Presented to Governor (6/5) ..... 2723
June 12 AJ Approved by Governor (6/7) ..... 2735

**LEGISLATIVE BILL 728. By Appropriations Committee**

Apr. 26 67 Read first time. Warner motion to suspend rules prevailed. Placed on General File ..... 1921
Apr. 30 69 Advanced for Review ..... 1967
May 3 72 Placed on Select File ..... 2050
May 30 86 Advanced for Engrossment ..... 2560
May 31 87 Correctly Engrossed ..... 2587
June 4 89 Nichol motion to suspend rules prevailed ..... 2658
June 4 89 Final Reading w/E 43-1-5 ..... 2682
June 4 89 President signed ..... 2692
June 4 89 Presented to Governor (6/4) ..... 2695
June 12 AJ Approved by Governor (6/7) ..... 2735

# CHRONOLOGY OF CONSTITUTIONAL AMENDMENT RESOLUTIONS

## EIGHTY-NINTH LEGISLATURE
## FIRST SESSION
## 1985

### LEGISLATIVE RESOLUTION 4CA. By Warner

| | | | | |
|---|---|---|---|---|
| Jan. | 10 | 2 | Read first time | 83 |
| Jan. | 10 | 2 | Referred to Reference Committee | 84 |
| Jan. | 11 | 3 | Referred to Committee on Constitutional Revision and Recreation | 107 |
| Jan. | 30 | 13 | Notice of hearing (2/7) | 405 |
| Feb. | 8 | 20 | Indefinitely postponed | 530 |
| Mar. | 22 | 45 | Warner motion to place on General File laid over | 1146 |
| Mar. | 28 | 49 | Warner pending motion to place on General File lost | 1238 |

### LEGISLATIVE RESOLUTION 5CA. By Warner

| | | | | |
|---|---|---|---|---|
| Jan. | 10 | 2 | Read first time | 84 |
| Jan. | 10 | 2 | Referred to Reference Committee | 85 |
| Jan. | 11 | 3 | Referred to Committee on Constitutional Revision and Recreation | 107 |
| Jan. | 30 | 13 | Notice of hearing (2/7) | 405 |
| Feb. | 13 | 23 | Attorney General's Opinion #19 to Warner | 586 |
| Mar. | 5 | 33 | Indefinitely postponed | 834 |

### LEGISLATIVE RESOLUTION 7CA. By Wesely

| | | | | |
|---|---|---|---|---|
| Jan. | 10 | 2 | Read first time | 101 |
| Jan. | 10 | 2 | Referred to Reference Committee | 102 |
| Jan. | 11 | 3 | Referred to Committee on Constitutional Revision and Recreation | 108 |
| Jan. | 22 | 10 | Notice of hearing (1-31) | 357 |
| Mar. | 27 | 48 | Placed on General File - Com am #0755 | 1219 |

### LEGISLATIVE RESOLUTION 8CA. By Beutler

Jan. 11 3 Read first time ..... 119
Jan. 11 3 Referred to Reference Committee ..... 120
Jan. 14 4 Referred to Committee on Constitutional Revision and Recreation ..... 149
Feb. 13 23 Notice of hearing (3/7) ..... 580

**LEGISLATIVE RESOLUTION 9CA. By Vickers, R. Johnson, DeCamp**

Jan. 14 4 Read first time ..... 126
Jan. 14 4 Referred to Reference Committee ..... 127
Jan. 15 5 Referred to Committee on Constitutional Revision and Recreation ..... 153
Feb. 5 17 Notice of hearing (2/28) ..... 463
Feb. 21 28 Notice of hearing (2/28) (Cancelled) Notice of hearing (3/22) (Reset) ..... 699
Mar. 4 32 R. Johnson name withdrawn ..... 792
Mar. 12 38 Notice of hearing (3/22) (Cancelled) ..... 934

**LEGISLATIVE RESOLUTION 11CA. By V. Johnson**

Jan. 14 4 Read first time ..... 135
Jan. 14 4 Referred to Reference Committee ..... 136
Jan. 15 5 Referred to Committee on Constitutional Revision and Recreation ..... 153
Feb. 8 20 Notice of hearing (2/21) ..... 516

**LEGISLATIVE RESOLUTION 12CA. By V. Johnson, DeCamp, Beutler, Hoagland**

Jan. 14 4 Read first time ..... 136
Jan. 14 4 Referred to Reference Committee ..... 139
Jan. 15 5 Referred to Committee on Constitutional Revision and Recreation ..... 153
Feb. 5 17 Notice of hearing (2/22) ..... 463
Mar. 27 48 Placed on General File - Com am #0492 ..... 1220

**LEGISLATIVE RESOLUTION 13CA. By DeCamp**

Jan. 15 5 Read first time ..... 182
Jan. 15 5 Referred to Reference Committee ..... 184
Jan. 16 6 Referred to Committee on Constitutional Revision and Recreation ..... 195
Feb. 13 23 Notice of hearing (3/8) ..... 580

**LEGISLATIVE RESOLUTION 15CA. By Hefner**

| | | | | |
|---|---|---|---|---|
| Jan. | 15 | 5 | Read first time | 190 |
| Jan. | 15 | 5 | Referred to Reference Committee | 191 |
| Jan. | 16 | 6 | Referred to Committee on Constitutional Revision and Recreation | 195 |
| Feb. | 5 | 17 | Notice of hearing (2/28) | 463 |
| Mar. | 5 | 33 | Indefinitely postponed | 834 |

**LEGISLATIVE RESOLUTION 16CA. By DeCamp**

| | | | | |
|---|---|---|---|---|
| Jan. | 16 | 6 | Read first time. Referred to Reference Committee | 199 |
| Jan. | 17 | 7 | Referred to Committee on Constitutional Revision and Recreation | 206 |
| Feb. | 13 | 23 | Notice of hearing (3/14) | 580 |
| Feb. | 20 | 27 | Notice of hearing (3/14) (Cancelled) Notice of hearing (3/21) (Reset) | 672 |
| Mar. | 19 | 42 | DeCamp amendment #0636 printed | 1039 |
| Mar. | 21 | 44 | DeCamp priority resolution | 1118 |
| Mar. | 28 | 49 | DeCamp motion to place on General File laid over | 1252 |
| Mar. | 28 | 49 | Indefinitely postponed | 1265 |
| Apr. | 1 | 51 | Baack name added | 1306 |
| Apr. | 1 | 51 | DeCamp motion to raise from Committee laid over | 1307 |
| Apr. | 2 | 52 | DeCamp pending motion to place on General File withdrawn. DeCamp pending motion to raise from Committee prevailed. Point of order. Wesely motion to overrule Chair lost | 1328 |
| Apr. | 18 | 62 | Attorney General's Opinion #62 to DeCamp | 1638 |

**LEGISLATIVE RESOLUTION 18CA. By Schmit**

| | | | | |
|---|---|---|---|---|
| Jan. | 17 | 7 | Read first time | 232 |
| Jan. | 17 | 7 | Referred to Reference Committee | 233 |
| Jan. | 21 | 9 | Referred to Committee on Constitutional Revision and Recreation | 278 |
| Feb. | 5 | 17 | Notice of hearing (2/22) | 463 |
| Mar. | 5 | 33 | Placed on General File - Com am #0449 | 834 |

**LEGISLATIVE RESOLUTION 19CA. By Withem, DeCamp, Vickers, Hartnett, Marsh, Lynch**

Jan. 17 7 Read first time ..... 234
Jan. 17 7 Referred to Reference Committee ..... 235
Jan. 21 9 Referred to Committee on Constitutional Revision and Recreation ..... 278
Feb. 5 17 Notice of hearing (2/28) ..... 463
Feb. 21 28 Notice of hearing (2/28) (Cancelled) Notice of hearing (3/22) (Reset) ..... 699
Mar. 12 38 Notice of hearing (3/22) (Cancelled) ..... 934

**LEGISLATIVE RESOLUTION 20CA. By Pappas, Baack, Conway, Remmers**

Jan. 17 7 Read first time ..... 235
Jan. 17 7 Referred to Reference Committee ..... 236
Jan. 18 8 Correction ..... 239
Jan. 21 9 Referred to Committee on Constitutional Revision and Recreation ..... 278
Feb. 8 20 Notice of hearing (2/21) ..... 516
Mar. 5 33 Indefinitely postponed ..... 834

**LEGISLATIVE RESOLUTION 22CA. By Beutler**

Jan. 18 8 Read first time ..... 266
Jan. 18 8 Referred to Reference Committee ..... 267
Jan. 21 9 Referred to Committee on Constitutional Revision and Recreation ..... 278
Jan. 22 10 Notice of hearing (1/31) ..... 357
Mar. 27 48 Indefinitely postponed ..... 1220

**LEGISLATIVE RESOLUTION 23CA. By Lynch, Miller, Schmit, Withem, Barrett, Wesely, Hartnett, Hall, Baack, V. Johnson, Higgins, Hannibal, Rupp, Hoagland, Nelson, Beutler, Smith, DeCamp**

Jan. 18 8 Read first time ..... 267
Jan. 18 8 Referred to Reference Committee ..... 269
Jan. 21 9 Referred to Committee on Constitutional Revision and Recreation ..... 278
Jan. 22 10 Notice of hearing (1/31) ..... 357
Feb. 7 19 Placed on General File - Com am #0094 ..... 502
Feb. 11 21 Committee amendment #0094 adopted. Lamb motion to indefinitely postpone lost. Advanced for Review ..... 552
Feb. 12 22 Placed on Select File ..... 561
Feb. 13 23 Lamb amendment printed ..... 586

Mar. 12 38 Lamb pending amendment p. 586 lost. Wesely amendment #0328 adopted. DeCamp amendment ruled not germane. Advanced for Engrossment ..... 925
Mar. 12 38 DeCamp amendment #0569 printed ..... 936
Mar. 14 40 Correctly Engrossed ..... 996
Mar. 22 45 DeCamp motion to return to Select File for pending amendment #0569 p. 936 - ruled not germane. Challenge lost. Final Reading 30-14-5 ..... 1134
Mar. 22 45 Speaker signed ..... 1146
Mar. 22 45 Presented to Governor ..... 1154
Mar. 26 47 Message from Governor ..... 1182

**LEGISLATIVE RESOLUTION 26CA. By Withem**

Jan. 22 10 Read first time ..... 325
Jan. 22 10 Referred to Reference Committee ..... 326
Jan. 28 11 Referred to Committee on Constitutional Revision and Recreation ..... 380
Jan. 30 13 Notice of hearing (2/7) ..... 405
Mar. 5 33 Placed on General File - Com am #0448 ..... 834

**LEGISLATIVE RESOLUTION 27CA. By Chambers**

Jan. 22 10 Read first time ..... 326
Jan. 22 10 Referred to Reference Committee ..... 328
Jan. 28 11 Referred to Committee on Constitutional Revision and Recreation ..... 380
Feb. 5 17 Notice of hearing (2/22) ..... 463
Mar. 5 33 Indefinitely postponed ..... 834

**LEGISLATIVE RESOLUTION 28CA. By Chambers**

Jan. 22 10 Read first time. Referred to Reference Committee ..... 328
Jan. 28 11 Referred to Committee on Constitutional Revision and Recreation ..... 380
Feb. 7 19 Higgins name added ..... 503
Feb. 13 23 Notice of hearing (3/7) ..... 580
Mar. 27 48 Indefinitely postponed ..... 1220

**LEGISLATIVE RESOLUTION 29CA. By Beutler**

Jan. 22 10 Read first time ..... 328
Jan. 22 10 Referred to Reference Committee ..... 330
Jan. 28 11 Referred to Committee on Constitutional Revision and Recreation ..... 380
Feb. 13 23 Notice of hearing (3/8) ..... 580
Mar. 22 45 Nichol priority resolution ..... 1154

**LEGISLATIVE RESOLUTION 30CA. By Chambers**

Jan. 22 10 Read first time. Referred to Reference Committee ..... 330
Jan. 28 11 Referred to Committee on Constitutional Revision and Recreation ..... 380
Feb. 13 23 Notice of hearing (3/7) ..... 580
Mar. 28 49 Placed on General File - Com am #0845 ..... 1265

**LEGISLATIVE RESOLUTION 31CA. By Chambers**

Jan. 22 10 Read first time ..... 330
Jan. 22 10 Referred to Reference Committee ..... 331
Jan. 28 11 Referred to Committee on Constitutional Revision and Recreation ..... 380
Jan. 29 12 Chambers motion to withdraw laid over ..... 387
Jan. 30 13 Chambers pending motion p. 387 prevailed. Withdrawn ..... 400

**LEGISLATIVE RESOLUTION 32CA. By Speaker Nichol at request of Governor**

Jan. 22 10 Read first time ..... 331
Jan. 22 10 Referred to Reference Committee ..... 333
Jan. 28 11 Referred to Committee on Constitutional Revision and Recreation ..... 380
Feb. 5 17 Notice of hearing (2/14) ..... 463
Mar. 7 35 Placed on General File - Com am #0487 ..... 881
Mar. 20 43 Constitutional Revision and Recreation Committee priority resolution ..... 1086
Apr. 16 60 Committee amendment #0487 adopted. Haberman-Hefner motion to indefinitely postpone laid over ..... 1590
Apr. 17 61 Haberman-Hefner pending motion p. 1590 to indefinitely postpone lost ..... 1606
Apr. 17 61 Haberman amendment ruled not germane. Advanced for Review ..... 1611
Apr. 24 65 Placed on Select File - AM5143 ..... 1848

May 6 73 AM5143 (E & R) adopted. Goll motion to indefinitely postpone withdrawn. Failed to advance for Engrossment ..... 2089

**LEGISLATIVE RESOLUTION 33CA. By Peterson**

Jan. 22 10 Read first time ..... 333
Jan. 22 10 Referred to Reference Committee ..... 334
Jan. 28 11 Referred to Committee on Constitutional Revision and Recreation ..... 380
Jan. 30 13 Notice of hearing (2/7) ..... 405
Feb. 8 20 Indefinitely postponed ..... 530
Apr. 1 51 Peterson motion to place on General File laid over ..... 1315
Apr. 4 54 Peterson pending motion to place on General File withdrawn. Peterson motion to raise from Committee ruled out of order. Chair challenged. Peterson motion to overrule Chair lost. Peterson reoffered motion to place on General File lost ..... 1387

**LEGISLATIVE RESOLUTION 34CA. By Rupp, Labedz**

Jan. 22 10 Read first time ..... 334
Jan. 22 10 Referred to Reference Committee ..... 336
Jan. 28 11 Referred to Committee on Constitutional Revision and Recreation ..... 380
Feb. 13 23 Notice of hearing (3/8) ..... 580

**LEGISLATIVE RESOLUTION 35CA. By Schmit**

Jan. 22 10 Read first time ..... 350
Jan. 22 10 Referred to Reference Committee ..... 351
Jan. 28 11 Referred to Committee on Constitutional Revision and Recreation ..... 380
Feb. 8 20 Notice of hearing (2/21) ..... 516
Mar. 28 49 Placed on General File ..... 1241

**LEGISLATIVE RESOLUTION 36CA. By Hoagland, Nelson, Beutler, Lundy, V. Johnson, Miller, Smith**

Jan. 22 10 Read first time ..... 351
Jan. 22 10 Referred to Reference Committee ..... 352

Jan. 28 11 Referred to Committee on Constitutional Revision and Recreation ..... 380
Feb. 5 17 Notice of hearing (2/14) ..... 463

**LEGISLATIVE RESOLUTION 37CA. By Pappas, V. Johnson**

Jan. 22 10 Read first time ..... 363
Jan. 22 10 Referred to Reference Committee ..... 365
Jan. 28 11 Referred to Committee on Constitutional Revision and Recreation ..... 380
Feb. 4 16 Pappas name withdrawn ..... 455
Feb. 12 22 Pappas name added ..... 562
Feb. 13 23 Notice of hearing (3/1) ..... 580
Mar. 27 48 Indefinitely postponed ..... 1220

**LEGISLATIVE RESOLUTION 38CA. By DeCamp**

Jan. 22 10 Read first time ..... 365
Jan. 22 10 Referred to Reference Committee ..... 366
Jan. 28 11 Referred to Committee on Constitutional Revision and Recreation ..... 380
Feb. 5 17 Notice of hearing (2/14) ..... 463
Mar. 7 35 Indefinitely postponed ..... 882

**LEGISLATIVE RESOLUTION 298CA. By DeCamp**

June 3 88 Read first time ..... 2647
June 3 88 Referred to Reference Committee ..... 2648

**LEGISLATIVE RESOLUTION 299CA. By DeCamp**

June 3 88 Read first time ..... 2648
June 3 88 Referred to Reference Committee ..... 2649

# LEGISLATIVE BILLS AND CONSTITUTIONAL AMENDMENT RESOLUTIONS BY INTRODUCERS

## CHRIS ABBOUD

| LB | |
|---|---|
| 106 | Limit contributions to legislative campaigns. |
| 117* | Prohibit Board of Examiners from meeting outside of the state. |
| 172* | Require tax levy reduction upon property valuation increase. |
| 222 | Capital Companies Tax Credit Act. |
| 285* | Establish additional factors for issuance of certificates of need. |
| 292 | Uniform Durable Power of Attorney Act. |
| 293 | Change provisions relating to decedents' estates. |
| 383* | Require registration of above ground hazardous material storage tanks. |
| 383A* | Appropriation Bill. |
| 384 | Allow interest payments on refunds by Public Service Commission. |
| 494* | Change provisions for increasing gas rates in municipalities. |
| 538 | Provide for regulation of gas utilities by Public Service Commission. |
| 559* | Change provisions for circulating certain petitions. |
| 664* | Change provisions for closed meetings of public bodies. |
| 665 | Require bids for purchases by first class cities or Class III school districts. |
| 666 | Provide for sale of property by cities of first class/Class III school districts. |
| 668* | Child Pornography Prevention Act. |

## DENNIS BAACK

| LB | |
|---|---|
| 155* | Provide a branch office of Department of Economic Development in North Platte. |
| 190* | Establish Nebraska Future Fund from cigarette tax proceeds. |
| 204* | Change provisions for College of Veterinary Medicine. |

287* Change the boundaries of certain judicial districts.
333* Establish provisions regarding child abuse and neglect.
358* Change provisions for closed sessions under Open Meetings Law.
461* Establish provisions for public radio.
506* Eliminate associate nursing degree programs as University's sole responsibility.
532* Provide for awarding costs in certain condemnation cases.
680* Appropriate funds to Department of Education to aid the humanities.
709* Establish provisions for Youth Development Centers at Geneva and Kearney.

**LR**

16CA* Repeal Initiative 300.
20CA* Authorize public hospitals to own stock.
23CA* Change the beginning date for 90-day legislative sessions.

## WILLIAM BARRETT

**LB**

44* Limits liability of emergency medical technicians when performing aid.
48 Require continuing education requirements for insurance agents.
104 Redefine title insurance agent.
109 Change provisions relating to real estate brokers.
155* Provide a branch office of Department of Economic Development in North Platte.
190* Establish Nebraska Future Fund from cigarette tax proceeds.
204* Change provisions for College of Veterinary Medicine.
333* Establish provisions regarding child abuse and neglect.
333A Appropriation Bill.
471* Change provisions for fee collection by State Fire Marshal.
506* Eliminate associate nursing degree programs as University's sole responsibility.
593 Change various provisions relating to insurance.
628* Ratify Interstate Compact on Agricultural Grain Marketing.
663* Require disclosure of risks concerning abortion procedures.
668* Child Pornography Prevention Act.
670 Require Educational Service Units to follow public letting procedures.

690* Provide a written consent requirement for liens.
709* Establish provisions for Youth Development Centers at Geneva and Kearney.

**LR**

23CA* Change the beginning date for 90-day legislative sessions.

## CHRIS BEUTLER

**LB**

40 Eliminate provisions requiring fire regulation of certain buildings.
41 Eliminate reward requirement in homicide cases.
146* Provide concurrent jurisdiction in divorce cases for county/district courts.
170 Change penalty for Class II felonies.
171* Change number of juvenile court judges.
171A* Appropriation Bill.
217* Petroleum Products and Hazardous Substances Storage and Handling Act.
217A Appropriation Bill.
233 Eliminate witness fees for certain employees.
234 Change age limits for compulsory education.
244* Increase the number of members of Lincoln School Board.
264 Eliminate farmer institutes provisions.
265 Authorize Correctional Services Department to grant easements.
327 Abolish Nebraska Law Enforcement and Justice Advisory Committee.
367 Establish a criminal prosecution division in Attorney General's office.
367A Appropriation Bill.
368 Change the appeal procedure for claims against the state.
370 Provide that divorce decree becomes final upon entry.
371 Change provisions involving computer crimes.
373 Change the jurisdictional limit of Small Claims Court.
462 Eliminate written transfer request by prisoners in interstate corrections compact.
463* Establish provisions regarding nitrate-nitrogen contamination of ground water.
464 Provide a penalty for unauthorized use of telecommunications services.
514 State Defender Act.
515 Change provisions for advertisements in political campaigns.

516 Change district and county judicial districts.
517 Provide for acceptance of certain railroad property by Game and Parks.
518 Change provisions for special education placements.
519 Change bond issuance for industrial development.
520 Uniform Arbitration Act.
521 Change provisions for sentencing of offenders.
581* Authorize Nebraska Investment Finance Authority to purchase certain municipal bonds.
680* Appropriate funds to Department of Education to aid the humanities.
687* Authorize the establishment of regional park authorities.
709* Establish provisions for Youth Development Centers at Geneva and Kearney.

**LR**

8CA Establish an equal rights amendment to state constitution.
12CA* Change provisions for impeaching a public official.
22CA Require Auditor of Public Accounts to be certified public accountant.
23CA* Change the beginning date for 90-day legislative sessions.
29CA Change provisions for salary and expenses for legislators.
36CA* Establish membership for governing board for university and state colleges.

## EMIL E. BEYER, JR.

**LB**

102* Change provisions for natural resources development and administration.
103* Modify fee provisions and application procedures for water storage facilities.
126* Change termination date for funding Energy Resource and School Weatherization Fund.
172* Require tax levy reduction upon property valuation increase.
238* Allow veterans organizations to collect proceeds from bingo and lotteries.
240* Change provisions for drivers licenses for military personnel.
333* Establish provisions regarding child abuse and neglect.
385 Change jurisdiction of Commission of Industrial Relations.
404* Require proof of financial responsibility to register motor vehicles.
496* Require the use of seat belts.

508 Establish provisions for fraternal benefit societies.
603* Change filing requirements for secured transactions under Uniform Commercial Code.
663* Require disclosure of risks concerning abortion procedures.
668* Child Pornography Prevention Act.

## CALVIN F. CARSTEN

**LB**

30* Provide continued tax class for agricultural or horticultural land.
131* Change provisions relating to optometry practice.
204* Change provisions for College of Veterinary Medicine.
489* Change provisions for liability for drainage.
581* Authorize Nebraska Investment Finance Authority to purchase certain municipal bonds.
647* Require availability of group long-term-care insurance policies.
663* Require disclosure of risks concerning abortion procedures.
709* Establish provisions for Youth Development Centers at Geneva and Kearney.

## ERNIE CHAMBERS

**LB**

70 Eliminate the death penalty.
71 Increase speed limit on interstates to 65 mph.
72 Adopt Sports Wagering Act.
72A Appropriation Bill.
73 Establish maximum fees for attorneys performing probate services.
201* Establish a high-risk pregnancy support program.
206* Establish pay equity provisions in state government.
237 Require tape recording of disciplinary hearings at correctional facilities.
255 Require certain adoption proceedings to comply with Indian Child Welfare.
498 Change distribution of Supreme Court Advance Sheets and Nebraska Statutes.
499 Treat UNL football players as University employees.
608* Change worker's compensation benefits.
632* Increase payments for dependent children.
667* Real Estate Consumer Rights Act.

671 Require labeling of gasohol pumps.

**LR**

27CA Change vote requirement for impeachment convictions by Supreme Court.

28CA* Authorize practice of law if person has graduated from Nebraska law school.

30CA Allow graduates of Nebraska accredited law schools to not join bar association.

31CA Delete requirement that Supreme Court appoint a clerk and reporter.

## JERRY CHIZEK

**LB**

131* Change provisions relating to optometry practice.

172* Require tax levy reduction upon property valuation increase.

187 Establish provisions for missing persons.

204* Change provisions for College of Veterinary Medicine.

238* Allow veterans organizations to collect proceeds from bingo and lotteries.

247* Change provisions regarding forfeiture of property in drug cases.

256 Change disability compensation for state's public safety personnel.

257 Require Director of Personnel to direct state employer-employee relations.

333* Establish provisions regarding child abuse and neglect.

357 Transfer administration of public employee retirement to Personnel Department.

391* Comprehensive Health Insurance Pool Act.

392 Transfer division of travel and tourism to Game and Parks Commission.

406* Prohibit distribution or possession of imitation controlled substances.

439* Establish provisions for voter registration by mail.

440 Create the Henry Fonda Film and Television Office.

441 Change provisions for containers of explosive liquids.

455* Career Teacher Incentive Act.

491 Change a provision relating to jurisdiction to control pollution.

492 Establish criminal provisions for acts against churches, synagogues, cemeteries.

493 Change penalty for purchasing alcohol for minors.

511* Restrict water impoundment projects in Douglas County.

512* Change provisions for county engineers and surveyors.
568 Change notice procedures for bulk transfers under Uniform Commercial Code.
663* Require disclosure of risks concerning abortion procedures.
668* Child Pornography Prevention Act.

## HARRY B. CHRONISTER

**LB**

51 Change provisions relating to vacation of a plat.
78* Establish provisions for regional development councils.
105* Provide visitation rights for grandparents and grandchildren.
131* Change provisions relating to optometry practice.
132* Change provisions relating to physician assistants.
190* Establish Nebraska Future Fund from cigarette tax proceeds.
204* Change provisions for College of Veterinary Medicine.
238* Allow veterans organizations to collect proceeds from bingo and lotteries.
277* Respiratory Care Act.
291 Ophthalmic Dispensing Act.
307* Change provisions for Airport Authority to sell bonds.
333* Establish provisions regarding child abuse and neglect.
413* Change provisions for expense payments to state officers and employees.
479* Require bond or securities deposit for certain state fund investments.
496* Require the use of seat belts.
549* Require briefing sessions for new members of regional governing boards.
550* Prohibit mental health services administrators from private practice.
581* Authorize Nebraska Investment Finance Authority to purchase certain municipal bonds.
598* Prohibit open alcoholic beverage containers in vehicles.
623 Require domestic animals to have vaccinations for rabies.
624 Change provisions for buyer protection under Uniform Commercial Code.
647* Require availability of group long-term-care insurance policies.
648* Establish provisions for martial arts weapons.
663* Require disclosure of risks concerning abortion

procedures.
668* Child Pornography Prevention Act.
672* Provide for determination and reservation of base flows.
694* Legislative Investigating Committee Act.
709* Establish provisions for Youth Development Centers at Geneva and Kearney.

**GERALD CONWAY**

**LB**
126* Change termination date for funding Energy Resource and School Weatherization Fund.
132* Change provisions relating to physician assistants.
132A* Appropriation Bill.
133* Provide work-study program at postsecondary institutions.
144* Nebraska Electronic Lottery Act.
154* Change tax provisions on parimutuel wagering.
181* Establish provisions for property tax reimbursement.
235 Convey an easement to City of Wayne.
326 Allow credit cards for payment of court fines.
333* Establish provisions regarding child abuse and neglect.
404* Require proof of financial responsibility to register motor vehicles.
461* Establish provisions for public radio.
477* Provide for medical histories in adoption cases and access to records.
480* Enterprise Zone Demonstration Act.
494* Change provisions for increasing gas rates in municipalities.
639* Provide for contracting to receive information in adoption cases.
657 Change provisions for prohibited discounts to liquor retailers.
663* Require disclosure of risks concerning abortion procedures.
668* Child Pornography Prevention Act.
708* Enterprise Zone Act.

**LR**
20CA* Authorize public hospitals to own stock.

**JOHN W. DECAMP**

**LB**
38* Provide rebate on property taxes.
63* Establish criterion to determine if bank is unsound.

78* Establish provisions for regional development councils.
98 Reduce interest rate assessed on delinquent state taxes.
99 Allow creditors of state agencies to charge interest on overdue accounts.
102* Change provisions for natural resources development and administration.
103* Modify fee provisions and application procedures for water storage facilities.
105* Provide visitation rights for grandparents and grandchildren.
107 Adopt Business Trust Act.
108 Change provisions for cost of inquiries under Uniform Commercial Code.
126* Change termination date for funding Energy Resource and School Weatherization Fund.
127 Change termination date for litter reduction and recycling programs.
165 Permit banks to own certain stocks.
173* Allow for period of silence in public schools.
174 Change appeal procedures for property value adjustments.
175 Appropriate funds for Atkinson Dam.
176 Change provisions for imposing the death penalty.
177 Limit the right of privacy at correctional facilities.
178 Provide runoff primary elections.
179 Provide compensation to inaccessible businesses during construction.
180 Prohibit certain evidence suppression due to invalid warrants.
181* Establish provisions for property tax reimbursement.
182 Quality Education Act.
183 Change various provisions affecting liquor licensees and times sold.
184 Allow state agencies to contract with collection agencies.
185 Restrict school year opening date until after Labor Day.
186* Provide sales tax on services.
192 Change provisions for registration of securities.
193 Change provisions for exempted transactions by monopolies.
194 Require title insurance agents to be licensed abstracters.
206* Establish pay equity provisions in state government.
218 Child Protection Act.
221 Establish provisions for frivolous lawsuits.
229 Remove police officers and firefighters from bargaining

unit provisions.
230 Eliminate false advertisement or statements provision under NPAD Act.
231 Establish exceptions for privilege of keeping news sources confidential.
232 Prohibit corporations from engaging in farming.
238* Allow veterans organizations to collect proceeds from bingo and lotteries.
254* Offer equal education opportunities for public elementary/second school.
277* Respiratory Care Act.
278* Authorize NIFA to issue bonds for agriculture and failed financial institutions.
295* Change provisions relating to branch banks.
296 Change definition of active solar space heating systems.
297 Extend termination date for tax credit on renewable energy source system.
307* Change provisions for Airport Authority to sell bonds.
359 Change provisions relating to alcoholic liquors tax.
375 Provide for classification of a farm or ranch.
391* Comprehensive Health Insurance Pool Act.
402 Authorize early teacher retirement upon reaching age/service combination.
403 Authorize teacher retirement after 35 years of service, regardless of age.
410* Authorize removal of life-sustaining procedures.
450 Permit legislative committees access to certain confidential Bank Department information.
451 Require approval of loans to bank directors by Board of Directors.
452* Change provisions for bank holding companies.
453 Establish a restriction on bank holding companies.
454 Establish retirement plan for police officers of second class cities.
467 Change membership provisions for State Racing Commission.
468 Establish the Big Dome, Train, and Plane Commission.
469* Nebraska Export Finance Act.
470* Restrict the practice of chiropractic.
477* Provide for medical histories in adoption cases and access to records.
487* Prohibit insurers from denying payment for treatment of mental disorders.
527* Change district court clerks and employees to state

employees.
573* Underinsured Motorist Insurance Coverage Act.
587 Change provisions for tax anticipation notes by school districts.
588 Nebraska State Land Bank Act.
601* Authorize intrastate long-distance telecommunication services.
602 Authorize the legislature to make appropriation to Commonwealth deposit.
603* Change filing requirements for secured transactions under Uniform Commercial Code.
604 Require reporting certain Uniform Commercial Code information to Secretary of State.
604A Appropriation Bill.
605 Provide for central filing for agricultural type liens under Uniform Commercial Code.
606 Provide limitation on security interests on farm products.
606A Appropriation Bill.
616* Allow income tax refunds to be contributed to United States Olympic Fund.
625 Change provisions for user banks.
653A Appropriation Bill.
683 Create the position of State Lobbyist.
684 Restrict advertising for retail liquor establishments.
685 Provide funding for community mental health programs and facilities.
686 Change provision for surety bonds by prepaid dental service corporation.
687* Authorize the establishment of regional park authorities.
688 Transfer public assistance programs to county division of public welfare.
689 Mathematics, Science and Computer Education Act.
691 Exempt from taxation real estate owned by insolvent banks.

**LR**

9CA* Require the Legislature to provide equal educational opportunities.
12CA* Change provisions for impeaching a public official.
13CA Establish Legislative Compensation Commission to recommend Legislative salaries.
16CA* Repeal Initiative 300.
19CA* Require schools to have financial resources for quality education programs.

23CA* Change the beginning date for 90-day legislative sessions.
38CA Place government of public higher education institutions under single board.
298CA Appropriate funds for Commonwealth depositors; increase sales tax.
299CA Provide for operation of video lottery devices.

**DON ERET**

**LB**
63* Establish criterion to determine if bank is unsound.
166* Prohibit open burning or bonfires at certain times.
190* Establish Nebraska Future Fund from cigarette tax proceeds.
204* Change provisions for College of Veterinary Medicine.
227 Require certain irrigation methods when applying fertilizers/pesticides.
228* Provide reimbursement to schools for vehicles using ethanol.
274 Agricultural Lien Act.
294* Establish tax checkoff system to fund Silver-Haired Legislature.
319* Allow occasional sale of household goods without collecting sales tax.
322 Prohibit deferred pricing contracts for grain purchases.
396* Building Construction Act.
442 Appropriate funds to Commonwealth depositors.
443 Provide for designating restricted zones for aerial pesticide application.
473 Change provisions relating to special fuels.
554 Redefine the term "qualified claimant" for homestead exemption.
555 Require Agriculture Department to publish a directory of commodity prices.
580* Change penalty provisions for transferring Uniform Commercial Code security interest.
583 Provide a sales tax exemption for cemetery associations.
628* Ratify Interstate Compact on Agricultural Grain Marketing.
629* Provide a tax credit for purchasing conservation tillage equipment.
637 Change provisions for candidates and electors of a political party.
638 Prohibit the sale of commodities below a minimum price.
652* Provide an additional stay period on foreclosures.

667* Real Estate Consumer Rights Act.
709* Establish provisions for Youth Development Centers at Geneva and Kearney.
710* Authorize substitutions for required courses by school boards.

## JAMES E. GOLL

**LB**
154* Change tax provisions on parimutuel wagering.
335* Authorize state investment officer to invest certain funds.
355 Require licensing for athletic trainers.
426 Establish provisions for qualifying wages for unemployment benefits.
496* Require the use of seat belts.
572* Change provisions for dental practice and hygienists.

## GLENN A. GOODRICH

**LB**
91 Appropriate funds to Coordinating Commission for Postsecondary Education for nonpublic schools.
101 Reestablish the Real Estate Commission.
101A Appropriation Bill.
113* Change provisions relating to preparation of proposed juror lists.
128* Provide equal provisions for state savings and loan associations as federal.
151 Change provisions for Nebraska and Omaha universities' cash funds.
152 Appropriate Nebraska Cancer Research Funds.
190* Establish Nebraska Future Fund from cigarette tax proceeds.
215 Change retirement provisions for Omaha school district employees.
242* Allow State Board of Education to issue bonds and make loans.
254* Offer equal education opportunities for public elementary/second school.
325 Change provisions of state employees' retirement plan.
333* Establish provisions regarding child abuse and neglect.
335* Authorize state investment officer to invest certain funds.
429 Require identification of electrical contractors/master electricians' cars.
430 Revise power of credit unions.

471* Change provisions for fee collection by State Fire Marshal.
621 Change beginning year for renewing certificates by land surveyors.
622* Provide for depositing state/political subdivision funds in savings/loan association.
632* Increase payments for dependent children.
645* Allow real estate brokers to deposit funds in savings and loan institutions.
645A* Appropriation Bill.
662* Change provisions for land valuation; provide for merger of Class I school districts.
663* Require disclosure of risks concerning abortion procedures.
668* Child Pornography Prevention Act.

**REX HABERMAN**

**LB**
117* Prohibit Board of Examiners from meeting outside of the state.
118* Provide sales tax exemption for repair materials for farm machinery.
119* Provide sales tax exemption for repair farm truck materials.
120* Eliminate sales tax exemptions for manufacturing facilities' equipment.
121 Eliminate sales tax exemption for parts purchased for common carriers.
122 Establish a separate permit fee for grain trucks.
123 Eliminate special permits for garbage trucks.
126* Change termination date for funding Energy Resource and School Weatherization Fund.
144* Nebraska Electronic Lottery Act.
146* Provide concurrent jurisdiction in divorce cases for county/district courts.
155* Provide a branch office of Department of Economic Development in North Platte.
188 Provide sales tax exemption on fixed gratuity portion of meal.
219* Provide sales tax exemption for farm trucks and machinery materials.
220 Exempt federal excise taxes from sales tax.
236 Change provisions for taxation of deeds under Documentary Stamp Act.

389 Grain Buyer Act.
393* County Purchasing Act.
427 Prohibit furloughs for certain prisoners.
428 Eliminate county weed control authorities.
444 Repeal the Beef Industry Development Act.
481 Require law enforcement agencies to be notified of furloughs.
532* Provide for awarding costs in certain condemnation cases.
535 Change provisions regarding financial interests under Political Accountability and Disclosure Act.
536 Require agency rules to be sent to legislative committees.
603* Change filing requirements for secured transactions under Uniform Commercial Code.
650 Change membership of Education Commission of the state.
690* Provide a written consent requirement for liens.
694* Legislative Investigating Committee Act.
709* Establish provisions for Youth Development Centers at Geneva and Kearney.

## TIMOTHY HALL

**LB**

140* Exempt social security benefits from state income taxation.
164* County Peace Officers Retirement Act.
172* Require tax levy reduction upon property valuation increase.
216 Change the table for unemployment benefits.
238* Allow veterans organizations to collect proceeds from bingo and lotteries.
286* Nebraska Social Work Licensing Act.
298 Change interest rates on judgments and decrees.
477* Provide for medical histories in adoption cases and access to records.
556* Increase homestead tax exemption.
644* Provide for appointing deputies to aid voter registration.
663* Require disclosure of risks concerning abortion procedures.
668* Child Pornography Prevention Act.
692* Inspection Liability Act.
693* Prevent denial of insurance benefits for alcoholism treatment.

**LR**

23CA* Change the beginning date for 90-day legislative sessions.

## GARY E. HANNIBAL

| LB | |
|---|---|
| 172* | Require tax levy reduction upon property valuation increase. |
| 243* | Dietician and Nutritionist Licensing Act. |
| 289 | Change provisions for suits against employees of political subdivisions. |
| 383* | Require registration of above-ground hazardous material storage tanks. |
| 383A* | Appropriation Bill. |
| 471* | Change provisions for fee collection by State Fire Marshal. |
| 559* | Change provisions for circulating certain petitions. |
| 560 | Political Subdivision Budget Limit Act. |
| 561 | Exempt certain medical related oxygen equipment from taxation. |
| 572* | Change provisions for dental practice and hygienists. |
| 612* | Provide for ownership of child support. |
| 668* | Child Pornography Prevention Act. |
| 677 | Provide an additional income tax credit. |
| **LR** | |
| 23CA* | Change the beginning date for 90-day legislative sessions. |

## BILL HARRIS

| LB | |
|---|---|
| 39 | Change provisions relating to housing facilities operated by educational institutions. |
| 290 | Adjust retirement benefits of certain Nebraska University employees. |
| 347A | Appropriation Bill. |
| 452* | Change provisions for bank holding companies. |
| 592* | Authorize admitting qualifying nonresident pupils to school districts. |

## D. PAUL HARTNETT

| LB | |
|---|---|
| 105* | Provide visitation rights for grandparents and grandchildren. |
| 110* | Reduce administrative fee for sales tax collections. |
| 112* | Increase excise tax rate on motor vehicle fuels. |
| 131* | Change provisions relating to optometry practice. |
| 140* | Exempt social security benefits from state income taxation. |

144* Nebraska Electronic Lottery Act.
164* County Peace Officers Retirement Act.
172* Require tax levy reduction upon property valuation increase.
190* Establish Nebraska Future Fund from cigarette tax proceeds.
206* Establish pay equity provisions in state government.
238* Allow veterans organizations to collect proceeds from bingo and lotteries.
240* Change provisions for drivers licenses for military personnel.
254* Offer equal education opportunities for public elementary/second school.
282* Eliminate provisions for setting the tax rates.
283* Change provisions for membership on Economic Forecasting Advisory Board.
286* Nebraska Social Work Licensing Act.
294* Establish tax checkoff system to fund Silver-Haired Legislature.
330* Provide for state payment of commitment costs.
354 Provide expenses reimbursement for Nebraska Council on Teacher Education members.
358* Change provisions for closed sessions under Open Meetings Law.
505* Use additional sales tax for School Foundation and Equalization Fund.
640* Change membership composition of bridge commission.
663* Require disclosure of risks concerning abortion procedures.
668* Child Pornography Prevention Act.
697* Require freight trains to carry automatic cab signals.
709* Establish provisions for Youth Development Centers at Geneva and Kearney.

**LR**

19CA* Require schools to have financial resources for quality education programs.
23CA* Change the beginning date for 90-day legislative sessions.

## ELROY M. HEFNER

**LB**

30* Provide continued tax class for agricultural or horticultural land.

| | |
|---|---|
| 49 | Harmonize provisions concerning veterans. |
| 125 | Change provisions for claim forms for Small Claims Court. |
| 139 | Provide for transfer of lost fuel tax amounts due to exemption of gasohol. |
| 147* | Provide duties for Social Services Director concerning nursing homes. |
| 154* | Change tax provisions on parimutuel wagering. |
| 190* | Establish Nebraska Future Fund from cigarette tax proceeds. |
| 204* | Change provisions for College of Veterinary Medicine. |
| 214 | Eliminate reduced penalty provision for travelling up to 65 mph on interstate. |
| 225 | Change licensing provisions for county and city superintendents. |
| 226* | Change provisions relating to bad checks. |
| 282* | Eliminate provisions for setting the tax rates. |
| 283* | Change provisions for membership on Economic Forecasting Advisory Board. |
| 334* | Prohibit corporation from requiring political contributions of members. |
| 408A | Appropriation Bill. |
| 445* | Establish provisions relating to bad checks. |
| 446 | Establish requirements for game birds killed in controlled hunting areas. |
| 489* | Change provisions for liability for drainage. |
| 496* | Require the use of seat belts. |
| 506* | Eliminate associate nursing degree programs as University's sole responsibility. |
| 549* | Require briefing sessions for new members of regional governing boards. |
| 550* | Prohibit mental health services administrators from private practice. |
| 551* | Prohibit school districts from deducting political contributions from salaries. |
| 552 | Require person selling property or services to provide information to Tax Commissioner. |
| 552A | Appropriation Bill. |
| 663* | Require disclosure of risks concerning abortion procedures. |
| 668* | Child Pornography Prevention Act. |
| 709* | Establish provisions for Youth Development Centers at Geneva and Kearney. |

**LR**

15CA Require Legislature to appropriate funds for political subdivision services.

## MARGE HIGGINS

**LB**

44* Limits liability of emergency medical technicians when performing aid.

105* Provide visitation rights for grandparents and grandchildren.

126* Change termination date for funding Energy Resource and School Weatherization Fund.

131* Change provisions relating to optometry practice.

144* Nebraska Electronic Lottery Act.

206* Establish pay equity provisions in state government.

243* Dietician and Nutritionist Licensing Act.

305* Change provisions for supplemental Medicare insurance.

404* Require proof of financial responsibility to register motor vehicles.

496* Require the use of seat belts.

532* Provide for awarding costs in certain condemnation cases.

603* Change filing requirements for secured transactions under Uniform Commercial Code.

647* Require availability of group long-term-care insurance policies.

663* Require disclosure of risks concerning abortion procedures.

667* Real Estate Consumer Rights Act.

667A Appropriation Bill.

668* Child Pornography Prevention Act.

693* Prevent denial of insurance benefits for alcoholism treatment.

709* Establish provisions for Youth Development Centers at Geneva and Kearney.

**LR**

23CA* Change the beginning date for 90-day legislative sessions.

28CA* Authorize practice of law if person has graduated from Nebraska law school.

## PETER HOAGLAND

**LB**

140* Exempt social security benefits from state income taxation.

172* Require tax levy reduction upon property valuation

increase.

190* Establish Nebraska Future Fund from cigarette tax proceeds.

206* Establish pay equity provisions in state government.

247* Change provisions regarding forfeiture of property in drug cases.

360* Change membership provisions for natural resources district boards.

361 Require autopsies upon unexpected death of young children.

362* Change provisions and responsibility for accident reports.

369 Permit legislators to use state telephones for reimbursed personal call.

382* Uniform Billing and Data Collection Act.

406* Prohibit distribution or possession of imitation controlled substances.

412* Provide for cooperative detention facilities.

447 Establish provisions for adoption assistance.

448 Change provisions relating to domestic abuse.

496* Require the use of seat belts.

522 Change limitation for certain claims; provide federal court jurisdiction.

523 Uninsured and Underinsured Motorist Coverage Act.

524 Require motorcyclists to wear protective helmets.

525 Transfer marriage duties to county clerks.

526 Authorize first class notification for foster care court proceedings.

529 Provide for clerk magistrates rather than associate county judges.

562 Allow manufacturer's name to be included on generic drug labels.

563 Establish provisions for state-owned historical properties.

598* Prohibit open alcoholic beverage containers in vehicles.

600A Appropriation Bill.

631 Change provisions for driving while intoxicated.

631A Appropriation Bill.

662* Change provision for land valuation; provide for merger of Class I school districts.

664* Change provisions for closed meetings of public bodies.

**LR**

12CA* Change provisions for impeaching a public official.

23CA* Change the beginning date for 90-day legislative sessions.

36CA* Establish membership for governing board for university and state colleges.

## LOWELL C. JOHNSON

| LB | |
|---|---|
| 105* | Provide visitation rights for grandparents and grandchildren. |
| 128* | Provide equal provision for state savings and loan associations as federal. |
| 132* | Change provisions relating to physician assistants. |
| 132A* | Appropriation Bill. |
| 335* | Authorize state investment officer to invest certain funds. |
| 390* | Provide a medical expense account for state employees. |
| 479* | Require bond or securities deposit for certain state fund investments. |
| 494* | Change provisions for increasing gas rates in municipalities. |
| 643* | Burial Pre-Need Act. |
| 645* | Allow real estate brokers to deposit funds in savings and loan institutions. |
| 645A* | Appropriation Bill. |
| 663* | Require disclosure of risks concerning abortion procedures. |
| 672* | Provide for determination and reservation of base flows. |

## ROD JOHNSON

| LB | |
|---|---|
| 64 | Appropriate funding for scholarship awards program. |
| 65 | Provide for additional services to gifted children. |
| 124 | Extend termination date for ground water conservation districts. |
| 190* | Establish Nebraska Future Fund from cigarette tax proceeds. |
| 204* | Change provisions for College of Veterinary Medicine. |
| 284* | Nebraska Chemigation Act. |
| 284A | Appropriation Bill. |
| 333* | Establish provisions regarding child abuse and neglect. |
| 422* | Change provisions for township organization in county government. |
| 458 | Commercial Feed Act. |
| 459 | Change provisions for Agriculture Department's participation in noxious weed control. |
| 460 | Change provisions for powers and duties of Department of Agriculture. |
| 461* | Establish provisions for public radio. |

532* Provide for awarding costs in certain condemnation cases.
571 Establish special provisions for mutual aid plans for Mennonites.
628* Ratify Interstate Compact on Agricultural Grain Marketing.
629* Provide a tax credit for purchasing conservation tillage equipment.
630* Appropriate funds to construct grain alcohol plant.
668* Child Pornography Prevention Act.
709* Establish provisions for Youth Development Centers at Geneva and Kearney.

**VARD R. JOHNSON**

**LB**
141 Provide liability on bar owners for damages caused by drunk customers.
142 Create the Nebraska Sentencing Guidelines Commission.
144* Nebraska Electronic Lottery Act.
145 Provide early retirement program for certain university faculty members.
153 Provide for suspension or revocation of drivers license.
153A Appropriation Bill.
172* Require tax levy reduction upon property valuation increase.
181* Establish provisions for property tax reimbursement.
186* Provide sales tax on services.
200 Establish provisions for promotion of the arts; increase lodging tax.
201* Establish a high-risk pregnancy support program.
201A Appropriation Bill.
202 Establish legislative campaign fund from voluntary checkoff on tax form.
206* Establish pay equity provisions in state government.
267 Provide for registration of dental assistants.
269A Appropriation Bill.
272A Appropriation Bill.
273A Appropriation Bill.
280* Increase tax rates on alcoholic beverages.
280A* Appropriation Bill.
282* Eliminate provisions for setting the tax rates.
283* Change provisions for membership on Economic Forecasting Advisory Board.
285* Establish additional factors for issuance of certificates of need.

333* Establish provisions regarding child abuse and neglect.
344 Change references to repealed statutes regarding corporate franchise tax.
346* Change provisions for taxation of gasohol.
397* Change sales tax rate; adopt Career Teacher Incentive Act.
470* Restrict the practice of chiropractic.
478 Change provisions for rehabilitation services for the blind.
479* Require bond or securities deposit for certain state fund investments.
594 Change information required on tax notices.
595 Change provisions for appeals from county civil service system.
632* Increase payments for dependent children.
632A Appropriation Bill.
658 Change the funding source for State Highway Patrol.
659 Provide for mobile cosmetology units.
662* Change provisions for land valuation; provide for merger of Class I school districts.
668* Child Pornography Prevention Act.
681* Require Board of Educational Lands and Funds to acquire agricultural land.
697* Require freight trains to carry automatic cab signals.
698 Provide sales tax on services.
712 Change amount of homestead exemption.
715A Appropriation Bill.
717A Appropriation Bill.

**LR**

11CA Authorize giving or loaning of the credit of state for public purposes.
12CA* Change provisions for impeaching a public official.
23CA* Change the beginning date for 90-day legislative sessions.
36CA* Establish membership for governing board for university and state colleges.
37CA* Require public entities which produce electricity to pay property taxes.

## BERNICE LABEDZ

**LB**

105* Provide visitation rights for grandparents and grandchildren.
126* Change termination date for funding Energy Resource and School Weatherization Fund.

140* Exempt social security benefits from state income taxation.
171* Change number of juvenile court judges.
171A* Appropriation Bill.
172* Require tax levy reduction upon property valuation increase.
206* Establish pay equity provisions in state government.
238* Allow veterans organizations to collect proceeds from bingo and lotteries.
276* Provide optional health insurance coverage for former/retiree's spouse.
333* Establish provisions regarding child abuse and neglect.
465* Provide salary increases for conservation officers.
486 Allow special permit for organizations conducting one raffle or lottery.
487* Prohibit insurers from denying payment for treatment of mental disorders.
512* Change provisions for county engineers and surveyors.
556* Increase homestead tax exemption.
556A Appropriation Bill.
584* Increase maximum characters on prestige plates.
585* Change anatomical gift information on drivers licenses.
598* Prohibit open alcoholic beverage containers in vehicles.
603* Change filing requirements for secured transactions under Uniform Commercial Code.
622* Provide for depositing state/political subdivision funds in savings/loan association.
644* Provide for appointing deputies to aid voter registration.
647* Require availability of group long-term-care insurance policies.
660 Require Social Services Department to provide education assistance to physically handicapped.
663* Require disclosure of risks concerning abortion procedures.
667* Real Estate Consumer Rights Act.
668* Child Pornography Prevention Act.
709* Establish provisions for Youth Development Centers at Geneva and Kearney.

**LR**

34CA* Provide legislative salaries equal to minimum wage rate.

**HOWARD A. LAMB**

**LB**

37 Create Real Property Tax Relief Fund.

38* Provide rebate on property taxes.
38A Appropriation Bill.
44* Limits liability of emergency medical technicians when performing aid.
75 Change provisions for compensating public power district directors.
102* Change provisions for natural resources development and administration.
103* Modify fee provisions and application procedures for water storage facilities.
134 Change bond provision for county veterans' service committee members.
135 Provide for third party rights under Uniform Fraudulent Conveyance Act.
136 Change membership of State Claims Board.
155* Provide a branch office of Department of Economic Development in North Platte.
204* Change provisions for College of Veterinary Medicine.
334* Prohibit corporation from requiring political contributions of members.
405* Change time limit for asbestos removal.
466 Change procedures for license revocation by Bureau of Examining Boards.
551* Prohibit school districts from deducting political contributions from salaries.
599 Authorize petty cash fund for State Treasurer to cash state employees' checks.
628* Ratify Interstate Compact on Agricultural Grain Marketing.
663* Require disclosure of risks concerning abortion procedures.
668* Child Pornography Prevention Act.
709* Establish provisions for Youth Development Centers at Geneva and Kearney.
710* Authorize substitutions for required courses by school boards.
711* Exclude Victoria Springs from park permit requirement.

**DAVID LANDIS**

**LB**

67 Repeal provision relating to unlawful disposition of copyrighted music.
68 Authorize local support of before and after school

services.

69* Prohibit intimidation of victims and witnesses of crimes.

116 Allow Lincoln to assess additional one-half cent sales tax.

126* Change termination date for funding Energy Resource and School Weatherization Fund.

206* Establish pay equity provisions in state government.

217* Petroleum Products and Hazardous Substances Storage and Handling Act.

244* Increase the number of members of Lincoln School Board.

245 Change penalty provisions for first offense Driving While Intoxicated (DWI).

246 Eminent Scholar Program.

271A Appropriation Bill.

281 Change provisions for removing abandoned mobile homes.

282* Eliminate provisions for setting the tax rates.

283* Change provisions for membership on Economic Forecasting Advisory Board.

324* Provide additional unlawful employment practice.

399 Change provisions relating to platting and subdivisions.

400 Change sales tax provisions for mobile homes.

401* Provide for disclosure of information regarding state government.

410* Authorize removal of life-sustaining procedures.

412* Provide for cooperative detention facilities.

413* Change provisions for expense payments to state officers and employees.

421A Appropriation Bill.

480* Enterprise Zone Demonstration Act.

545 Establish provisions for use of interpreters.

546 Change procedure for calculating retirement benefits for part-time school employees.

547 Change publication requirements for Lancaster County.

548 Change provisions prohibiting certain contracts by officers of governing bodies.

635 Permit loan transactions between official and domestic insurance companies.

639* Provide for contracting to receive information in adoption cases.

656* Allow property tax exemption for housing for elderly and handicapped.

662* Change provisions for land valuation; provide for merger of Class I school districts.

668* Child Pornography Prevention Act.

680* Appropriate funds to Department of Education to aid the humanities.

## RAY E. LUNDY

**LB**

69* Prohibit intimidation of victims and witnesses of crimes.
89* Change provisions relating to incest.
90* Change provisions for depositions in child assault cases.
112* Increase excise tax rate on motor vehicle fuels.
160* Tax increase on gasohol.
204* Change provisions for College of Veterinary Medicine.
242* Allow State Board of Education to issue bonds and make loans.
280* Increase tax rates on alcoholic beverages.
280A* Appropriation Bill.
288* Change provisions for taking or keeping library materials.
335* Authorize state investment officer to invest certain funds.
372* Change provisions relating to civil service boards.
494* Change provisions for increasing gas rates in municipalities.
496* Require the use of seat belts.
572* Change provisions for dental practice and hygienists.
581* Authorize Nebraska Investment Finance Authority to purchase certain municipal bonds.
598* Prohibit open alcoholic beverage containers in vehicles.
647* Require availability of group long-term-care insurance policies.
648* Establish provisions for martial arts weapons.
649 Change reporting requirements on child abuse cases.
668* Child Pornography Prevention Act.

**LR**

36CA* Establish membership for governing board for university and state colleges.

## DAN LYNCH

**LB**

52 Establish additional powers for community development.
62* Nebraska Credentialing Act.
82 Change provisions for reimbursing commitment costs for Douglas County Hospitals.
82A Appropriation Bill.
83 Increase fee for abstract of driver's operating record.
105* Provide visitation rights for grandparents and

grandchildren.

126* Change termination date for funding Energy Resource and School Weatherization Fund.

172* Require tax levy reduction upon property valuation increase.

190* Establish Nebraska Future Fund from cigarette tax proceeds.

206* Establish pay equity provisions in state government.

238* Allow veterans organizations to collect proceeds from bingo and lotteries.

254* Offer equal education opportunities for public elementary/second school.

303 Prohibit employers from failing to make employee benefit payments.

323 Change provisions relating to controlled substances.

323A Appropriation Bill.

330* Provide for state payment of commitment costs.

331 Allow widows and widowers to utilize homestead exemption.

332 Eliminate color photograph on drivers licenses.

393* County Purchasing Act.

410* Authorize removal of life-sustaining procedures.

480* Enterprise Zone Demonstration Act.

573* Underinsured Motorist Insurance Coverage Act.

574 Provide for financing to political subdivisions through Nebraska Investment Finance Authority.

575 Require unique color for minors' drivers licenses.

576 Change provisions for disqualification of potential jurors.

577 Require approval of school tax levies by county commissioners.

578 Require licensing of out-of-state pharmacies doing business in Nebraska.

578A Appropriation Bill.

662* Change provisions for land valuation; provide for merger of Class I school districts.

663* Require disclosure of risks concerning abortion procedures.

668* Child Pornography Prevention Act.

679 Provide for one school district per county.

692* Inspection Liability Act.

**LR**

19CA* Require schools to have financial resources for quality education programs.

23CA* Change the beginning date for 90-day legislative sessions.

## SHIRLEY MARSH

| LB | |
|---|---|
| 28 | Establish college of Journalism at Nebraska University. |
| 29 | Require underground storage of combustible liquids. |
| 79 | Provide award of court costs and attorney's fees in child support cases. |
| 80 | Provide medical assistance for persons in jail. |
| 81 | Extend issuance date of bonds by Railroad Transportation Safety Districts. |
| 89* | Change provisions relating to incest. |
| 95* | Declare the paddlefish the official state fish. |
| 129 | Establish provisions for speech-language pathologists and audiologists. |
| 129A | Appropriation Bill. |
| 130 | Include pituitary glands in Anatomical Gift Act. |
| 206* | Establish pay equity provisions in state government. |
| 244* | Increase the number of members of Lincoln School Board. |
| 254* | Offer equal education opportunities for public elementary/second school. |
| 259 | Exempt emergency vehicles from child restraint requirement. |
| 286* | Nebraska Social Work Licensing Act. |
| 288* | Change provisions for taking or keeping library materials. |
| 320* | Adult Protective Services Act. |
| 333* | Establish provisions regarding child abuse and neglect. |
| 472 | Include the words "Tree Planter State" on license plates. |
| 476 | Require joggers on highways to wear reflective clothing. |
| 496* | Require the use of seat belts. |
| 500 | Create a Foreign Tourist Office in Department of Economic Development. |
| 509 | Authorize arrests without warrants in domestic abuse cases. |
| 510 | Change provisions for passing a school bus. |
| 572* | Change provisions for dental practice and hygienists. |
| 676 | Provide insurance reimbursements for nurse practitioner-anesthetists. |
| 680* | Appropriate funds to Department of Education to aid the humanities. |
| **LR** | |
| 19CA* | Require schools to have financial resources for quality education programs. |

## JERRY D. MILLER

| LB | |
|---|---|
| 42 | Change provisions relating to birth and death certificates. |
| 190* | Establish Nebraska Future Fund from cigarette tax proceeds. |
| 204* | Change provisions for College of Veterinary Medicine. |
| 204A | Appropriation Bill. |
| 333* | Establish provisions regarding child abuse and neglect. |
| 507 | Change a deduction for inheritance tax. |
| 553* | Provide for operation of vehicles for moving buildings. |
| 589* | Increase development gratuity of Nebraska Gasohol Committee. |
| 709* | Establish provisions for Youth Development Centers at Geneva and Kearney. |
| **LR** | |
| 23CA* | Change the beginning date for 90-day legislative sessions. |
| 36CA* | Establish membership for governing board for university and state colleges. |

## PATRICIA S. MOREHEAD

| LB | |
|---|---|
| 206* | Establish pay equity provisions in state government. |
| 286* | Nebraska Social Work Licensing Act. |
| 307* | Change provisions for Airport Authority to sell bonds. |
| 319* | Allow occasional sale of household goods without collecting sales tax. |
| 320* | Adult Protective Services Act. |
| 394 | Change provisions relating to milk. |
| 410* | Authorize removal of life-sustaining procedures. |
| 496* | Require the use of seat belts. |
| 532* | Provide for awarding costs in certain condemnation cases. |
| 580* | Change penalty provisions for transferring Uniform Commercial Code security interest. |
| 581* | Authorize Nebraska Investment Finance Authority to purchase certain municipal bonds. |
| 647* | Require availability of group long-term-care insurance policies. |
| 668* | Child Pornography Prevention Act. |
| 709* | Establish provisions for Youth Development Centers at Geneva and Kearney. |

## ARLENE NELSON

| LB | |
|---|---|
| 154* | Change tax provisions on parimutuel wagering. |

173* Allow for period of silence in public schools.
190* Establish Nebraska Future Fund from cigarette tax proceeds.
204* Change provisions for College of Veterinary Medicine.
280* Increase tax rates on alcoholic beverages.
280A* Appropriation Bill.
305* Change provisions for supplemental Medicare insurance.
319* Allow occasional sale of household goods without collecting sales tax.
333* Establish provisions regarding child abuse and neglect.
496* Require the use of seat belts.
644* Provide for appointing deputies to aid voter registration.
652* Provide an additional stay period on foreclosures.
663* Require disclosure of risks concerning abortion procedures.
668* Child Pornography Prevention Act.
709* Establish provisions for Youth Development Centers at Geneva and Kearney.

**LR**

23CA* Change the beginning date for 90-day legislative sessions.
36CA* Establish membership for governing board for university and state colleges.

## WILLIAM E. NICHOL

**LB**

88 Provide sales tax exemption for nonprofit voluntary health organization.
105* Provide visitation rights for grandparents and grandchildren.
155* Provide a branch office of Department of Economic Development in North Platte.
190* Establish Nebraska Future Fund from cigarette tax proceeds.
195** Change counties' cost of patient care at state institutions.
196** Appropriate funds for salaries of legislators.
197** Appropriate funds for salaries of state officers.
198** Provide deficiency appropriations for state government.
199** Appropriate funds for state government and capital construction expense.
241** Delay implementation date of municipal court takeover by state.
286* Nebraska Social Work Licensing Act.
287* Change the boundaries of certain judicial districts.

288* Change provisions for taking or keeping library materials.
393* County Purchasing Act.
496* Require the use of seat belts.
503 Provide for a lien for seed.
506* Eliminate associate nursing degree programs as University's sole responsibility.
668* Child Pornography Prevention Act.
715** Eliminate certain exemptions from sales tax.
717** Financial Institutions Deposits Tax Act.

**LR**

32CA** Provide for gubernatorial appointment of University Regents.

**JAMES E. PAPPAS**

**LB**

55 Adopt Nebraska Marital Property Act.
56 Change provisions relating to labeling of seeds.
57 Restrict opening and closing dates for school terms.
58 Adopt Motor Fuel Marketing Act.
59 Allow creditors of state agencies to charge interest.
60* Allow use of agriculture check-off funds to influence legislation.
61* Authorize public hospitals to enter into cooperative ventures.
62* Nebraska Credentialing Act.
66 Require one license plate on motor vehicles.
74 Change age requirement for retired state employees wanting health insurance.
78* Establish provisions for regional development councils.
100 Change provisions for parimutuel wagering tax.
140* Exempt social security benefits from state income taxation.
143 Change provisions for interest rates and payment of installment loan contracts.
144* Nebraska Electronic Lottery Act.
144A Appropriation Bill.
148 Require a pedestrian walkway on certain bridges.
149 Require proof of property tax payment prior to vehicle registration.
150 Require a response to complaints regarding telephone/telegraph services.
155* Provide a branch office of Department of Economic Development in North Platte.
158 Change provisions relating to liens on livestock.

| | |
|---|---|
| 161 | Railroad Inspection Act. |
| 162* | Change provisions regarding grain sorghum development. |
| 163 | Provide transportation allowance for students attending certain schools. |
| 172* | Require tax levy reduction upon property valuation increase. |
| 181* | Establish provisions for property tax reimbursement. |
| 186* | Provide sales tax on services. |
| 190* | Establish Nebraska Future Fund from cigarette tax proceeds. |
| 204* | Change provisions for College of Veterinary Medicine. |
| 210 | Eliminate provisions relating to homestead exemptions. |
| 243* | Dietician and Nutritionist Licensing Act. |
| 262 | Require gas stations to have public restrooms. |
| 263 | Require audit of law enforcement funds in counties with Indian reservations. |
| 275 | American Indian Arts and Crafts Sales Act. |
| 276* | Provide optional health insurance coverage for former/retiree's spouse. |
| 378 | Provide telephone service credit for low-income elderly persons. |
| 379 | Change the application of State Electrical Act. |
| 404* | Require proof of financial responsibility to register motor vehicles. |
| 463* | Establish provisions regarding nitrate-nitrogen contamination of ground water. |
| 465* | Provide salary increases for conservation officers. |
| 469* | Nebraska Export Finance Act. |
| 532* | Provide for awarding costs in certain condemnation cases. |
| 601* | Authorize intrastate long-distance telecommunication services. |
| 603* | Change filing requirements for secured transactions under Uniform Commercial Code. |
| 643* | Burial Pre-Need Act. |
| 643A | Appropriation Bill. |
| 663* | Require disclosure of risks concerning abortion procedures. |
| 668* | Child Pornography Prevention Act. |
| 682 | Provide tax refund checkoff to contribute to political parties. |
| 690* | Provide a written consent requirement for liens. |
| 694* | Legislative Investigating Committee Act. |
| 695 | Provide for reorganizing public postsecondary education |

in Nebraska.
696 Agricultural Producers Assistance Act.
699 Change provisions for sale of alcohol on Sunday.
700 Establish provisions for franchises for petroleum marketing.
701 Change provisions relating to hearing aid dispensers.
702 Provide franchise owners with first option to buy business.
703 Establish penalty provisions for wiretapping and mechanical eavesdropping.
704 Establish a payment procedure for electrical installation for irrigation.
705 Missouri Basin Natural Resources Council.
706 Provide early retirement program for certain state college faculty member.
707 Change qualifications for directors and heads of certain state departments.
708* Enterprise Zone Act.

**LR**
20CA* Authorize public hospitals to own stock.
37CA* Require public entities which produce electricity to pay property taxes.

**RICHARD PETERSON**

**LB**
189 Establish provisions for towing and storing motor vehicles.
204* Change provisions for College of Veterinary Medicine.
226* Change provisions relating to bad checks.
286* Nebraska Social Work Licensing Act.
318* Nebraska Cosmetology Act.
334* Prohibit corporation from requiring political contributions of members.
356 Prohibit operating a motor vehicle if drivers license has been impounded.
398* Allow Department of Public Institutions to determine county responsible for commitment payments.
445* Establish provisions relating to bad checks.
489* Change provisions for liability for drainage.
506* Eliminate associate nursing degree programs as University's sole responsibility.
532* Provide for awarding costs in certain condemnation cases.
549* Require briefing sessions for new members of regional governing boards.
550* Prohibit mental health services administrators from

private practice.

551* Prohibit school districts from deducting political contributions from salaries.

592* Authorize admitting qualifying nonresident pupils to school districts.

663* Require disclosure of risks concerning abortion procedures.

668* Child Pornography Prevention Act.

709* Establish provisions for Youth Development Centers at Geneva and Kearney.

**LR**

33CA Limit legislative session length to 60 days; delete carryover bills.

## CAROL MCBRIDE PIRSCH

**LB**

69* Prohibit intimidation of victims and witnesses of crimes.

110* Reduce administrative fee for sales tax collections.

172* Require tax levy reduction upon property valuation increase.

247* Change provisions regarding forfeiture of property in drug cases.

280* Increase tax rates on alcoholic beverages.

280A* Appropriation Bill.

321 Require accident/health insurance policies to cover mental illness.

376 Allow aggregation of theft amounts to determine offense classification.

377 Allow prosecuting attorney witness discovery before trial.

406* Prohibit distribution or possession of imitation controlled substances.

475 Provide for using collection agencies to collect delinquent taxes.

540 Change provisions for crime victim's reparations.

541 Create the offense of harboring a minor.

542 Establish penalty for breaking and entering a propelled vehicle.

543 Provide for disposing of seized property-contraband.

544 Change provisions relating to petitions and protests for public improvements.

582 Change provisions for view-restricting materials on vehicle windows.

646* Change provisions for driving under the influence of

drugs.

663* Require disclosure of risks concerning abortion procedures.

668* Child Pornography Prevention Act.

669 Establish provisions for reciprocal insurance exchange.

709* Establish provisions for Youth Development Centers at Geneva and Kearney.

## R. WILEY REMMERS

**LB**

105* Provide visitation rights for grandparents and grandchildren.

118* Provide sales tax exemption for repair materials for farm machinery.

119* Provide sales tax exemption for repair farm truck materials.

131* Change provisions relating to optometry practice.

204* Change provisions for College of Veterinary Medicine.

219* Provide sales tax exemption for farm trucks and machinery materials.

319* Allow occasional sale of household goods without collecting sales tax.

333* Establish provisions regarding child abuse and neglect.

479* Require bond or securities deposit for certain state fund investments.

496* Require the use of seat belts.

504 Prohibit probation/sentence suspension; require counseling in drug abuse.

505* Use additional sales tax for School Foundation and Equalization Fund.

505A Appropriation Bill.

628* Ratify Interstate Compact on Agricultural Grain Marketing.

629* Provide a tax credit for purchasing conservation tillage equipment.

630* Appropriate funds to construct grain alcohol plant.

663* Require disclosure of risks concerning abortion procedures.

668* Child Pornography Prevention Act.

709* Establish provisions for Youth Development Centers at Geneva and Kearney.

**LR**

20CA* Authorize public hospitals to own stock.

## CARSON H. ROGERS

| LB | |
|---|---|
| 44* | Limits liability of emergency medical technicians when performing aid. |
| 50 | Prohibit school districts from forming corporations to issue bonds. |
| 60* | Allow use of agricultural check-off funds to influence legislation. |
| 62* | Nebraska Credentialing Act. |
| 162* | Change provisions regarding grain sorghum development. |
| 204* | Change provisions for College of Veterinary Medicine. |
| 282* | Eliminate provisions for setting the tax rates. |
| 283* | Change provisions for membership on Economic Forecasting Advisory Board. |
| 393* | County Purchasing Act. |
| 489* | Change provisions for liability for drainage. |
| 496* | Require the use of seat belts. |
| 513 | Provide employment preferences for veterans and spouses. |
| 663* | Require disclosure of risks concerning abortion procedures. |
| 668* | Child Pornography Prevention Act. |
| 711* | Exclude Victoria Springs from park permit requirement. |

## LEE RUPP

| LB | |
|---|---|
| 78* | Establish provisions for regional development councils. |
| 94 | Change provisions relating to accident reporting. |
| 95* | Declare the paddlefish the official state fish. |
| 96 | Change provisions for a voting rights request procedure in public power districts. |
| 105* | Provide visitation rights for grandparents and grandchildren. |
| 154* | Change tax provisions on parimutuel wagering. |
| 166* | Prohibit open burning or bonfires at certain times. |
| 333* | Establish provisions regarding child abuse and neglect. |
| 372* | Change provisions relating to civil service boards. |
| 465* | Provide salary increases for conservation officers. |
| 506* | Eliminate associate nursing degree programs as University's sole responsibility. |
| 557* | Establish hunting permits for elk. |
| 558 | Establish permit to keep wild birds or animals. |
| 569 | Declare vacancies for long absences on Natural Resources District and power boards. |

572* Change provisions for dental practice and hygienists.
590* Establish provisions for acting district and county judges.
591* Provide homestead exemption for veterans and their spouses.
627* Provide certain race meets pay percentage of intake to other race meets.
663* Require disclosure of risks concerning abortion procedures.
668* Child Pornography Prevention Act.
672* Provide for determination and reservation of base flows.
694* Legislative Investigating Committee Act.

**LR**

23CA* Change the beginning date for 90-day legislative sessions.
34CA* Provide legislative salaries equal to minimum wage rate.

## LORAN SCHMIT

**LB**

62* Nebraska Credentialing Act.
87* Change eligibility requirements for disabled persons to receive assistance.
92 Provide for merger of judges' retirement plans.
93 Change provisions for judges' retirement plan.
97 Change provisions for livestock auction markets.
102* Change provisions for natural resources development and administration.
103* Modify fee provisions and application procedures for water storage facilities.
105* Provide visitation rights for grandparents and grandchildren.
126* Change termination date for funding Energy Resource and School Weatherization Fund.
132* Change provisions relating to physician assistants.
132A* Appropriation Bill.
159 Provide salary increase for judges.
203 Limit number of liquor licenses.
204* Change provisions for College of Veterinary Medicine.
228* Provide reimbursement to schools for vehicles using ethanol.
239 Establish County Attorneys' Continuing Legal Education Fund.
243* Dietician and Nutritionist Licensing Act.
278* Authorize Nebraska Investment Finance Authority to issue bonds for agriculture and failed financial institutions.

285* Establish additional factors for issuance of certificates of need.
295* Change provisions relating to branch banks.
300 Change provisions relating to drivers licenses and accident reports.
301 Adopt certain federal regulations for motor carrier safety.
302 Establish provisions to change number of natural resource district directors.
306 Change rate of credit for gasoline tax.
307* Change provisions for Airport Authority to sell bonds.
308 Allow fire protection districts to contract with public power districts.
309 Change provisions for revocation of ground water use permits.
310 Water Well Contractors' Licensing Act.
346* Change provisions for taxation of gasohol.
386 Provide for integrated water management systems plan.
387 Authorize natural resources districts to issue bonds and notes.
395A Appropriation Bill.
409 Provide for valuing agricultural land based upon blended capitalization rate.
452* Change provisions for bank holding companies.
465* Provide salary increases for conservation officers.
488* Change provisions for underground water storage.
496* Require the use of seat belts.
511* Restrict water impoundment projects in Douglas County.
553* Provide for operation of vehicles for moving buildings.
584* Increase maximum characters on prestige plates.
584A Appropriation Bill.
585* Change anatomical gift information on drivers licenses.
589* Increase development gratuity of Nebraska Gasohol Committee.
590* Establish provisions for acting district and county judges.
591* Provide homestead exemption for veterans and their spouses.
603* Change filing requirements for secured transactions under Uniform Commercial Code.
608* Change worker's compensation benefits.
608A Appropriation Bill.
609 Hazardous Waste and Noxious Emission Remedial Fund.
610 Provide duties for Supreme Court for child support collection.

611 Provide waiver of hearing in certain divorce cases.
612* Provide for ownership of child support.
613 Authorize state investment officer to require pledging of assets.
614 Lower interest rate and eliminate exceptions.
615 Provide additional tax for school aid; require reduced property tax levy.
616* Allow income tax refunds to be contributed to United States Olympic Fund.
617 Provide air pollution emission standards.
618 Change membership of Nebraska Investment Council.
619 Provide rules and regulations for containers of explosive liquids and gases.
620 Include severe financial injury in disaster definition; Governor relief.
622* Provide for depositing state/political subdivision funds in savings/loan associations.
627* Provide certain race meets pay percentage of intake to other race meets.
628* Ratify Interstate Compact on Agricultural Grain Marketing.
629* Provide a tax credit for purchasing conservation tillage equipment.
630* Appropriate funds to construct grain alcohol plant.
646* Change provisions for driving under the influence of drugs.
652* Provide an additional stay period on foreclosures.
663* Require disclosure of risks concerning abortion procedures.
668* Child Pornography Prevention Act.
694* Legislative Investigating Committee Act.

**LR**

18CA Expand the scope of water projects for which state can issue bonds.
23CA* Change the beginning date for 90-day legislative sessions.
35CA Authorize state appropriation to Agricultural Bank.

## SANDRA K. SCOFIELD

**LB**

90* Change provisions for depositions in child assault cases.
110* Reduce administrative fee for sales tax collections.
126* Change termination date for funding Energy Resource and School Weatherization Fund.
137 Create a fund for surveillance of grain warehouses.

155* Provide a branch office of Department of Economic Development in North Platte.
190* Establish Nebraska Future Fund from cigarette tax proceeds.
279 Establish licensing requirements for farm wineries.
286* Nebraska Social Work Licensing Act.
287* Change the boundaries of certain judicial districts.
333* Establish provisions regarding child abuse and neglect.
457* Hazardous Materials Disclosure Act.
461* Establish provisions for public radio.
465* Provide salary increases for conservation officers.
537 Change rule provisions for Environmental Control Council.
557* Establish hunting permits for elk.
579 Licensed Professional Counselor Act.
639* Provide for contracting to receive information in adoption cases.
642 Change provisions for access to student's school records.

## HAROLD F. SIECK

**LB**

53 Allow certain counties to choose number of county commissioners.
54 Adopt Public Education Income Tax Act.
118* Provide sales tax exemption for repair materials for farm machinery.
119* Provide sales tax exemption for repair farm truck materials.
120* Eliminate sales tax exemptions for manufacturing facilities' equipment.
126* Change termination date for funding Energy Resource and School Weatherization Fund.
131* Change provisions relating to optometry practice.
147* Provide duties for Social Services Director concerning nursing homes.
190* Establish Nebraska Future Fund from cigarette tax proceeds.
204* Change provisions for College of Veterinary Medicine.
228* Provide reimbursement to schools for vehicles using ethanol.
280* Increase tax rates on alcoholic beverages.
280A* Appropriation Bill.
312* Change provisions for Litter Reduction and Recycling

Act.

374 Increase per diem payment of Natural Resources District Board members.

506* Eliminate associate nursing degree programs as University's sole responsibility.

596 Establish assistance for direct marketing programs for agricultural products.

597 Eliminate the food sales tax exemption.

598* Prohibit open alcoholic beverage containers in vehicles.

628* Ratify Interstate Compact on Agricultural Grain Marketing.

629* Provide a tax credit for purchasing conservation tillage equipment.

630* Appropriate funds to construct grain alcohol plant.

663* Require disclosure of risks concerning abortion procedures.

668* Child Pornography Prevention Act.

678 Establish definition of agricultural products for Nebraska Investment Finance Authority.

709* Establish provisions for Youth Development Centers at Geneva and Kearney.

**JACKLYN J. SMITH**

**LB**

61* Authorize public hospitals to enter into cooperative ventures.

190* Establish Nebraska Future Fund from cigarette tax proceeds.

209 Change provisions relating to health care facilities.

209A Appropriation Bill.

286* Nebraska Social Work Licensing Act.

288* Change provisions for taking or keeping library materials.

320* Adult Protective Services Act.

333* Establish provisions regarding child abuse and neglect.

382* Uniform Billing and Data Collection Act.

398* Allow Department of Public Institutions to determine county responsible for commitment payments.

496* Require the use of seat belts.

533 Provide monthly claims from tax credit gasoline purchases.

534 Provide annual evaluations of probationary school superintendents.

663* Require disclosure of risks concerning abortion procedures.

668* Child Pornography Prevention Act.
709* Establish provisions for Youth Development Centers at Geneva and Kearney.

**LR**

23CA* Change the beginning date for 90-day legislative sessions.
36CA* Establish membership for governing board for university and state colleges.

## THOMAS VICKERS

**LB**

76 Change cancellation notification for sickness and accident insurance.
77 Change provisions for professional and occupational licensing.
126* Change termination date for funding Energy Resource and School Weatherization Fund.
132* Change provisions relating to physician assistants.
133* Provide work-study program at postsecondary institutions.
138 Create the Nebraska Banking Board.
155* Provide a branch office of Department of Economic Development in North Platte.
156 Time to Learn Act.
204* Change provisions for College of Veterinary Medicine.
205 Provide additional powers and duties for Nebraska Educational Television.
206* Establish pay equity provisions in state government.
254* Offer equal education opportunities for public elementary/second school.
388 Change provisions for reorganization of Class II school districts.
397* Change sales tax rate; adopt Career Teacher Incentive Act.
415A Appropriation Bill.
416 Change provisions relating to firefighter's hours of duty.
455* Career Teacher Incentive Act.
456 Eliminate various boards that promote agricultural products.
457* Hazardous Materials Disclosure Act.
461* Establish provisions for public radio.
488* Change provisions for underground water storage.
489* Change provisions for liability for drainage.
495 Change provisions for accrediting private schools.

505* Use additional sales tax for School Foundation and Equalization Fund.
506* Eliminate associate nursing degree programs as University's sole responsibility.
570 Request notice prior to arrest for nonpayment of fines for certain citation.
572* Change provisions for dental practice and hygienists.
592* Authorize admitting qualifying nonresident pupils to school districts.
641 Allow nonresident tuition waiver for students with high academic qualifications.
661 Provide for Public Service Commission to settle certain railroad disputes.
680* Appropriate funds to Department of Education to aid the humanities.
681* Require Board of Educational Lands and Funds to acquire agricultural land.

**LR**

9CA* Require the Legislature to provide equal educational opportunities.
19CA* Require schools to have financial resources for quality education programs.

## JEROME WARNER

**LB**

31 Change provisions relating to Governor's appropriation bill.
32 Change certain fees charged by sheriffs.
33 Authorize State Board of Agriculture to convey a specific easement.
34 Create Sales Tax, Sales Tax Refund and Driver Education funds.
35 Change provisions relating to highway funds.
36 Provide for deposits of certain eminent domain funds.
43 Change the salaries of constitutional officers.
43A Appropriation Bill.
45 Change provisions relating to objections to nomination certificates.
46 Issue handicapped parking permits to persons with temporary handicap.
47 Adopt Abstracters Act.
160* Tax increase on gasohol.
211 Eliminate a provision for setting speed limits.
212 Change provisions regarding disposition of unclaimed

property.

244* Increase the number of members of Lincoln School Board.
258 Provide for biennial appropriations.
260 Change provisions for MBA degree at state colleges.
261 Change provisions for instructional review in postsecondary education.
363 Provide temporary valuation system for agricultural land based on market value percentage.
364 Provide a temporary assessment rate; value agricultural land based on market changes.
365 Establish formula for valuing agricultural land based on earning capacity.
366 Provide for valuing agricultural land based upon rent-to-value ratio.
390* Provide a medical expense account for state employees.
425 Eliminate registration requirement for electric utility bonds.
501 Increase fines for overweight commercial vehicles.
502 Establish provisions for interexchange telecommunications services.
572* Change provisions for dental practice and hygienists.
720 Require legislative approval of certain Industrial Relations Committee orders.

**LR**

4CA Provide for biennial legislative sessions.
5CA Provide biennial appropriations and four-year appropriations for new programs.

## DON WESELY

**LB**

84 Change provisions for Class IV school districts.
85 Allow registration of voters on election day.
86 Change provisions for loan brokers.
87* Change eligibility requirements for disabled persons to receive assistance.
87A Appropriation Bill.
110* Reduce administrative fee for sales tax collections.
126* Change termination date for funding Energy Resource and School Weatherization Fund.
167 Change provisions relating to confinement of mentally ill persons.
168 Establish optional fee provisions for transporting students.
169 Appropriate funds for renovation of Morrill Hall.

201* Establish a high-risk pregnancy support program.
213 Define supervisor status in collective bargaining units.
244* Increase the number of members of Lincoln School Board.
248A Appropriation Bill.
250A Appropriation Bill.
251A Appropriation Bill.
253A Appropriation Bill.
311 Establish provisions for early retirement by public employees.
312* Change provisions for Litter Reduction and Recycling Act.
313 Change provisions for mobile homes and recreational vehicles.
313A Appropriation Bill.
314 Change provisions regarding certificate of need.
315* Authorize release of certain records by Department of Public Institutions.
316 Provide funds for state projects to increase energy efficiency.
317 Change provisions regarding community action agencies.
318* Nebraska Cosmetology Act.
320* Adult Protective Services Act.
324* Provide additional unlawful employment practice.
360* Change membership provisions for natural resources district boards.
362* Change provisions and responsibility for accident reports.
380 Repeal Nebraska Resource Conservation and Recovery Act.
381 Change provisions for automatic dialing-announcing devices.
382* Uniform Billing and Data Collection Act.
390* Provide a medical expense account for state employees.
391* Comprehensive Health Insurance Pool Act.
391A Appropriation Bill.
396* Building Construction Act.
401* Provide for disclosure of information regarding state government.
405* Change time limit for asbestos removal.
407A Appropriation Bill.
431 Change provisions relating to energy conservation.
432 Require additional counties to participate in county employees retirement.
432A Appropriation Bill.
433 Provide powers and duties related mental health services

for children.
497 Amusement Ride Act.
550* Prohibit mental health services administrators from private practice.
565 Confidentiality of Patient Care Information Act.
566 Nebraska Science and Technology Authority Act.
567 Establish cost-of-living increases for public employees retirement plan.
654A Appropriation Bill.
655 Provide for retirement systems for combined police/fire department employees.
656* Allow property tax exemption for housing for elderly and handicapped.
673 Establish provisions for electrical rates in certain cities.
674 Create a combined State Alcoholism and Drug Abuse Advisory Committee.
675 Create State Mental Health Advisory Committee.

**LR**

7CA Permit state to guarantee loans for energy conservation devices.
23CA* Change the beginning date for 90-day legislative sessions.

## RON WITHEM

**LB**

111 Establish sales tax exemption for purchases by Sanitary and Improvement Districts (SIDs).
112* Increase excise tax rate on motor vehicle fuels.
113* Change provisions relating to preparation of proposed juror lists.
114 Restrict exit public opinion polls at voting places.
115 Change provisions for selecting members of Board of Educational Lands and Funds.
164* County Peace Officers Retirement Act.
172* Require tax levy reduction upon property valuation increase.
190* Establish Nebraska Future Fund from cigarette tax proceeds.
206* Establish pay equity provisions in state government.
207 Authorize Sanitary and Improvement Districts to contract for additional government services.
208 Change the shrinkage allowance for motor vehicle fuels.
208A Appropriation Bill.
254* Offer equal education opportunities for public

elementary/second school.

315* Authorize release of certain records by Department of Public Institutions.

328 Provide voter registration on election day.

329 Allow a state tax credit for child care.

333* Establish provisions regarding child abuse and neglect.

372* Change provisions relating to civil service boards.

406* Prohibit distribution or possession of imitation controlled substances.

434 Provide for reimbursement to franchise holders.

435 Allow state employees to hold political party offices.

436 Change provisions for speed limits during highway construction.

437 Restrict following distances for motor vehicles.

438 Dental Anesthesia Act.

439* Establish provisions for voter registration by mail.

461* Establish provisions for public radio.

471* Change provisions for fee collection by State Fire Marshal.

482 Change provisions for dissolving Sanitary and Improvement Districts.

483 Change provisions for election of trustees in Sanitary and Improvement Districts.

484 Change provisions for information filing by new Sanitary and Improvement Districts.

485 Provide method for computing workers compensation insurance premiums.

531 Change provisions for collecting delinquent real estate taxes.

532* Provide for awarding costs in certain condemnation cases.

586 Change various provisions for emergency medical services.

640* Change membership composition of bridge commission.

668* Child Pornography Prevention Act.

**LR**

19CA* Require schools to have financial resources for quality education programs.

23CA* Change the beginning date for 90-day legislative sessions.

26CA Change provisions for reading a bill on final passage.

* With others.

** At the request of the Governor.

# LEGISLATIVE BILLS AND CONSTITUTIONAL AMENDMENT RESOLUTIONS BY INTRODUCERS

## ADMINISTRATIVE RULES AND REGULATIONS REVIEW

| LB | |
|---|---|
| 449 | Change rule making procedures for administrative agencies. |

## APPROPRIATIONS

| LB | |
|---|---|
| 721 | Provide deficiency appropriations for state agencies. |
| 722 | Provide appropriations for expenses of state government. |
| 723 | Appropriate funds for capital construction. |
| 724 | Appropriate funds for selected civil action claims. |
| 725 | Transfer Wards of Court payments from Education Department to Social Services Department. |
| 727 | Provide funds for homestead exemptions as provided in LB 809, 1984. |
| 728 | Change provision relating to University Buildings Renovation and Land Acquisition Fund. |

## BANKING, COMMERCE AND INSURANCE

| LB | |
|---|---|
| 157 | Change provisions relating to payment of interest on judgments. |
| 191 | Change provisions for itinerant merchants. |
| 299 | Allow the credit for reinsurance. |
| 651 | Depository Institution Holding Company Act. |
| 653 | Change various provisions regarding financial institutions/banking. |
| 726 | Repeal statute that authorizes insurance companies to claim tax refund. |

## BUSINESS AND LABOR

| LB | |
|---|---|
| 336 | Change provisions relating to assumption of employer's experience accounts. |
| 337 | Increase interest rate on delinquent unemployment payments to Labor Department. |
| 338 | Change appeal procedures for employment security claims. |
| 339 | Change provisions for employment security. |
| 340 | Change statute of limitations for false statements to receive unemployment. |

341 Change provisions for disqualification of benefits for school employees.
342 Change a provision regarding standing in judicial review proceedings.
343 Authorize Labor Commissioner to require periodic wage reports.
713 Provide payment for claim by Commonwealth depositors against state.
718 Provide for payment of certain claims against the State.
719 Disallow certain claims against the State.

## CONSTITUTIONAL REVISION AND RECREATION

**LB**

223 Provide concurrent jurisdiction with federal government over national monuments.
224 Delete requirement of listing occupation on hunting and fishing permits.

## EDUCATION

**LB**

414 Require all counties to be part of educational service units.
415 Vocational Education Incentive Funding Act.
417 Authorize Board of Education to distribute grant monies to nonpublic schools.
418 Provide for establishing community education programs.
419 Change provisions for transportation allowances for pupils.
607 Change provisions for equalization aid and incentive payments to school.
633 Change provisions relating to competency examinations.
636 Establish a method for ESU employees to become tenured.
714 Change provisions relating to special education programs.

## EXECUTIVE BOARD

**LB**

1 Revisor bill relating to Department of Social Services.
2 Revisor bill to correct references to obsolete statutes.
3 Revisor bill relating to first class city retirement plan.
4 Revisor bill relating to Nebraska Commission on Aging.
5 Revisor bill relating to Department of Water Resources.
6 Revisor bill relating to Political Subdivision Budget Limit Act of 1979.
7 Revisor bill relating to Secretary of State.

8 Revisor bill to eliminate Nebraska American Revolution Bicentennial Commission.
9 Revisor bill eliminating Legislature's Postsecondary Education Advisory Committee.
10 Revisor bill relating to Game and Parks Commission.
11 Revisor bill repealing statute providing renovation of certain building.
12 Revisor bill relating to administrative services.
13 Revisor bill relating to Nebraska Center for Children and Youth.
14 Revisor bill relating to motor vehicle registration.
15 Revisor bill relating to county judges.
16 Revisor bill relating to livestock.
17 Revisor bill relating to elections.
18 Revisor bill relating to natural resources.
19 Revisor bill relating to criminal procedure.
20 Revisor bill relating to adoption.
21 Revisor bill relating to Department of Motor Vehicles.
22 Revisor bill relating to revenue and taxation.
23 Revisor bill relating to livestock.
24 Revisor bill relating to insurance.
25 Revisor bill relating to roads.
26 Revisor bill relating to Nebraska Center for Children and Youth.
27 Revisor bill relating to energy audits.

## GOVERNMENT, MILITARY AND VETERANS AFFAIRS

**LB**

420 Authorize Administrative Services Department to sell or lease the Omaha State Office Building.
421 Change provisions for Policy Research Office.
422* Change provisions for township organization in county government.
423 Provide for temporary replacement of incarcerated county officer.
424 Change requirements for forming new political parties.

## JUDICIARY

**LB**

411 Change provisions regarding contributory negligence.
490 Change provision for abuse of children and incompetent or disabled persons.
527* Change district court clerks and employees to state

employees.
528 Allow community service as a sentencing alternative.
530 Allow reduction of sentences.
600 Establish provisions for child support.
626 Provide for employment driving permits.
634 Provide visitation rights for grandparents.
716 Change discovery of trial information; provide for venue in court actions.

## MISCELLANEOUS SUBJECTS

**LB**
266 Change provisions for bingo, pickle cards and raffles.
288* Change provisions for taking or keeping library materials.
304 Prohibit certain gambling activities outside of licensed county.
408 Change provisions for bingo and pickle cards.

## NEBRASKA RETIREMENT SYSTEMS

**LB**
347 Allow alternative investment option in county employees retirement plan.
348 Change provisions for certain state administered retirement plans.
349 Eliminate age requirement for county employees retirement membership.
350 Establish provisions for computing school retirement benefits for re-retirement.
351 Redefine military service in judges' retirement plan.
352 Change provisions of first class city police officers/firefighters retirement plan.
353 Provide for employer pickup of certain county/school employee retirement.

## PERFORMANCE REVIEW AND AUDIT

**LB**
564 Increase the maximum limit for land surveying fees.

## PUBLIC HEALTH AND WELFARE

**LB**
248 Establish standards for home health agencies.
249 Change the definition of a crippled child.
250 Change provisions for professional and occupational licenses.
251 Require skilled nursing facilities to be certified for

| | |
|---|---|
| | Medicare. |
| 252 | Establish commitment procedures for drug abusers. |
| 253 | Change definitions relating to intermediate care facilities. |
| 407 | Nebraska Regulation of Health Professions Act. |
| 654 | Change provisions for nursing home licenses. |

## PUBLIC WORKS

| LB | |
|---|---|
| 284* | Nebraska Chemigation Act. |
| 395 | Change provisions for operating weighing stations. |
| 474 | Erosion and Sediment Control Act. |

## REVENUE

| LB | |
|---|---|
| 268 | Change provisions for taxation of railroad property. |
| 269 | Change provisions relating to public service entity tax. |
| 270 | Provide for valuating agricultural land based on percentage of market value. |
| 271 | Provide for valuating agricultural land based on earning capacity. |
| 272 | Change provisions for aviation and aircraft fuel tax. |
| 273 | Tax Refund Setoff Act. |
| 345 | Establish provisions to allow Auditor of Public Accounts to conduct Revenue audit. |
| 539 | Change language relating to sales and income tax rate. |

* With others.

## LEGISLATIVE BILLS AND RESOLUTIONS REFERRED TO COMMITTEE

### Administrative Rules and Regulations Review

Chairperson - Gary E. Hannibal

449 536

### Agriculture and Environment

Chairperson - Rod Johnson

| | | | | | |
|---|---|---|---|---|---|
| 29 | 217 | 375 | 444 | 491 | 617 |
| 56 | 227 | 380 | 456 | 503 | 619 |
| 60 | 232 | 383 | 458 | 537 | 628 |
| 97 | 264 | 389 | 459 | 555 | 638 |
| 127 | 284 | 394 | 460 | 589 | 671 |
| 137 | 312 | 441 | 463 | 596 | 696 |
| 162 | 322 | 443 | 474 | | |

### Appropriations

Chairperson - Jerome Warner

| | | | | | |
|---|---|---|---|---|---|
| 31 | 91 | 169 | 197 | 258 | 599 |
| 35 | 99 | 175 | 198 | 390 | 630 |
| 59 | 151 | 195 | 199 | 442 | 658 |
| 64 | 152 | 196 | 212 | 465 | 680 |

### Banking, Commerce and Insurance

Chairperson - John W. DeCamp

| | | | | | |
|---|---|---|---|---|---|
| 47 | 107 | 143 | 276 | 307 | 451 |
| 48 | 108 | 157 | 278 | 321 | 452 |
| 63 | 109 | 158 | 295 | 335 | 453 |
| 74 | 126 | 165 | 296 | 391 | 469 |
| 76 | 128 | 191 | 297 | 430 | 479 |
| 86 | 135 | 192 | 298 | 431 | 480 |
| 101 | 136 | 194 | 299 | 434 | 487 |
| 104 | 138 | 274 | 305 | 450 | 508 |

| | | | | | |
|---|---|---|---|---|---|
| 523 | 588 | 606 | 625 | 667 | 691 |
| 568 | 593 | 613 | 635 | 669 | 693 |
| 571 | 602 | 614 | 645 | 676 | 700 |
| 573 | 603 | 618 | 647 | 678 | 702 |
| 574 | 604 | 622 | 651 | 681 | 708 |
| 581 | 605 | 624 | 653 | 686 | 726 |

**Business and Labor**

Chairperson - William Barrett

| | | | | | |
|---|---|---|---|---|---|
| 213 | 303 | 339 | 385 | 485 | 713 |
| 216 | 324 | 340 | 416 | 497 | 718 |
| 229 | 336 | 341 | 426 | 513 | 719 |
| 256 | 337 | 342 | 457 | 608 | 720 |
| 257 | 338 | 343 | | | |

**Constitutional Revision and Recreation**

Chairperson - Lee Rupp

| | | | | | |
|---|---|---|---|---|---|
| 223 | 711 | LR12CA | LR20CA | LR29CA | LR35CA |
| 224 | LR 4CA | LR13CA | LR22CA | LR30CA | LR36CA |
| 446 | LR 5CA | LR15CA | LR23CA | LR31CA | LR37CA |
| 517 | LR 7CA | LR16CA | LR26CA | LR32CA | LR38CA |
| 557 | LR 8CA | LR18CA | LR27CA | LR33CA | LR81 |
| 558 | LR 9CA | LR19CA | LR28CA | LR34CA | LR82 |
| 687 | LR11CA | | | | |

**Education**

Chairperson - Thomas Vickers

| | | | | | |
|---|---|---|---|---|---|
| 28 | 168 | 246 | 417 | 534 | 650 |
| 50 | 182 | 254 | 418 | 551 | 660 |
| 57 | 185 | 260 | 419 | 587 | 662* |
| 65 | 204 | 261 | 455 | 592 | 670 |
| 68 | 205 | 354 | 461 | 607 | 679* |
| 84 | 228 | 388 | 478 | 633 | 689 |
| 115 | 234 | 405 | 495 | 636 | 695 |
| 133 | 242 | 414 | 506 | 641 | 710 |
| 156 | 244 | 415 | 518 | 642 | 714 |
| 163 | | | | | |

**Executive Board**

Chairperson - Chris Beutler

| | | | | |
|---|---|---|---|---|
| 369 | 662* | 679* | 694 | LR261 |

**Government, Military and Veterans Affairs**

Chairperson - David Landis

| | | | | | |
|---|---|---|---|---|---|
| 32 | 114 | 328 | 423 | 500 | 620 |
| 40 | 134 | 358 | 424 | 511 | 621 |
| 43 | 155 | 392 | 428 | 512 | 637 |
| 45 | 166 | 393 | 435 | 547 | 644 |
| 49 | 178 | 401 | 439 | 559 | 664 |
| 53 | 184 | 412 | 440 | 563 | 683 |
| 78 | 206 | 413 | 467 | 564 | 707 |
| 80 | 263 | 421 | 471 | 566 | LR250 |
| 85 | 316 | 422 | 499 | 595 | |

**Judiciary**

Chairperson - Peter Hoagland

| | | | | | |
|---|---|---|---|---|---|
| 36 | 177 | 293 | 427 | 522 | 611 |
| 41 | 180 | 320 | 445 | 525 | 612 |
| 55 | 187 | 323 | 447 | 526 | 626 |
| 69 | 189 | 326 | 448 | 527 | 631 |
| 70 | 221 | 327 | 462 | 528 | 634 |
| 73 | 226 | 330 | 464 | 529 | 639 |
| 79 | 231 | 361 | 477 | 530 | 646 |
| 89 | 233 | 362 | 481 | 540 | 648 |
| 90 | 237 | 367 | 490 | 541 | 649 |
| 105 | 239 | 368 | 492 | 542 | 652 |
| 113 | 241 | 370 | 493 | 543 | 663 |
| 125 | 245 | 371 | 498 | 545 | 668 |
| 142 | 247 | 373 | 504 | 570 | 690 |
| 146 | 255 | 376 | 509 | 576 | 692 |
| 159 | 281 | 377 | 514 | 580 | 703 |
| 170 | 287 | 406 | 516 | 590 | 709 |
| 171 | 289 | 410 | 520 | 600 | 716 |
| 173 | 292 | 411 | 521 | 610 | LR57 |
| 176 | | | | | |

**Miscellaneous Subjects**

Chairperson - Elroy M. Hefner

| | | | | | |
|---|---|---|---|---|---|
| 33 | 141 | 235 | 288 | 420 | 548 |
| 58 | 144 | 238 | 304 | 429 | 598 |
| 67 | 183 | 265 | 334 | 486 | 657 |
| 72 | 202 | 266 | 359 | 515 | 684 |
| 95 | 203 | 275 | 379 | 535 | 699 |
| 106 | 230 | 279 | 408 | | |

**Nebraska Retirement Systems**

Chairperson - Bill Harris

| | | | | | |
|---|---|---|---|---|---|
| 92 | 215 | 347 | 351 | 402 | 546 |
| 93 | 290 | 348 | 352 | 403 | 567 |
| 145 | 311 | 349 | 353 | 432 | 655 |
| 164 | 325 | 350 | 357 | 454 | 706 |

**Public Health and Welfare**

Chairperson - Don Wesely

| | | | | | |
|---|---|---|---|---|---|
| 42 | 132 | 252 | 315 | 466 | 623 |
| 44 | 147 | 253 | 317 | 470 | 632 |
| 61 | 167 | 259 | 318 | 549 | 643 |
| 62 | 201 | 262 | 333 | 550 | 654 |
| 77 | 209 | 267 | 355 | 562 | 659 |
| 82 | 218 | 277 | 382 | 565 | 674 |
| 87 | 243 | 285 | 396 | 572 | 675 |
| 117 | 248 | 286 | 398 | 578 | 685 |
| 129 | 249 | 291 | 407 | 579 | 688 |
| 130 | 250 | 313 | 433 | 586 | 701 |
| 131 | 251 | 314 | 438 | | |

**Public Works**

Chairperson - Loran Schmit

| | | | | | |
|---|---|---|---|---|---|
| 66 | 94 | 123 | 153 | 214 | 302 |
| 71 | 96 | 124 | 161 | 225 | 308 |
| 75 | 102 | 148 | 179 | 240 | 309 |
| 81 | 103 | 149 | 193 | 300 | 310 |
| 83 | 122 | 150 | 211 | 301 | 332 |

| | | | | | |
|---|---|---|---|---|---|
| 356 | 386 | 468 | 501 | 569 | 640 |
| 360 | 387 | 472 | 502 | 575 | 661 |
| 374 | 395 | 476 | 510 | 582 | 672 |
| 378 | 404 | 488 | 524 | 584 | 697 |
| 381 | 436 | 489 | 538 | 585 | 704 |
| 384 | 437 | 496 | 553 | 601 | 705 |

**Revenue**

Chairperson - Vard R. Johnson

| | | | | | |
|---|---|---|---|---|---|
| 30 | 120 | 219 | 319 | 475 | 594 |
| 34 | 121 | 220 | 329 | 505 | 597 |
| 37 | 139 | 222 | 331 | 507 | 609 |
| 38 | 140 | 236 | 344 | 531 | 615 |
| 39 | 154 | 268 | 345 | 533 | 616 |
| 54 | 160 | 269 | 346 | 539 | 627 |
| 88 | 172 | 270 | 363 | 552 | 629 |
| 98 | 174 | 271 | 364 | 554 | 656 |
| 100 | 181 | 272 | 365 | 556 | 677 |
| 110 | 186 | 273 | 366 | 560 | 682 |
| 111 | 188 | 280 | 397 | 561 | 698 |
| 112 | 190 | 282 | 400 | 577 | 712 |
| 116 | 200 | 283 | 409 | 583 | 715 |
| 118 | 208 | 294 | 425 | 591 | 717 |
| 119 | 210 | 306 | 473 | | |

**Urban Affairs**

Chairperson - Ron Withem

| | | | | | |
|---|---|---|---|---|---|
| 46 | 207 | 482 | 494 | 544 | 666 |
| 51 | 372 | 483 | 519 | 665 | 673 |
| 52 | 399 | 484 | 532 | | |

*Joint Committee

## SUMMARY OF LEGISLATION

**The following table shows the final disposition:**

**Length 90 days**

Total Number of Bills Introduced ..... 728
Total Number of "A" Bills Introduced ..... 57
Total Number of Resolutions Introduced ..... 303
Total Number of Bills to Become Law ..... 248

General File (Chronological Order), 178:

| | | | | | |
|---|---|---|---|---|---|
| 136 | 92 | 468 | 425 | 205 | 288 |
| 70 | 32 | 476 | 507 | LR35CA | 529 |
| 290 | 316 | 644 | 594 | 88 | 540 |
| 712 | 74 | 440 | 300 | 174 | 636 |
| 251 | 298 | 217 | 604 | 561 | 464 |
| 251A | 480 | 217A | 604A | 635 | 258 |
| 82 | 374 | 396 | 370 | 262 | 190 |
| 82A | 125 | 107 | 448 | 57 | 351 |
| 123 | 411 | 44 | 504 | 68 | 546 |
| 43 | 394 | 550 | 522 | 84 | 325 |
| 43A | 71 | 95 | 716 | 419 | 548 |
| 38A | 483 | 137 | 433 | 534 | 219 |
| 452 | 484 | 521 | 314 | 641 | 59 |
| 613 | LR18CA | 526 | 194 | 642 | 212 |
| 691 | LR26CA | 172 | 276 | LR30CA | 599 |
| 248 | 664 | 380 | 434 | 674 | 105 |
| 248A | 575 | 367 | 573 | 289 | 230 |
| 415 | 584 | 367A | 647 | 237 | 275 |
| 415A | 584A | 72 | 431 | 239 | 144 |
| 593 | 640 | 72A | 603 | 376 | 144A |
| 124 | 436 | 528 | 643 | 481 | 177 |
| 153 | 437 | 530 | 643A | 520 | 362 |
| 153A | 453 | 491 | 645 | LR16CA | 377 |
| 122 | 494 | 671 | 645A | 471 | 490 |
| 78 | 558 | 302 | 596 | 595 | 79 |
| 525 | 512 | 135 | 459 | 621 | 90 |
| 626 | 654 | 296 | LR7CA | 428 | 543 |
| 631 | 654A | 297 | LR12CA | 511 | 685 |
| 631A | 161 | 531 | 623 | 305 | 499 |
| 379 | 301 | 110 | 50 | | |

General File (Numerical Order), 178:

| | | | | | |
|---|---|---|---|---|---|
| 32 | 135 | 289 | 431 | 526 | 631 |
| 38A | 136 | 290 | 433 | 528 | 631A |
| 43 | 137 | 296 | 434 | 529 | 635 |
| 43A | 144 | 297 | 436 | 530 | 636 |
| 44 | 144A | 298 | 437 | 531 | 640 |
| 50 | 153 | 300 | 440 | 534 | 641 |
| 57 | 153A | 301 | 448 | 540 | 642 |
| 59 | 161 | 302 | 452 | 543 | 643 |
| 68 | 172 | 305 | 453 | 546 | 643A |
| 70 | 174 | 314 | 459 | 548 | 644 |
| 71 | 177 | 316 | 464 | 550 | 645 |
| 72 | 190 | 325 | 468 | 558 | 645A |
| 72A | 194 | 351 | 471 | 561 | 647 |
| 74 | 205 | 362 | 476 | 573 | 654 |
| 78 | 212 | 367 | 480 | 575 | 654A |
| 79 | 217 | 367A | 481 | 584 | 664 |
| 82 | 217A | 370 | 483 | 584A | 671 |
| 82A | 219 | 374 | 484 | 593 | 674 |
| 84 | 230 | 376 | 490 | 594 | 685 |
| 88 | 237 | 377 | 491 | 595 | 691 |
| 90 | 239 | 379 | 494 | 596 | 712 |
| 92 | 248 | 380 | 499 | 599 | 716 |
| 95 | 248A | 394 | 504 | 603 | LR7CA |
| 105 | 251 | 396 | 507 | 604 | LR12CA |
| 107 | 251A | 411 | 511 | 604A | LR16CA |
| 110 | 258 | 415 | 512 | 613 | LR18CA |
| 122 | 262 | 415A | 520 | 621 | LR26CA |
| 123 | 275 | 419 | 521 | 623 | LR30CA |
| 124 | 276 | 425 | 522 | 626 | LR35CA |
| 125 | 288 | 428 | 525 | | |

Select File, 20:

| | | | | | |
|---|---|---|---|---|---|
| 457 | 667A | 63 | LR32CA | 284 | 663 |
| 632 | 179 | 333 | 516 | 284A | 600 |
| 632A | 143 | 333A | 31 | 539 | 600A |
| 667 | 146 | | | | |

Final Reading, 7:

| | | | | | |
|---|---|---|---|---|---|
| 201 | 451 | 556e | 556Ae | 578 | 578A |
| 201A | | | | | |

Approved by Governor, 247:

| | | | | | |
|---|---|---|---|---|---|
| 1 | 67 | 204e | 287e | 384 | 518 |
| 2 | 75 | 207 | 292 | 387 | 532 |
| 3 | 76 | 208 | 293 | 389e | 533 |
| 4 | 81 | 208A | 295e | 391 | 547 |
| 5 | 86e | 209 | 299 | 391A | 553 |
| 6 | 87 | 209A | 307 | 393 | 557 |
| 7 | 87A | 213 | 308 | 395e | 559 |
| 8 | 89e | 215e | 313 | 395Ae | 564 |
| 9 | 94 | 216 | 313A | 404 | 568 |
| 10 | 96 | 223 | 315 | 405 | 569 |
| 11 | 97 | 224 | 323 | 406e | 585 |
| 12 | 101e | 233 | 323A | 407e | 587e |
| 13 | 101Ae | 235e | 324 | 407Ae | 592 |
| 14 | 102e | 236 | 326 | 408e | 606e |
| 15 | 103 | 240 | 327 | 408A | 606A |
| 16 | 104 | 244 | 335 | 413 | 608 |
| 17 | 108e | 247 | 336 | 417 | 608A |
| 18 | 109 | 249 | 337 | 420 | 612 |
| 19 | 112 | 250 | 338 | 421 | 614 |
| 20 | 114 | 250A | 339 | 421A | 625e |
| 21 | 116e | 252 | 340 | 422 | 628 |
| 22 | 117 | 253 | 341e | 423 | 633 |
| 23 | 126 | 253A | 342 | 424 | 653e |
| 24 | 127 | 255 | 343 | 430e | 653A |
| 25 | 128e | 259e | 344 | 432 | 662 |
| 26 | 129e | 263 | 345 | 432A | 668 |
| 27 | 129Ae | 264 | 346e | 439 | 700 |
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1 Sympathy to Martin Kahle family.
(All Senators) ..... 27, 75, 122
2 Send 20 Legislators to Washington D.C.
regarding agricultural crisis.
(46 Senators) ..... 72, 109, 114, 115, 176
3 Express sympathy to Bernard Wishnow family.
(48 Senators) ..... 74, 114, 201
4CA Provide for biennial legislative sessions.
(Warner) ..... 83, 107, 405, 530, 1146, 1238
5CA Provide biennial appropriations and
four-year appropriations for new programs.
(Warner) ..... 84, 107, 405, 587, 834
6 Authorize FmHA to aid farmers that
suffered from failed financial institutions.
(Peterson, Hefner, Sieck, Vickers,
Smith, Baack, Scofield,
Lamb, DeCamp, Nelson, Schmit) ..... 97, 123, 201
7CA Permit state to guarantee loans for
energy conservation devices.
(Wesely) ..... 101, 108, 357, 1219
8CA Establish an equal rights amendment to
state constitution.
(Beutler) ..... 119, 149, 580
9CA Require the Legislature to provide
equal educational opportunities.
(Vickers, DeCamp) ..... 126, 153, 463, 699, 792, 934

10 Recognize and commend Gordon, Nebraska on 100th anniversary.
(Scofield) ..... 135, 154, 201
11CA Authorize giving or loaning of the credit of state for public purposes.
(V. Johnson) ..... 135, 153, 516
12CA Change provisions for impeaching a public official.
(V. Johnson, DeCamp, Hoagland, Beutler) ..... 136, 153, 463, 1220
13CA Establish Legislative Compensation Commission to recommend Legislative salaries.
(DeCamp) ..... 182, 195, 580
14 Urge federal government to use agricultural products as foreign aid and concept to D.C.
(36 Senators) ..... 189, 196, 254
15CA Require Legislature to appropriate funds for political subdivision services.
(Hefner) ..... 190, 195, 463, 834
16CA Repeal Initiative 300.
(DeCamp, Baack) ..... 199, 206, 580, 672, 1039, 1118, 1252, 1265, 1307, 1328, 1329, 1638
17 Call joint meeting by Midwest Conference of State Government regarding agriculture crisis.
(Carsten, Vickers) ..... 201, 208, 254
18CA Expand the scope of water projects for which state can issue bonds.
(Schmit) ..... 232, 278, 463, 834
19CA Require schools to have financial resources for quality education programs.
(Withem, DeCamp, Vickers, Hartnett, Lynch, Marsh) ..... 234, 278, 463, 699
20CA Authorize public hospitals to own stock.
(Pappas, Baack, Conway, Remmers) ..... 235, 278, 516, 834
21 Extend best wishes to Joyce Hall on Hallmark Cards 75th anniversary.
(Schmit, Peterson) ..... 236, 239, 372
22CA Require Auditor of Public Accounts to be certified public accountant.
(Beutler) ..... 266, 278, 357, 1220
23CA Change the beginning date for 90-day legislative sessions.
(Wesely, Hartnett, Baack, Miller, DeCamp, V. Johnson, Barrett, Rupp, Schmit, Higgins,

Hannibal, Hoagland, Nelson, Beutler, Smith, Withem, Hall, Lynch) ..... 267, 278, 357, 502, 552, 561, 586, 925, 926, 936, 996, 1134, 1146, 1154, 1182

24 Express sympathy to Albert Kjar family. (Barrett) ..... 274, 301, 372

25 Establish a committee to go to Washington D.C. for agriculture crisis. (Schmit) ..... 294, 315

26CA Change provisions for reading a bill on final passage. (Withem) ..... 325, 380, 405, 834

27CA Change vote requirement for impeachment convictions by Supreme Court. (Chambers) ..... 326, 380, 463, 834

28CA Authorize practice of law if person has graduated from Nebraska law school. (Chambers, Higgins) ..... 328, 380, 503, 580, 1220

29CA Change provisions for salary and expenses for legislators. (Beutler) ..... 328, 380, 580, 1154

30CA Allow graduates of Nebraska accredited law schools to not join bar association. (Chambers) ..... 330, 380, 580, 1265

31CA Delete requirement that Supreme Court appoint a clerk and reporter. (Chambers) ..... 330, 380, 387, 400

32CA Provide for gubernatorial appointment of University Regents. (Nichol, request of Governor) ..... 331, 380, 463, 881, 1086, 1590, 1606 1611, 1848, 2089

33CA Limit legislative session length to 60 days; delete carryover bills. (Peterson) ..... 333, 380, 405, 530, 1315, 1387, 1388

34CA Provide legislative salaries equal to minimum wage rate. (Rupp, Labedz) ..... 334, 380, 580

35CA Authorize state appropriation to Agricultural Bank. (Schmit) ..... 350, 380, 516, 1241

36CA Establish membership for governing board for university and state colleges. (Hoagland, Nelson, Beutler, Miller, Lundy, V. Johnson, Smith) ..... 351, 380, 463

37CA Require public entities which produce electricity to pay property taxes. (Pappas, V. Johnson) ..... 363, 380, 455, 562, 580, 1220
38CA Place government of public higher education institutions under single board. (DeCamp) ..... 365, 380, 463, 882
39 Declare intent of Legislature to settle Commonwealth claims in full. (Chambers, Chizek, Lynch, Higgins, Smith, Labedz, Chronister, Miller, DeCamp, Nichol, Landis, Beutler, Wesely, Marsh, Harris, Warner, V. Johnson, Hoagland, Sieck, Hall) ..... 376, 381, 388, 392, 400, 415
40 Extend appreciation to organizer of Midlands Youth Tree Planting Program. (Labedz, Carsten, Marsh, Rupp) ..... 387, 413, 430
41 Ratify and adopt findings and conclusions of Special Commonwealth Committee. (DeCamp) ..... 392, 402, 404, 415
42 Salute generosity of Eva Bowring. (48 Senators) ..... 393, 413, 430
43 Recognize Debra Ann Badeer for service as Mrs. Nebraska 1984. (Marsh) ..... 405, 413, 430
44 Express concern for complicated IRS forms and farmers use of vehicles. (Lamb, Miller, Baack, Chronister, Lundy, Barrett, Withem, Hefner, Sieck, Smith, Lynch, Labedz, Nelson, Remmers, Carsten, Pappas, Rogers, Beyer, Peterson, Schmit, R. Johnson) ..... 406, 413, 414, 430
45 Authorize Governor to appoint task force to study airline services in Nebraska. (37 Senators) ..... 407, 413, 430
46 Urge United States Department of Interior to study Platte habitat of whooping cranes. (Schmit, Haberman, Lynch, Beyer, Miller, Vickers, Rogers, Baack, Eret, Higgins, Pappas, Chronister, Hefner, Goodrich, Carsten, R. Johnson, Remmers, DeCamp, Nichol, Lamb, Lundy, Sieck, Chizek, Peterson, Nelson, Smith, Barrett, Goll, Morehead, Harris) ..... 408, 413, 430
47 Declare February 16th as Lithuanian

Independence Day.
(Labedz) ..... 435, 449, 455
48 Congratulate Marcelle Nedrow as Mrs. Nebraska of 1985.
(Morehead) ..... 463, 472, 502
49 Urge Governor to examine sending grain to starving Africans.
(Miller, Landis, R. Johnson, Carsten, Barrett, Pappas, Sieck, Eret, Chizek, Beyer) ..... 492, 503, 517
50 Honor county extension program volunteers.
(Beyer, Hartnett, Withem) ..... 532, 542, 557
51 Urge House to support HR1035-provides low interest rate loans to farmer.
(Schmit, Sieck, Chambers, Hefner, Lynch, DeCamp, Hall, Hannibal, Withem, Scofield, Hartnett, Eret, Lundy, Nelson, Haberman, Morehead, Smith, Harris, R. Johnson, Chronister, Pappas, Labedz, Warner, L. Johnson, Remmers, Carsten) ..... 679, 725, 728
52 Express appreciation to Rocky Mountain Airways.
(Nichol) ..... 680, 685, 701
53 Urge Attorney General to file lawsuit against Federal Depository Insurance Corporation.
(Banking Committee) ..... 689, 705, 743, 2043
54 Urges federal financial commitment to soil and agriculture conservation.
(Haberman, Rogers, Remmers, Sieck, Hefner, Carsten, Miller, Vickers, Eret, Lamb, Schmit, Nelson, Smith, Harris, Morehead, Pappas, Baack) ..... 698, 705, 706, 743
55 Declare March 5, 1985 as Teacher Recognition Day.
(Vickers, Marsh) ..... 704, 745, 764
56 Urge Nebraska support for United Nations for International Youth Year.
(39 Senators) ..... 748, 782, 792
57 Provides retrocession for Winnebago Reservation.
(Pappas) ..... 749, 771, 800, 1252, 1319, 2190, 2255, 2281
58 Urge House and President to forward and sign farm crisis legislation.
(Vickers, Beutler) ..... 782, 783, 792, 804
59 Congratulate Elkhorn girls for Class B Basketball State title.
(Beyer) ..... 811, 823, 863
60 Congratulate Battle Creek girls for Class C-1 girl's basketball title.

(Peterson) ..... 819, 844, 863
61 Congratulate Kearney Catholic girls for Class C-2 basketball title.
(Lundy, Miller) ..... 834, 845, 863
62 Interim study on martial arts weapons.
(Lundy, Chronister) ..... 844, 2060
63 Urge Congress to help Nebraska and farm-belt sister states with agriculture.
(Vickers, Schmit) ..... 885, 891, 892, 903
64 Recognize contributions of Marvin F. Kivett, Historical Society Director.
(4 Senators) ..... 900, 902, 904, 917
65 Congratulate Marian girls for Class A Basketball win.
(Pirsch, Lynch) ..... 932, 980, 995
66 Congratulate Omaha Northwest boys for Class A basketball state title.
(Pirsch, Lynch) ..... 933, 980, 995
67 Commend Grant for Class C-2 basketball state title.
(Haberman) ..... 934, 980, 995
68 Commend Hayes Center girls for Class D-2 basketball state title.
(Haberman) ..... 934, 980, 995
69 Recognize Millard North boys for fine basketball season.
(Chizek) ..... 949, 950, 980, 995
70 Commend Elkhorn Mt. Michael boys for Class B basketball state title.
(Chizek, Beyer) ..... 950, 980, 995
71 Congratulate Millard North girls for participation in basketball finals.
(Chizek) ..... 950, 980, 995
72 Commend McCool Junction boys for Class D-1 basketball state title.
(Sieck) ..... 951, 980, 995
73 Congratulate Nebraska University women's swimming and diving team.
(Wesely) ..... 969, 980, 995
74 Commend Arlington boys for Class C-1 basketball state title.
(Goll) ..... 980, 981, 995
75 Commend Clearwater boys for Class D-2 basketball state title.
(DeCamp) ..... 980, 981, 995

76 Recognize Sidney, Nebraska on 100th anniversary.
(Baack) ..... 1105, 2692, 2721
77 Declare Miss Nebraska as official state hostess.
(Hefner) ..... 1183, 1199
78 Recognize services and contributions of Charles S. Reed upon death.
(Hartnett) ..... 1194, 1199, 1211
79 Congratulate Nebraska Wesleyan boys basketball team for outstanding season.
(Wesely, R. Johnson) ..... 1200, 1211
80 Declare April as Nebraska Audubon Bicentennial Month.
(43 Senators) ..... 1374, 1410, 1454
81 Approve gift of land from Game and Parks for Eugene Mahoney State Park.
(44 Senators) ..... 1416, 1459, 1516, 1554, 2176, 2190, 2193, 2214
82 Approve gift of land between Lincoln and Omaha owned by Railroads.
(Morehead, Landis, V. Johnson, Lynch, DeCamp, Marsh, Wesely, Hoagland, Beutler, Eret, Vickers) ..... 1425, 1459, 1516, 1554
83 Congratulate Millard Public School district on its centennial.
(Hannibal, Chizek, Beyer, Abboud) ..... 1452, 1481, 1506
84 Declare April 14-20, 1985 as Victim Rights Week in Nebraska.
(Pirsch) ..... 1480, 1517, 1561
85 Commend Nebraska libraries for excellent service.
(42 Senators) ..... 1561, 1576, 1608
86 Designate October as Myasthenia Gravis month.
(Wesely, Vickers) ..... 1578, 1887, 1899
87 Interim study on income received by retired Nebraskans.
(Harris) ..... 1592, 2060
88 Support arms control and reductions in nuclear weapons.
(Wesely, Lynch, Marsh, V. Johnson, DeCamp, Conway, Sieck, Beutler, Vickers) ..... 1608, 1735, 1868, 1891, 1937, 2003, 2024, 2327
89 Interim study relating to low voter

turnout in primary election.
(Hoagland, Withem) ..... 1609, 2060
90 Recognize contributions of Arbor Day to our environment.
(Carsten, Marsh) ..... 1610, 1684, 1717
91 Recognize LaVista, Nebraska for its 25th anniversary.
(Withem, Hartnett, Beyer) ..... 1612, 2079, 2117
92 Recognize contributions of Bellevue Offutt Air Force Base.
(Hartnett) ..... 1624, 1648, 1674
93 Commend Congress for concern and compassion of victims of crime.
(Pirsch) ..... 1662, 1685, 1717
94 Interim study relating to retirement for public employees.
(Harris) ..... 1663, 2060
95 Designate April 21-28 as DES Awareness Week.
(Hoagland) ..... 1665, 1852, 1860
96 Recognize week of April 21-27 as anniversary of Soil and Water Conservation Week.
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97 Urge President to cancel his visit to Bitburg military cemetery.
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(Goodrich) ..... 1729, 1854, 1860
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Compiled by

Patrick J. O'Donnell
Clerk of the Legislature

Tracey Gabelman-Hart, Index Clerk

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Government role in attracting and retaining industry: interim study(Goodrich)..... 108LR
Tax credit to persons who invest in companies which invest capital in Nebraska businesses: interim study(Revenue Comm.).... 190LR

**CABLE TELEVISION**
Interim study(Revenue Comm.)..... 191LR

**CALLAWAY, NEBRASKA**
100th anniversary: recognize(Lamb)..... 275LR

**CANADA**
Livestock exports: urge U.S. government to protect hog and cattle producers from(Schmit, Conway, Rupp, Nichol, Haberman, Remmers, Rogers, Hefner, Lamb, Nelson, Sieck, R. Johnson, Vickers, Beyer, Scofield, Baack, Eret, Chronister)..... 242LR

**CANCER**
Tumor Registry, Nebraska: interim study(Wesely)..... 162LR

**CATTLE**
Canadian exports: urge U.S. government to protect hog and cattle producers from(Schmit, Conway, Rupp, Nichol, Haberman, Remmers, Rogers, Hefner, Lamb, Nelson, Sieck, R. Johnson, Vickers, Beyer, Scofield, Baack, Eret, Chronister)..... 242LR

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CEMETERIES
Bitburg military cemetery: urge President Reagan to cancel his visit(Chambers)..... 97LR
Grave site of Ponca Chief Standing Bear: urge Indian Commission and Historical Society to mark and preserve(Conway, Hefner)..... 291LR

CERTIFICATE OF NEED
Interim study(V. Johnson, Wesely, Sieck, Hefner)..... 150LR
Process: interim study(Wesely)..... 160LR

CHADRON, NEBRASKA
Centennial anniversary: recognize(Scofield)..... 254LR

CHERRY COUNTY
Bowring, Eva: salute generosity of donating land in Cherry County to Game and Parks Commission(48 Senators)..... 42LR

CHILDREN
Abuse and neglect: interim study on statutes(Wesely)..... 164LR
International Youth Year, United Nations: urge Nebraska to support(39 Senators)..... 56LR
Midlands Youth Tree Planting Program: extend appreciation to Game and Parks Commission & Omaha World Herald for participation (Labedz, Carsten, Marsh, Rupp)..... 40LR
Runaway or missing children: interim study on persons providing shelter(Pirsch)..... 145LR

CITIES AND VILLAGES
New Federalism: interim study on impact on cities and villages (Withem, Scofield, Baack)..... 167LR

CITIES OF THE METROPOLITAN CLASS
Municipal elections: interim study(Goodrich)..... 106LR

CIVIL PROCEDURE
District Court Clerks: interim study to appoint rather than elect(Hoagland)..... 142LR
Interim study(Hoagland)..... 118LR
Summary jury trial process: interim study to examine benefits for expediting lawsuits(Hoagland)..... 247LR

CLAIMS BOARD, STATE
Allowing or disallowing claims: interims study on Board's procedures(Barrett, DeCamp)..... 225LR

CLEAN AIR ACT
Acid rain: interim study(Ag. & Env. Comm.)..... 133LR

CLEARWATER
High School boys for Class D-2 basketball state title: commend (DeCamp)..... 75LR

COAL
Renewable energy sources: interim study on feasibility of using cereal grains, biomass, hydroelectric and nuclear power(Schmit).. 222LR

COLLECTIVE BARGAINING
Contracts for certain state agencies: approve(Bus. & Labor Comm.) 297LR
Industrial Relations, Commission of: interim study on present systems used(Warner, Barrett)..... 248LR

COLLEGES (See Universities and Colleges)

COMMERCE
Industry: interim study(Banking Comm.)..... 212LR

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**COMMODITIES**
Agricultural economy and federal farm legislation for 1985: interim study(R. Johnson)..... 243LR
Cargo Preference Act: urge exemption of agricultural products (R. Johnson)..... 264LR

**COMMONWEALTH**
Appropriate funds for depositors(DeCamp)..... 298CA
Impeaching a public official: change provisions(V. Johnson, DeCamp, Hoagland, Beutler)..... 12CA
Impeachment convictions: change vote requirement by Supreme Court(Chambers)..... 27CA
Intent of Legislature to settle Commonwealth claims in full: declare(Chambers, Chizek, Lynch, Higgins, Smith, Labedz, Chronister, Miller, DeCamp, Nichol, Landis, Beutler, Wesely, Marsh, Harris, Warner, V. Johnson, Hoagland, Sieck, Hall)..... 39LR
Special Commonwealth Committee: legislature ratify and adopt findings and conclusions(DeCamp)..... 41LR

**COMMUNITY DEVELOPMENT (See also Economic Development)**
Tennessee Valley Authority fertilizer and agricultural development programs: urge President and Congress to fund (Vickers, Harris)..... 285LR

**COMMUNITY SERVICES (See also Human Services)**
District government services: interim study on feasibility of creating(Nichol, Vickers, Rogers, Haberman, Scofield)..... 156LR
Elderly persons in rural areas: interim study(Smith)..... 183LR
Public health services: interim study to review(Wesely)..... 231LR

**COMPUTERS**
Health risks of using computers and video display terminals: interim study(Wesely)..... 209LR

**CONGRESS (See also Washington D.C.)**
Agricultural crisis credit legislation: urge House to advance and encourage President to reconsider threatened veto(Vickers, Beutler)..... 58LR
Complicated IRS forms and farmers use of vehicles: express concern to Congress and Internal Revenue Service(Lamb, Miller, Baack, Chronister, Lundy, Barrett, Withem, Hefner, Sieck, Smith, Lynch, Labedz, Nelson, Remmers, Carsten, Pappas, Rogers, Beyer, Peterson, Schmit, R. Johnson)..... 44LR
Exemption of agricultural commodities from Cargo Preference Act: urge Congress and President to support(R. Johnson)..... 264LR
Independent Railroad Unemployment Insurance System: express opposition to Congress against transfer to federal/state system (Marsh, Landis, Nelson, Pappas, Withem)..... 290LR
Old age benefits: urge Congress to enact legislation equalizing (Hall, Labedz)..... 268LR
Tennessee Valley Authority fertilizer and agricultural development programs: urge President and Congress to fund (Vickers, Harris)..... 285LR
Veterans Educational Assistance Act: urge Congress to include apprenticeship and on-the-job training(Goodrich)..... 109LR
Victims of crime: commend Congress for their concern and compassion(Pirsch)..... 93LR

**CONSERVATION**
Energy conservation devices: permit state to guarantee loans (Wesely)..... 7CA
Soil and water: acknowledge as precious resources and recognize week of April 21-27 as Soil and Water Conservation Week(Schmit, Sieck, Hefner, Vickers, Carsten, DeCamp, Warner, Morehead, Chronister, Peterson, Scofield, R. Johnson, Harris, Rogers, Nelson, Baack, Eret, Rupp, Barrett, Miller, Remmers)..... 96LR

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Soil and water: interim study(Sieck, Nelson)..... 233LR
Soil conservation and agriculture stabilization services: urge federal financial commitment(Haberman, Rogers, Remmers, Sieck, Hefner, Carsten, Miller, Vickers, Eret, Lamb, Schmit, Nelson, Smith, Harris, Morehead, Pappas, Baack)..... 54LR

## CONSTITUTION

Agricultural loans and credit policies: interim study to amend constitution to expand state's authority(Schmit, DeCamp, R. Johnson, Vickers, Rupp)..... 270LR
Appropriation to Nebraska Agricultural Bank: authorize for agricultural loans prescribed by Legislature(Schmit)..... 35CA
Appropriations: Legislature provide for biennial and four-year appropriations for state government expenses(Warner)..... 5CA
Auditor of Public Accounts: require to be certified public accountant(Beutler)..... 22CA
Bar association: allow graduates of Nebraska accredited law schools to not join(Chambers)..... 30CA
Beginning date for 90-day legislative sessions: change(Wesely, Hartnett, Baack, Miller, DeCamp, V. Johnson, Barrett, Rupp, Schmit, Higgins, Hannibal, Hoagland, Nelson, Beutler, Smith, Withem, Hall, Lynch)..... 23CA
Biennial legislative sessions: provide for(Warner)..... 4CA
Commonwealth depositors: appropriate funds(DeCamp)..... 298CA
Credit of state: authorize giving or loaning for public purposes (V. Johnson)..... 11CA
Energy conservation devices: permit state to guarantee loans (Wesely)..... 7CA
Equal educational opportunities: require Legislature to provide (Vickers, DeCamp)..... 9CA
Equal rights amendment: establish in state constitution(Beutler). 8CA
Final passage of a bill during Legislature: require thorough summary be read instead of entire bill(Withem)..... 26CA
Government of higher education institutions: place under single board(DeCamp)..... 38CA
Impeaching a public official: change provisions(V. Johnson, DeCamp, Hoagland, Beutler)..... 12CA
Impeachment convictions: change vote requirement by Supreme Court(Chambers)..... 27CA
Initiative 300: repeal(DeCamp, Baack)..... 16CA
Law practice: authorize if person has graduated from accredited law school(Chambers, Higgins)..... 28CA
Legislative session length to 60 days: limit and delete carryover bills provisions(Peterson)..... 33CA
Legislator's salaries equal to minimum wage rate: provide(Rupp, Labedz)..... 34CA
Legislator's salary and expenses: change provisions(Beutler)..... 29CA
Legislator's salary: establish Legislative Compensation Commission to recommend(DeCamp)..... 13CA
Public entities which produce electricity: require to pay property taxes(Pappas, V. Johnson)..... 37CA
Public hospitals: authorize to own stock(Pappas, Baack, Conway, Remmers)..... 20CA
Schools to have financial resources to provide quality educational programs: require(Withem, DeCamp, Vickers, Hartnett, Lynch, Marsh)..... 19CA
Services provided by political subdivisions: require Legislature to provide funds for(Hefner)..... 15CA
Supreme Court: delete requirement that Clerk and reporter be appointed by(Chambers)..... 31CA
University and state colleges: establish membership for governing board(Hoagland, Nelson, Beutler, Miller, Lundy, V. Johnson, Smith)..... 36CA
University of Nebraska Regents: provide for gubernatorial appointment(Nichol, req. of Gov.)..... 32CA

LR

Video lottery devices: provide for operation(DeCamp)..... 299CA
Water projects: expand scope for which state can issue bonds (Schmit)..... 18CA

CONTRACTS
Collective bargaining contracts for certain state agencies: approve(Bus. & Labor Comm.)..... 297LR

COOPERATIVE ADVISORY AND DEVELOPMENT COUNCIL
Interim study on formation(Wesely)..... 204LR

CORRECTIONAL SERVICES, DEPARTMENT OF
Collective bargaining contracts with certain parties: approve (Bus. & Labor Comm.)..... 297LR

COUNTIES
Extension program volunteers: honor(Beyer, Hartnett, Withem)..... 50LR
Keya Paha County: congratulate on its 100th anniversary(Lamb).... 280LR
Retirement for public employees: interim study(Harris)..... 94LR

COUNTY GOVERNMENT
Structure and home rule charter: interim study(Landis)..... 172LR

COURTS (See also specific Court)
District Court Clerks: interim study to appoint rather than elect(Hoagland)..... 142LR
Drivers license as security to appear in court: interim study on feasibility(Chizek)..... 113LR
Impeachment convictions: change vote requirement by Supreme Court(Chambers)..... 27CA
Public defender system: interim study(Beutler)..... 148LR
Summary jury trial process: interim study to examine benefits for expediting lawsuits(Hoagland)..... 247LR
Supreme Court: delete requirement that Clerk and reporter be appointed by(Chambers)..... 31CA

CRIME AND PUNISHMENTS
Mandatory arrests in domestic violence cases: interim study (Marsh)..... 103LR
Traffic laws and rules of the road: interim study on relationship between crime and its punishment(Hoagland)..... 141LR
Victim Rights Week in Nebraska: declare April 14th to 20th, 1985(Pirsch)..... 84LR

CRIMINAL PROCEDURE
Drivers license as security to appear in court: interim study on feasibility(Chizek)..... 113LR
Interim study(Hoagland)..... 232LR
Victims' Bill of Rights: interim study on impact(Pirsch)..... 147LR

DEAF, NEBRASKA SCHOOL FOR THE
Merging with School for Visually Handicapped: interim study (V. Johnson)..... 192LR

DEATHS
Doyle, James E.: extend sympathy to family(Barrett)..... 265LR
Kahle, Martin: express sympathy to family(All Senators)..... 1LR
Kjar, Albert: express sympathy to family(Barrett)..... 24LR
Krejci, William B.: express sympathy to family(Eret, Lamb)..... 287LR
Reed, Charles S.: recognize services and contributions upon death and express sympathy to family(Hartnett)..... 78LR
Wishnow, Bernard: express sympathy to family(48 Senators)..... 3LR

DEER CREEK
North Platte and Platte Rivers: urge Governor and Attorney General to take action on Deer Creek facility to protect (Schmit)..... 249LR

**DENTISTS**
Health care practices and licensing procedures: interim study (Withem, Lamb)..... 117LR

**DES**
Awareness Week: declare April 21-28(Hoagland)..... 95LR

**DISABLED PERSON AND FAMILY SUPPORT ACT**
Expanding program to other human service programs: interim study (Wesely)..... 163LR

**DISABLED PERSONS (See also Handicapped Persons)**
Adult abuse and neglect: interim study(Wesely, Hoagland)..... 165LR
Combining rehabilitation services under Department of Education: interim study(V. Johnson)..... 122LR
Homestead exemption: interim study to examine eligibility (Revenue Comm.)..... 199LR
Housing: interim study(V. Johnson, Wesely, Sieck, Hefner)..... 150LR

**DISCRIMINATION**
Equal rights amendment: establish in state constitution(Beutler). 8CA
Extremist groups and weaponry: interim study(Chizek)..... 112LR
University Hewitt Center: express disapproval of barring female athletes(Chambers)..... 286LR

**DISTRICT COURT (See also Courts)**
Clerks: interim study to appoint rather than elect(Hoagland)..... 142LR
Criminal law, procedures and enforcement: interim study(Hoagland) 232LR
Summary jury trial process: interim study to examine benefits for expediting lawsuits(Hoagland)..... 247LR

**DIVING**
Nebraska University women's swimming and diving team: congratulate(Wesely)..... 73LR

**DOCUMENTARY STAMP TAX**
Exemptions: interim study(Lamb)..... 177LR

**DOMESTIC VIOLENCE**
Mandatory arrests: interim study(Marsh)..... 103LR

**DOYLE, JAMES E.**
Sympathy to family: extend(Barrett)..... 265LR

**ECONOMIC DEVELOPMENT (See also Community Development)**
Diversify economy into military industry: interim study(Landis).. 170LR
Opportunities in northeast Nebraska: interim study(Conway)..... 237LR
Produce effective development programs: interim study(Wesely).... 203LR
Stimulate state's economy: interim study to examine various avenues(Wesely)..... 202LR
Tennessee Valley Authority fertilizer and agricultural development programs: urge President and Congress to fund (Vickers, Harris)..... 285LR

**EDUCATION**
Abstractors: interim study on continuing education requirements (Remmers)..... 110LR
Bar association: allow graduates of Nebraska accredited law schools to not join(Chambers)..... 30CA
Behavioral disorders, severe: interim study on special education services(Withem)..... 236LR
Class I school districts: interim study on reorganization, state aid, transportation, local control, and teacher pupil ratios (Lamb)..... 175LR

LR

Equal educational opportunities: require Legislature to provide (Vickers, DeCamp)..... 9CA
Financial support of elementary and secondary education: interim study(Labedz)..... 230LR
Financing public education: interim study on property tax formula(Vickers)..... 153LR
Government of higher education institutions: place under single board(DeCamp)..... 38CA
Handicapped persons: interim study to examine educational services available(Vickers)..... 152LR
Higher education: interim study on reorganization(Vickers, Pappas)..... 224LR
Law practice: authorize if person has graduated from accredited law school(Chambers, Higgins)..... 28CA
Libraries of the state: commend for excellent service (42 Senators)..... 85LR
Nursing education and training: interim study(Vickers, Wesely)... 140LR
Re-retirement for school employees: interim study(Harris)..... 234LR
Schools to have financial resources to provide quality educatinal programs: require(Withem, DeCamp, Vickers, Hartnett, Lynch, Marsh)..... 19CA
Special education in Nebraska: interim study with focus on early childhood programs(Vickers, Beutler)..... 267LR
Special education programs: interim study on alternative financing methods(Vickers)..... 151LR
State aid: interim study(Withem, Hartnett, Chizek)..... 219LR
Teacher Recognition Day: declare March 5, 1985(Vickers, Marsh)... 55LR
Veterans Educational Assistance Act: urge Congress to include apprenticeship and on-the-job training(Goodrich)..... 109LR

EDUCATION, DEPARTMENT OF
Collective bargaining contracts with certain parties: approve (Bus. & Labor Comm.)..... 297LR
Combining rehabilitation services to disabled persons under Department of Education: interim study(V. Johnson)..... 122LR

EDUCATIONAL SERVICE UNITS
Boundaries: interim studies(Vickers)..... 223LR

ELECTIONS
Low voter turnout at primary election: interim study(Hoagland, Withem)..... 89LR
Municipal elections in metropolitan class cities: interim study(Goodrich)..... 106LR
Nebraska statutes that regulate elections: interim study(Landis). 171LR

ELECTRICITY
Public entities which produce electricity: require to pay property taxes(Pappas, V. Johnson)..... 37CA
Rates: interim study to examine methods to stabilize(Harris)..... 235LR

ELKHORN
High school girls for Class B Basketball State title: congratulate(Beyer)..... 59LR

ELKHORN MT. MICHAEL
High School boys for Class B basketball state title: commend (Chizek, Beyer)..... 70LR

ELWOOD, NEBRASKA
100th anniversary: commend(Vickers, Barrett)..... 278LR

EMERGENCIES
Medical services: interim study of state and local(Withem)..... 168LR

**EMPLOYMENT**
Policies of the state to hire senior citizens: interim study (Miller)..... 154LR

**EMPLOYMENT SECURITY**
Benefits: interim study(Barrett, Hall)..... 227LR
Independent Railroad Unemployment Insurance System: express opposition to Congress against transfer to federal/state system (Marsh, Landis, Nelson, Pappas, Withem)..... 290LR

**ENERGY**
Conservation devices: permit state to guarantee loans(Wesely).... 7CA
Purchasing energy by the state: interim study to examine feasibility and to lower public expense(Landis)..... 173LR
Reassessment of program: interim study(Wesely)..... 210LR
Renewable energy sources: interim study on feasibility of using cereal grains, biomass, hydroelectric and nuclear power(Schmit).. 222LR

**ENERGY CONSERVATION**
Building standards: interim study on updating statute language (Wesely, Withem)..... 205LR

**ENVIRONMENTAL CONTROL, DEPARTMENT OF**
Litter Reduction and Recycling Fund: request Environmental Control Department to reallocate funds(Scofield, Sieck, Rupp).... 300LR

**EQUAL RIGHTS**
Establish in state constitution(Beutler)..... 8CA

**EQUIPMENT**
Sales tax exemptions for manufacturing equipment: study(Haberman) 257LR

**ETHIOPIA**
Donate grain to Africans and Ethiopians: encourage farmers (Schmit, Sieck, Chambers, Labedz, Higgins)..... 302LR

**EXECUTIVE BOARD**
Requests or questions: require prompt response from Chairman of Executive Board(Abboud, Pirsch, Rogers, Peterson, L. Johnson, Remmers, Hefner, Beyer, Goll, Baack, Eret, Rupp, Hartnett, Sieck, Pappas, Conway)..... 261LR

**EXPENSES**
Legislator's salary and expenses: change provisions(Beutler)..... 29CA

**FARMERS HOME ADMINISTRATION**
Farmers that suffered from failed financial institutions: authorize Farmers Home Administration to extend credit(Peterson, Hefner, Sieck, Vickers, Smith, Baack, Scofield, Lamb, DeCamp, Nelson, Schmit)..... 6LR

**FARMS AND FARMING (See also Agriculture)**
Advance production loans to farmers and ranchers at low interest rate: urge House of Representatives to support HR 1035(Schmit, Sieck, Chambers, Hefner, Lynch, DeCamp, Hall, Hannibal, Withem, Scofield, Hartnett, Eret, Lundy, Nelson, Haberman, Morehead, Smith, Harris, R. Johnson, Chronister, Pappas, Labedz, Warner, L. Johnson, Remmers, Carsten)..... 51LR
Agricultural crisis credit legislation: urge House to advance and encourage President to reconsider threatened veto(Vickers, Beutler)..... 58LR
Agricultural economy and federal farm legislation for 1985: interim study(R. Johnson)..... 243LR

LR

Agricultural products used as foreign aid: delegation to Washington D.C. should urge federal government(36 Senators)..... 14LR
Alternative crops and benefits of direct marketing: interim study(Sieck, Beyer, Abboud)..... 214LR
Appropriation to Nebraska Agricultural Bank: authorize for agricultural loans prescribed by Legislature(Schmit)..... 35CA
Cold test on certain seeds: interim study on development(Pappas). 125LR
Community services for elderly persons in rural areas: interim study(Smith)..... 183LR
Congress to work with Nebraska and farm-belt sister states to help promote agriculture: urge(Vickers, Schmit)..... 63LR
Cooperative Advisory and Development Council: interim study to consider formation to aid agricultural economy(Wesely)..... 204LR
Donate grain to Africans and Ethiopians: encourage farmers (Schmit, Sieck, Chambers, Labedz, Higgins)..... 302LR
Exemption of agricultural commodities from Cargo Preference Act: urge Congress and President to support(R. Johnson)..... 264LR
Farmers that suffered from failed financial institutions: authorize Farmers Home Administration to extend credit(Peterson, Hefner, Sieck, Vickers, Smith, Baack, Scofield, Lamb, DeCamp, Nelson, Schmit)..... 6LR
Initiative 300: interim study(Rupp)..... 193LR
Initiative 300: interim study on economic affects(DeCamp)..... 187LR
Initiative 300: repeal(DeCamp, Baack)..... 16CA
Joint meeting of agriculture, banking and finance committees of surrounding states to send representatives to D.C. for ag crisis (Carsten, Vickers)..... 17LR
Loans and credit policies: interim study to amend constitution to expand state's authority(Schmit, DeCamp, R. Johnson, Vickers, Rupp)..... 270LR
Net farm income for individual tax forms: interim study on accounting used(Eret)..... 126LR
Soil conservation and agriculture stabilization services: urge federal financial commitment(Haberman, Rogers, Remmers, Sieck, Hefner, Carsten, Miller, Vickers, Eret, Lamb, Schmit, Nelson, Smith, Harris, Morehead, Pappas, Baack)..... 54LR
Special driving permits for farm-related travel: interim study to determine feasibility(Hefner)..... 131LR
State's role in strengthening agriculture: interim study(Chizek, Schmit)..... 143LR
Tractor engine testing law: interim study on updating statutes (Haberman, Sieck, Chronister, Hefner, Vickers, R. Johnson, Chizek, Eret, Smith)..... 99LR
Use of farm vehicles for tax purposes: express concern to Congress and Internal Revenue Service(Lamb, Miller, Baack, Chronister, Lundy, Barrett, Withem, Hefner, Sieck, Smith, Lynch, Labedz, Nelson, Remmers, Carsten, Pappas, Rogers, Beyer, Peterson, Schmit, R. Johnson)..... 44LR
Washington D.C.: establish committee of Governor, 20 Senators, business person and ag-business person(Schmit)..... 25LR

## FEDERAL DEPOSIT INSURANCE CORPORATION

Dannebrog and Uehling State Banks: urge Attorney General to initiate lawsuit against FDIC to recover state funds (Banking Comm.)..... 53LR

## FEES AND SALARIES

Legislator's salary and expenses: change provisions(Beutler)..... 29CA
Legislator's salary: establish Legislative Compensation Commission to recommend(DeCamp)..... 13CA
Nebraska University: interim study on faculty salaries(Pappas)... 123LR
State classification and pay system: interim study(Landis)..... 169LR

## FERTILIZERS

Tennessee Valley Authority fertilizer and agricultural development programs: urge President and Congress to fund (Vickers, Harris)..... 285LR

**FINANCIAL INSTITUTIONS (See also Banks and Banking)**
Farmers that suffered from failed financial institutions: authorize Farmers Home Administration to extend credit(Peterson, Hefner, Sieck, Vickers, Smith, Baack, Scofield, Lamb, DeCamp, Nelson, Schmit)..... 6LR
Taxation: interim study(Revenue Comm.)..... 200LR

**FIRE AND FIREFIGHTERS**
Doyle, James E.: extend sympathy to family(Barrett)..... 265LR
Railroad fires: interim study on causes and means to prevent (Lamb)..... 176LR
Volunteer fire departments: interim study on membership recruitment(Hartnett)..... 138LR

**FISHING**
Permits: interim study on impact of fee-exempt permits for senior citizens and certain veterans(Rupp)..... 194LR

**FOREIGN AID**
Agricultural products used as foreign aid: delegation to Washington D.C. should urge federal government(36 Senators)..... 14LR

**FOREST SERVICE, NEBRASKA**
Interim study(Marsh)..... 104LR

**FREMONT**
Boys and girls track teams: congratulate members and coaches for State wins(L. Johnson)..... 277LR
Girls tennis and girls and boys track teams: commend for Class A state wins(L. Johnson)..... 282LR

**FUNDS**
Cash Reserve Fund: use to insure adequate General Fund balance when determining sales and use tax and income tax rates(DeCamp).. 289LR
Commonwealth depositors: appropriate funds(DeCamp)..... 298CA
Litter Reduction and Recycling Fund: request Environmental Control Department to reallocate funds(Scofield, Sieck, Rupp).... 300LR
Public funds: provide for public inspection of records and reports(V. Johnson)..... 11CA
Schools to have financial resources to provide quality educational programs: require(Withem, DeCamp, Vickers, Hartnett, Lynch, Marsh)..... 19CA

**GAMBLING**
Separating regulation of bingo, pickle cards and lotteries: interim study(Misc. Subjects Comm.)..... 189LR
Video lottery devices: provide for operation(DeCamp)..... 299CA

**GAME AND PARKS**
Forest Service, Nebraska: interim study(Marsh)..... 104LR
Forest Service, Nebraska: interim study on impact(Marsh, Sieck, Carsten)..... 215LR
Hunting and fishing permits: interim study on impact of fee-exempt permits for senior citizens and certain veterans (Rupp)..... 194LR
Land located between Lincoln and Omaha owned by Railroad: approve gift to Game and Parks Commission(Morehead, Landis, V. Johnson, Lynch, DeCamp, Marsh, Wesely, Hoagland, Beutler, Eret, Vickers)..... 82LR
Mahoney State Park, Eugene: approve gift of land in Cass County (44 Senators)..... 81LR

**GAME AND PARKS COMMISSION**
Bowring, Eva: salute generosity of donating land in Cherry County(48 Senators)..... 42LR

LR

Collective bargaining contracts with certain parties: approve (Bus. & Labor Comm.)..... 297LR
Land located between Lincoln and Omaha owned by Railroad: approve gift(Morehead, Landis, V. Johnson, Lynch, DeCamp, Marsh, Wesely, Hoagland, Beutler, Eret, Vickers)..... 82LR
Mahoney State Park, Eugene: approve gift of land in Cass County (44 Senators)..... 81LR
Midlands Youth Tree Planting Program: extend appreciation for participation(Labedz, Carsten, Marsh, Rupp)..... 40LR
Recreational facility at Dam Site 20 in Sarpy County: honor commitment of state to complete(Beyer, Hartnett, Withem)..... 252LR

**GASOHOL**
Alcohol: interim study on marketing(DeCamp)..... 181LR
Fuel testing and enforcement program: interim study to determine need(Wesely)..... 208LR

**GERMAN, EDWARD**
Extend appreciation for construction of Veteran's Hospital(Hefner) 288LR

**GODFREY, DALE**
Extend appreciation for bill drafting service(Wesely)..... 301LR

**GOLF**
Wayne-Carrol high school boys: congratulate for Class B State golf win(Conway)..... 293LR

**GORDON, NEBRASKA**
Recognize and commend on 100th anniversary(Scofield)..... 10LR

**GOTHENBURG, NEBRASKA**
Centennial anniversary: recognize(Barrett, Vickers)..... 260LR

**GOVERNOR**
Agricultural crisis: establish committee to go to Washington D.C.(Schmit)..... 25LR
Deer Creek facility: urge Governor and Attorney General to take action to protect North Platte and Platte Rivers(Schmit)..... 249LR
Nebraska University of Regents: provide for gubernatorial appointment(Nichol, req. of Gov.)..... 32CA
Task force to study airline services in Nebraska: authorize Governor to appoint(37 Senators)..... 45LR

**GRAIN**
Donate grain to Africans and Ethiopians: encourage farmers (Schmit, Sieck, Chambers, Labedz, Higgins)..... 302LR
Sending grain to starving Africans: urge Governor to examine Nebraska-led national program called Project Neighbor(Miller, Landis, R. Johnson, Carsten, Barrett, Pappas, Sieck, Eret, Chizek, Beyer)..... 49LR

**GRANT**
High School boys for Class C-2 Basketball state title: commend (Haberman)..... 67LR

**GROUND WATER (See also Water, Irrigation)**
Industrial Ground Water Regulatory Act: interim study (Pub. Works Comm.)..... 180LR
Nitrates in water: interim study on levels and affects(Schmit, Sieck, Nelson, Chronister, Beutler, R. Johnson)..... 218LR
Pollutants: interim study to deter(Schmit)..... 269LR
Pollution: interim study(Beutler)..... 149LR
Quality Protection Strategy: interim study(Chronister)..... 238LR
Reports by Natural Resources Commission: interim study on recommendations(Sieck)..... 244LR

**HALL, JOYCE**
Hallmark Cards 75th anniversary: extend best wishes to founder Joyce Hall, who is David City native(Schmit, Peterson)..... 21LR

**HALLMARK CARDS**
75th anniversary: extend best wishes to David City native, Joyce Hall(Schmit, Peterson)..... 21LR

**HANDICAPPED PERSONS (See also Disabled Persons)**
Educational services for the hearing and visually impaired and multihandicapped persons: interim study(Vickers)..... 152LR
Merging School of Deaf and School for Visually Handicapped: interim study(V. Johnson)..... 192LR

**HAY SPRINGS, NEBRASKA**
Centennial anniversary: recognize(Scofield)..... 256LR

**HAYES CENTER**
Girls track team for Class D win: congratulate(Haberman)..... 281LR
High School girls for Class D-2 basketball state title: commend(Haberman)..... 68LR

**HEALTH CARE (See also Public Health and Welfare)**
Certificate of Need process: interim study(Wesely)..... 160LR
Costs and insurance: interim study(DeCamp)..... 185LR
District government services: interim study on feasibility of creating(Nichol, Vickers, Rogers, Haberman, Scofield)..... 156LR
Medically indigent: interim study on providing medical services (Wesely)..... 157LR
Nursing home insurance: interim study on minimum standards(Smith) 182LR
Nursing homes or institutional facilities: interim study on persons inappropriately or prematurely placed in homes(Smith).... 136LR
Patient's medical records: interim study on access and confidentiality(Wesely)..... 161LR
Practices and licensing procedures: interim study(Withem, Lamb).. 117LR
Taxation of insurance companies: interim study(Lynch)..... 102LR

**HEALTH, DEPARTMENT OF**
Complaints filed against health professionals: interim study (Wesely)..... 159LR
State-local relationships: interim study to examine certain human services(Wesely, Rupp)..... 158LR

**HEWITT CENTER**
Gender-discriminatory policy of the University Center: express disapproval(Chambers)..... 286LR

**HIGHWAYS**
Policies, procedures and decision-making: interim study (Pub. Works Comm.)..... 220LR
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Reed, Charles S.: recognize services and contributions upon death and express sympathy to family(Hartnett)..... 78LR
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Agricultural loans and credit policies: interim study on other state policies and expanding Nebraska's authority(Schmit, DeCamp, R. Johnson, Vickers, Rupp)..... 270LR
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Cooperative Loan Fund, Nebraska: interim study to aid agricultural economy(Wesely)..... 204LR
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Gift of land from Game and Parks Commission: approve for Eugene Mahoney State Park(44 Senators)..... 81LR

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MARITAL PROPERTY ACT, UNIFORM
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Bilateral freeze of nuclear weapons: express support(Haberman)... 292LR
Bitburg military cemetery: urge President Reagan to cancel his visit(Chambers)..... 97LR
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German, Edward: extend appreciation for active role in veterans' affairs and construction of Veteran's Hospital (Hefner)..... 288LR
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Paramilitary training: interim study on extremist groups active in Nebraska and prohibit(Chizek)..... 112LR
Vietnam War POWs and MIAs: commemorate(R. Johnson, DeCamp)..... 250LR

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Public school district: congratulate on its centennial(Hannibal, Chizek, Beyer, Abboud)..... 83LR

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**MISSOURI RIVER**
Controlled recreational usage of Missouri River: interim study on economic development opportunities in northeast Nebraska (Conway)..... 237LR

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**MOTOR VEHICLES**
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Decorated or mirrored windows: interim study on safety(Pirsch)... 144LR
Drivers license as security to appear in court: interim study on feasibility(Chizek)..... 113LR
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Use of farm vehicles for tax purposes: express concern to Congress and Internal Revenue Service(Lamb, Miller, Baack, Chronister, Lundy, Barrett, Withem, Hefner, Sieck, Smith, Lynch, Labedz, Nelson, Remmers, Carsten, Pappas, Rogers, Beyer, Peterson, Schmit, R. Johnson)..... 44LR

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Water quality: interim study on pollutants that might endanger (Beutler)..... 196LR
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Boys track team: commend for Class B state win(Carsten)..... 284LR

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Impact on cities and villages: interim study on(Withem, Scofield, Baack)..... 167LR

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Renewable energy sources: interim study on feasibility of using cereal grains, biomass, hydroelectric and nuclear power(Schmit).. 222LR

NUCLEAR WEAPONS
Bilateral freeze: express support(Haberman)..... 292LR
Reduction: support(Wesely, Lynch, Marsh, V. Johnson, DeCamp, Conway, Sieck, Beutler, Vickers)..... 88LR

NURSES AND NURSING
Associate degrees: interim study on nursing education and training(Vickers, Wesely)..... 140LR
Health care practices and licensing procedures: interim study (Withem, Lamb)..... 117LR

NURSING HOMES
Case management of persons inappropriately or prematurely placed in homes: interim study(Smith)..... 136LR
Insurance: interim study on minimum standards(Smith)..... 182LR
Medicaid program: interim study(Chizek)..... 114LR

OFFUTT AIR FORCE BASE
Bellevue: recognize contributions(Hartnett)..... 92LR

OILS, FUELS, AND ENERGY
Energy situation: interim study to reassess(Wesely)..... 210LR
Fuel testing and enforcement program: interim study to determine need(Wesely)..... 208LR
Purchasing energy on state-level: interim study to examine feasibility(Landis)..... 173LR
Renewable energy sources: interim study on feasibility of using cereal grains, biomass, hydroelectric and nuclear power(Schmit).. 222LR

OMAHA
Millard Public School district: congratulate on its centennial (Hannibal, Chizek, Beyer, Abboud)..... 83LR
Municipal elections: interim study(Goodrich)..... 106LR
Recreational facility at Dam Site 20 in Sarpy County: honor commitment of state to complete(Beyer, Hartnett, Withem)..... 252LR

OMAHA NORTHWEST
High School boys for Class A basketball state title: congratulate(Pirsch, Lynch)..... 66LR

OMAHA WORLD HERALD
Midlands Youth Tree Planting Program: extend appreciation for participation(Labedz, Carsten, Marsh, Rupp)..... 40LR

PAROLE, NEBRASKA BOARD OF
Interim study(Pirsch)..... 146LR

PATENTS
Improperly issued patents: interim study to examine need for Trade Secrets Act(Wesely)..... 207LR

PEDESTRIANS
Safety: interim study on Rules of the road to improve safety (Hoagland)..... 119LR

PENDER, NEBRASKA
Centennial birthday: recognize(Goll)..... 259LR

PERU STATE COLLEGE
Al Wheeler Activity Center: name physical education building in recognition(Remmers)..... 272LR

PICKLE CARDS
Separating regulation of bingo, pickle cards and lotteries: interim study(Misc. Subjects Comm.)..... 189LR

PLATTE RIVER
Whooping cranes: urge U.S. Department of Interior to study Platte River Refuge as habitat(Schmit, Haberman, Lynch, Beyer, Miller, Vickers, Rogers, Baack, Eret, Higgins, Pappas, Chronister, Hefner, Goodrich, Carsten, R. Johnson, Remmers, DeCamp, Nichol, Lamb, Lundy, Sieck, Chizek, Peterson, Nelson, Smith, Barrett, Goll, Morehead, Harris)..... 46LR

PLUMBERS
Licensing: interim study on feasibility of state regulation (Barrett)..... 228LR

POLITICAL SUBDIVISIONS
Group self-insurance pools: interim study(Miller)..... 155LR
Impact of New Federalism on cities and villages: interim study (Withem, Scofield, Baack)..... 167LR
Public entities which produce electricity: require to pay property taxes(Pappas, V. Johnson)..... 37CA
Purchasing energy by the state: interim study to examine feasibility and to lower public expense(Landis)..... 173LR
Reports and records: provide for public inspection(V. Johnson)... 11CA
Services provided by political subdivisions: require Legislature to provide funds for(Hefner)..... 15CA
Water projects: expand scope for which state can issue bonds (Schmit)..... 18CA

POLLUTION
Acid rain: interim study(Ag. & Env. Comm.)..... 133LR
Ground water: interim study(Beutler)..... 149LR
Water quality: interim study on pollutants that might endanger (Beutler)..... 196LR

POSTSECONDARY EDUCATION
Governing board of university and state colleges: establish membership(Hoagland, Nelson, Beutler, Miller, Lundy, V. Johnson, Smith)..... 36CA
Government: provide for gubernatorial appointment of Nebraska University Regents(Nichol, req. of Gov.)..... 32CA

LR
Reorganization: interim study(Vickers, Pappas)..... 224LR

POSTSECONDARY EDUCATION, NE COORDINATING COMMISSION FOR
Higher education: interim study on reorganization(Vickers, Pappas)..... 224LR

POWER
Preference power: urge support and oppose interest rate increase on federally owned hydroelectric facilities(Schmit, DeCamp, Lynch, Smith, Lamb, Harris, Beyer, Sieck)..... 251LR

PRISONS AND PRISONERS
Parole, Nebraska Board of: interim study(Pirsch)..... 146LR
Vietnam War POWs and MIAs: commemorate(R. Johnson, DeCamp)..... 250LR

PRIVATE EDUCATION
Financial support of elementary and secondary education: interim study(Labedz)..... 230LR

PROJECT NEIGHBORHOOD
Sending grain to starving Africans: urge Governor to examine Nebraska-led national program(Miller, Landis, R. Johnson, Carsten, Barrett, Pappas, Sieck, Eret, Chizek, Beyer)..... 49LR

PROPERTY
Marital Property Act, Uniform: interim study(Pappas, Hoagland)... 134LR
Reappraisal: interim study on process and methods(Lynch)..... 100LR

PROPERTY TAX
Overall state and local revenue and tax structure: interim study(Revenue Comm.)..... 201LR
Public entities which produce electricity: require to pay property taxes(Pappas, V. Johnson)..... 37CA

PUBLIC DEFENDER
State's public defender system: interim study(Beutler)..... 148LR

PUBLIC EMPLOYEES
Classification and pay system for state employees: interim study(Landis)..... 169LR
Retirement: interim study(Harris)..... 94LR
Retirement: interim study on differences among city, county or state employees(Hartnett, Lundy)..... 263LR

PUBLIC FUNDS
Dannebrog and Uehling State Banks: urge Attorney General to initiate lawsuit against FDIC to recover state funds (Banking Comm.)..... 53LR
Reports and records: provide for public inspection(V. Johnson)... 11CA

PUBLIC HEALTH AND WELFARE (See also Health Care)
Certificate of Need process: interim study(Wesely)..... 160LR
Community and public health services: interim study to review (Wesely)..... 231LR
Complaints filed against health professionals: interim study (Wesely)..... 159LR
DES Awareness Week: declare April 21-28(Hoagland)..... 95LR
Health care costs and insurance: interim study(DeCamp)..... 185LR
Health care practices and licensing procedures: interim study (Withem, Lamb)..... 117LR
Health risks of using computers and video display terminals: interim study(Wesely)..... 209LR
International Youth Year, United Nations: urge Nebraska to support(39 Senators)..... 56LR

Medically indigent: interim study on providing medical services (Wesely)..... 157LR
Myasthenia Gravis month: designate October as(Wesely, Vickers)... 86LR
Patient's medical records: interim study on access and confidentiality(Wesely)..... 161LR
Tumor Registry, Nebraska: interim study(Wesely)..... 162LR

**PUBLIC INSTITUTIONS, DEPARTMENT OF**
Collective bargaining contracts with certain parties: approve (Bus. & Labor Comm.)..... 297LR
State-local relationships: interim study to examine certain human services(Wesely, Rupp)..... 158LR

**PUBLIC OFFICERS**
Impeaching a public official: change provisions(V. Johnson, DeCamp, Hoagland, Beutler)..... 12CA

**PUBLIC POWER**
Preference power: urge support and oppose interest rate increase on federally owned hydroelectric facilities(Schmit, DeCamp, Lynch, Smith, Lamb, Harris, Beyer, Sieck)..... 251LR
Rates: interim study to examine methods to stabilize(Harris)..... 235LR
Renewable energy sources: interim study on feasibility of using cereal grains, biomass, hydroelectric and nuclear power(Schmit).. 222LR

**PUBLIC SERVICE COMMISSION**
Federal deregulation of telecommunications industry: interim study on effects(Pub. Works Comm.)..... 178LR

**PUBLIC UTILITIES**
Public entities which produce electricity: require to pay property taxes(Pappas, V. Johnson)..... 37CA
Rates: interim study on municipal authority to regulate(Withem).. 127LR
Shut-offs for low-income persons: interim study to examine impact(Marsh)..... 115LR

**RACING COMMISSION, NEBRASKA**
Increasing membership: interim study(Landis)..... 174LR
Interim study(Withem, Hoagland)..... 116LR

**RAILROADS**
Fires: interim study on causes and means to prevent(Lamb)..... 176LR
Independent Railroad Unemployment Insurance System: express opposition to Congress against transfer to federal/state system (Marsh, Landis, Nelson, Pappas, Withem)..... 290LR
Trains longer than one mile: discourage operation(Vickers, Higgins, Rogers, Baack, Hartnett, Labedz, Barrett, Lundy, Morehead, Landis, Chambers, Conway, Lynch, Nelson, Chizek, DeCamp, Sieck, Smith, Withem, Scofield, Eret, Schmit, Pappas, V. Johnson, Wesely, Haberman, Beutler)..... 273LR
Transportation: interim study on certain issues(Pub. Works Comm.) 179LR

**REAL ESTATE**
Residential transactions: interim study(Hartnett)..... 229LR

**RECREATION (See also Game and Parks)**
Controlled recreational usage of Missouri River: interim study on economic development opportunities in northeast Nebraska (Conway)..... 237LR
Facility at Dam Site 20 in Sarpy County: honor commitment of state to complete(Beyer, Hartnett, Withem)..... 252LR
Land located between Lincoln and Omaha owned by Railroad: approve gift to Game and Parks Commission(Morehead, Landis, V. Johnson, Lynch, DeCamp, Marsh, Wesely, Hoagland, Beutler, Eret, Vickers)..... 82LR

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REED, CHARLES S.
Recognize services and contributions upon death and express sympathy to family(Hartnett)..... 78LR

REGISTER OF DEEDS
Documentary Stamp Tax: interim study on exemptions(Lamb)..... 177LR

REHABILITATION SERVICES
Disabled persons: interim study to determine feasibility of combining rehabilitation services under Education Department (V. Johnson)..... 122LR

RETIREMENT
Income of retired Nebraskans: interim study(Harris)..... 87LR
Kivett, Marvin F.: recognize contributions as retired director of State Historical Society(40 Senators)..... 64LR
Public employees: interim study(Harris)..... 94LR
Public employees: interim study on differences among city, county or state(Hartnett, Lundy)..... 263LR
School employees: interim study on re-retirement(Harris)..... 234LR

REVENUE AND TAXATION
Cash Reserve Fund: use to insure adequate General Fund balance when determining sales and use tax and income tax rates(DeCamp).. 289LR
Complicated IRS forms and farmers use of farm vehicles: express concern(Lamb, Miller, Baack, Chronister, Lundy, Barrett, Withem, Hefner, Sieck, Smith, Lynch, Labedz, Nelson, Remmers, Carsten, Pappas, Rogers, Beyer, Peterson, Schmit, R. Johnson)..... 44LR
Educational expenses: interim study to provide tax credit for parents(Labedz)..... 230LR
Financial institutions: interim study on taxation(Revenue Comm.). 200LR
Financing public education: interim study on property tax formula(Vickers)..... 153LR
Homestead exemption for disabled persons: interim study to examine eligibility(Revenue Comm.)..... 199LR
Insurance companies, domestic and foreign: interim study on premium tax(DeCamp)..... 186LR
Insurance companies: interim study on taxation(Lynch)..... 102LR
Manufacturing equipment: study of sales tax exemptions(Haberman). 257LR
Motor vehicle taxation: interim study(Lundy)..... 107LR
Net farm income for individual tax forms: interim study on accounting used(Eret)..... 126LR
Overall state and local revenue and tax structure: interim study(Revenue Comm.)..... 201LR
Public entities which produce electricity: require to pay property taxes(Pappas, V. Johnson)..... 37CA
Tax credit to persons who invest in companies which invest capital in Nebraska businesses: interim study(Revenue Comm.).... 190LR
Tax increase and appropriate funds for Commonwealth depositors (DeCamp)..... 298CA

RIVERS
Deer Creek facility: urge Governor and Attorney General to take action to protect North Platte and Platte Rivers(Schmit)..... 249LR

ROADS
Policies, procedures and decision-making: interim study (Pub. Works Comm.)..... 220LR

ROADS, DEPARTMENT OF
Collective bargaining contracts with certain parties: approve (Bus. & Labor Comm.)..... 297LR
Policies, procedures and decision-making: interim study (Pub. Works Comm.)..... 220LR

ROCKY MOUNTAIN AIRWAYS
Express appreciation for providing new service(Nichol)..... 52LR

RULES
Rule making procedures employed by state agencies: interim study (Admin. Rules Comm.)..... 98LR

RULES OF THE ROAD
Safety: interim study(Hoagland)..... 119LR
Traffic laws and rules of the road: interim study on relationship between crime and its punishment(Hoagland)..... 141LR

RUSHVILLE, NEBRASKA
Centennial celebration: recognize(Scofield)..... 255LR

SAFETY
Decorated or mirrored motor vehicle windows: interim study on safety(Pirsch)..... 144LR
Highway: interim study on policies and procedures (Pub. Works Comm.)..... 220LR
Public Safety Department: interim study on creating(Chizek)..... 135LR
Rules of the road issues to improve highway safety: interim study(Hoagland)..... 119LR
Transportation of high-level radioactive waste: interim study (Morehead)..... 130LR

SALES AND INCOME TAX (See also Revenue and Taxation)
Cash Reserve Fund: use to insure adequate General Fund balance when determining sales and use tax and income tax rates(DeCamp).. 289LR
Educational expenses: interim study to provide tax credit for parents(Labedz)..... 230LR
Increase tax and appropriate funds for Commonwealth depositors (DeCamp)..... 298CA
Overall state and local revenue and tax structure: interim study(Revenue Comm.)..... 201LR

SALES AND USE TAX (See also Revenue and Taxation)
Cash Reserve Fund: use to insure adequate General Fund balance when determining sales and use tax and income tax rates(DeCamp).. 289LR

SANITARY AND IMPROVEMENT DISTRICTS
Financial health and stability: interim study of Sanitary and Improvement Districts in the later stages(Withem)..... 197LR

SCHOOL DISTRICTS
Reports and records: provide for public inspection(V. Johnson)... 11CA

SCHOOLS
Class I school districts: interim study on reorganization, state aid, transportation, local control, and teacher pupil ratios (Lamb)..... 175LR
Educational programs: require schools to have financial resources for quality(Withem, DeCamp, Vickers, Hartnett, Lynch, Marsh)..... 19CA
Retirement for public employees: interim study(Harris)..... 94LR
Special education in Nebraska: interim study with focus on early childhood programs(Vickers, Beutler)..... 267LR
Teacher Recognition Day: declare March 5, 1985(Vickers, Marsh)... 55LR

SEAT BELTS
Rules of the road issues to improve highway safety: interim study(Hoagland)..... 119LR

SEEDS
Cold test on certain seeds: interim study on development(Pappas). 125LR

LR

**SIDNEY, NEBRASKA**
Recognize for 100th Anniversary(Baack)..... 76LR

**SOCIAL SECURITY**
Old age benefits: urge Congress to enact legislation equalizing (Hall, Labedz)..... 268LR

**SOCIAL SERVICES**
District government services: interim study on feasibility of creating(Nichol, Vickers, Rogers, Haberman, Scofield)..... 156LR

**SOCIAL SERVICES, DEPARTMENT OF**
State-local relationships: interim study to examine certain human services(Wesely, Rupp)..... 158LR

**SOIL**
Conservation and agricultural services: urge federal financial commitment(Haberman, Rogers, Remmers, Sieck, Hefner, Carsten, Miller, Vickers, Eret, Lamb, Schmit, Nelson, Smith, Harris, Morehead, Pappas, Baack)..... 54LR
Conservation and erosion: interim study(Sieck, Nelson)..... 233LR
Erosion: interim study on role of state in prevention (Ag. & Env. Comm.)..... 132LR
Soil and water: acknowledge as precious resources and recognize week of April 21-27 as Soil and Water Conservation Week(Schmit, Sieck, Hefner, Vickers, Carsten, DeCamp, Warner, Morehead, Chronister, Peterson, Scofield, R. Johnson, Harris, Rogers, Nelson, Baack, Eret, Rupp, Barrett, Miller, Remmers)..... 96LR

**SOLID WASTE**
Disposal: interim study(Chronister)..... 239LR

**STATE AGENCIES (See Administrative Departments, State)**

**STATE AID**
Education: interim study(Withem, Hartnett, Chizek)..... 219LR

**STATE EMPLOYEES (See Public Employees)**

**STATE PATROL**
Collective bargaining contracts with certain parties: approve (Bus. & Labor Comm.)..... 297LR

**STATE TREASURER**
Cash Reserve Fund: use to insure adequate General Fund balance when determining sales and use tax and income tax rates(DeCamp).. 289LR

**STOCKS**
Public hospitals: authorize to own stock(Pappas, Baack, Conway, Remmers)..... 20CA

**STUDY RESOLUTIONS (See Interim Studies)**

**SUPREME COURT (See also Courts)**
Clerk and reporter: delete requirement that Supreme Court appoint(Chambers)..... 31CA
Impeachment convictions: change vote requirement(Chambers)..... 27CA

**SWIMMING**
Nebraska University women's swimming and diving team: congratulate(Wesely)..... 73LR

**SYRACUSE**
Girls track team for Class B state win: commend(Carsten)..... 283LR

**TAXATION (See Revenue and Taxation)**

**TEACHERS**
Collective bargaining contracts with Department of Education: approve(Bus. & Labor Comm.)..... 297LR
Nebraska University: interim study on teacher-student ratios, and salaries(Pappas)..... 123LR
Re-retirement for school employees: interim study(Harris)..... 234LR
Teacher Recognition Day: declare March 5, 1985(Vickers, Marsh)... 55LR

**TECHNICAL COMMUNITY COLLEGES**
Retirement for public employees: interim study(Harris)..... 94LR

**TELECOMMUNICATIONS**
Deregulation of interstate and intrastate telephone telecommunications: interim study(Scofield, Goodrich, Peterson, Chronister, Higgins, Lundy, Goll)..... 139LR
Federal deregulation of telecommunications industry: interim study on effects(Pub. Works Comm.)..... 178LR
Lifeline telephone service: interim study on feasibility(Pappas). 124LR

**TELEPHONES**
Deregulation of interstate and intrastate telephone telecommunications: interim study(Scofield, Goodrich, Peterson, Chronister, Higgins, Lundy, Goll)..... 139LR
Federal deregulation of telecommunications industry: interim study on effects(Pub. Works Comm.)..... 178LR
Lifeline service: interim study on feasibility(Pappas)..... 124LR
Rate increases and affects on elderly persons: interim study (Wesely)..... 166LR

**TELEVISION**
Cable television: interim study(Revenue Comm.)..... 191LR

**TENNESSEE VALLEY AUTHORITY**
Fertilizer and agricultural development programs: urge President and Congress to fund(Vickers, Harris)..... 285LR

**TENNIS**
Fremont girls tennis team: commend for Class A state win (L. Johnson)..... 282LR

**TRACK**
Fremont boys and girls track teams: congratulate members and coaches for State wins(L. Johnson)..... 277LR
Fremont girls and boys track teams: commend for Class A state wins(L. Johnson)..... 282LR
Hayes Center Girls track team: congratulate for Class D win (Haberman)..... 281LR
Howells' girls track team: commend for Class C State win (Chronister)..... 279LR
Nebraska City boys track team: commend for Class B state win (Carsten)..... 284LR
Syracuse girls track team: commend for Class B state win(Carsten) 283LR

**TRADE PRACTICES**
Cargo Preference Act: urge Congress and President to support exemption of agricultural commodities(R. Johnson)..... 264LR
Commerce industry: interim study(Banking Comm.)..... 212LR

**TRADE SECRETS ACT**
Improperly issued patents: interim study to examine need for Trade Secrets Act(Wesely)..... 207LR

LR

TRANSPORTATION
High-level radioactive waste: interim study on transportation (Morehead)..... 130LR
Railroads: interim study(Pub. Works Comm.)..... 179LR
Rocky Mountain Airways: express appreciation for providing new service(Nichol)..... 52LR
Rural Nebraska needs: interim study(Morehead)..... 129LR
Trains longer than one mile: discourage operation(Vickers, Higgins, Rogers, Baack, Hartnett, Labedz, Barrett, Lundy, Morehead, Landis, Chambers, Conway, Lynch, Nelson, Chizek, DeCamp, Sieck, Smith, Withem, Scofield, Eret, Schmit, Pappas, V. Johnson, Wesely, Haberman, Beutler)..... 273LR
Week beginning May 12: urge Nebraskans to honor(Beyer)..... 253LR

TRAVEL AND TOURISM
National Tourism Week: proclaim week of May 19, 1985(Lynch, DeCamp, Nichol, Lundy, Hefner, Goll, Haberman, Remmers, Schmit, Withem, Scofield, Pappas, Rupp, Chizek, Beyer, Vickers, R. Johnson, Sieck, Chronister, Landis)..... 271LR
Visitors' Development Act: interim study to promote tourism (Sieck, Baack, Miller, Chizek, Lundy, Scofield)..... 216LR

TREES
Arbor Day: recognize contributions to environment and plant trees(Carsten, Marsh)..... 90LR
Midlands Youth Tree Planting Program: extend appreciation to Game and Parks Commission & Omaha World Herald for participation (Labedz, Carsten, Marsh, Rupp)..... 40LR

TUITION
Educational expenses: interim study to provide tax credit for parents(Labedz)..... 230LR

TUMOR REGISTRY, NEBRASKA
Interim study(Wesely)..... 162LR

UNEMPLOYMENT (See Employment Security)

UNIVERSITIES AND COLLEGES
Governing board: establish membership(Hoagland, Nelson, Beutler, Miller, Lundy, V. Johnson, Smith)..... 36CA
Government: provide for gubernatorial appointment of Nebraska University Regents(Nichol, req. of Gov.)..... 32CA
Nebraska Football Stadium: recognize services and contributions of Charles S. Reed upon death(Hartnett)..... 78LR
Nebraska University: interim study on teacher-student ratios, faculty salaries, enrollment, and student-space ratios(Pappas)... 123LR
Nebraska Wesleyan University boys basketball team: congratulate for outstanding season(Wesely, R. Johnson)..... 79LR
Nebraska women's swimming and diving team: congratulate(Wesely).. 73LR
Peru State College physical education building: name Al Wheeler Activity Center in recognition(Remmers)..... 272LR
Reorganization: interim study(Vickers, Pappas)..... 224LR
Retirement for public employees: interim study(Harris)..... 94LR
University Hewitt Center: express disapproval of barring female athletes(Chambers)..... 286LR

VETERANS
Apprenticeship and on-the-job training: urge Congress to include in Veterans Educational Assistance Act(Goodrich)..... 109LR
Homestead exemption: interim study to examine possibility of expanding eligibility to include veterans and spouses (Revenue Comm.)..... 199LR

Hunting and fishing permits: interim study on impact of fee-exempt permits for senior citizens and certain veterans (Rupp)..... 194LR

**VICTIMS OF CRIME**
Congress for concern and compassion of victims of crime: commend (Pirsch)..... 93LR
Victim Rights Week in Nebraska: declare April 14th to 20th, 1985(Pirsch)..... 84LR
Victims' Bill of Rights: interim study on impact(Pirsch)..... 147LR

**VIDEO SLOT MACHINES**
Provide for operation(DeCamp)..... 299CA

**VIETNAM**
POWs and MIAs: commemorate(R. Johnson, DeCamp)..... 250LR

**VISITORS' DEVELOPMENT ACT**
Interim study(Sieck, Baack, Miller, Chizek, Lundy, Scofield)..... 216LR

**VISUALLY HANDICAPPED, NEBRASKA SCHOOL FOR THE**
Merging with School of Deaf: interim study(V. Johnson)..... 192LR

**VOLUNTEERS**
County extension programs: honor(Beyer, Hartnett, Withem)..... 50LR

**VOTERS AND VOTING**
Low voter turnout at primary election: interim study(Hoagland, Withem)..... 89LR
Nebraska statutes that regulate elections: interim study(Landis). 171LR

**WASHINGTON D.C. (See also Congress)**
Agricultural crisis: establish committee to go to Washington D.C.(Schmit)..... 25LR
Agricultural products used as foreign aid: delegation to Washington D.C. should urge federal government(36 Senators)..... 14LR
Joint meeting of agriculture, banking and finance committees of surrounding states to send representatives to D.C. for ag crisis (Carsten, Vickers)..... 17LR
Legislators to Washington D.C. regarding agricultural crisis: send 20 members(46 Senators)..... 2LR

**WASTE**
Low-level radioactive waste: interim study on disposal (Chronister)..... 240LR
Solid waste disposal: interim study(Chronister)..... 239LR
Transportation of high-level radioactive waste: interim study (Morehead)..... 130LR

**WATER (See also Ground Water, Irrigation)**
Conservation: interim study(Sieck, Nelson)..... 233LR
Deer Creek facility: urge Governor and Attorney General to take action to protect North Platte and Platte Rivers(Schmit)..... 249LR
Development goals and planning: interim study on irrigation, and drainage(Pub. Works Comm.)..... 180LR
Ground water pollutants: interim study to deter(Schmit)..... 269LR
Ground Water Quality Protection Strategy: interim study (Chronister)..... 238LR
Missouri River Basin: urge coordination on water issues between surrounding legislatures(Schmit)..... 241LR
Nitrates in ground and surface water: interim study on levels and affects(Schmit, Sieck, Nelson, Chronister, Beutler, R. Johnson)..... 218LR
Pollutants that might endanger high quality of water: interim study(Beutler)..... 196LR

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Pollution of ground water: interim study(Beutler)..... 149LR
Reports by Natural Resources Commission: interim study on recommendations(Sieck)..... 244LR
Soil and water: acknowledge as precious resources and recognize week of April 21-27 as Soil and Water Conservation Week(Schmit, Sieck, Hefner, Vickers, Carsten, DeCamp, Warner, Morehead, Chronister, Peterson, Scofield, R. Johnson, Harris, Rogers, Nelson, Baack, Eret, Rupp, Barrett, Miller, Remmers)..... 96LR
State's use policy: interim study(Schmit)..... 221LR
Water projects: expand scope for which state can issue bonds (Schmit)..... 18CA

WAYNE-CARROLL
High school boys for Class B golf win: congratulate(Conway)..... 293LR

WEAPONS
Extremist groups and weaponry: interim study(Chizek)..... 112LR
Martial arts weapons: interim study(Lundy, Chronister)..... 62LR
Nuclear weapons: express support for bilateral freeze(Haberman).. 292LR
Nuclear: provides for a reduction(Wesely, Lynch, Marsh, V. Johnson, DeCamp, Conway, Sieck, Beutler, Vickers)..... 88LR

WESLEYAN UNIVERSITY
Basketball team, boys: congratulate for outstanding season (Wesely, R. Johnson)..... 79LR

WHEELER, AL
Peru State College physical education building: name Al Wheeler Activity Center in recognition(Remmers)..... 272LR

WHOOPING CRANES
Platte River Refuge: urge U.S. Department of Interior to study as habitat of whooping cranes(Schmit, Haberman, Lynch, Beyer, Miller, Vickers, Rogers, Baack, Eret, Higgins, Pappas, Chronister, Hefner, Goodrich, Carsten, R. Johnson, Remmers, DeCamp, Nichol, Lamb, Lundy, Sieck, Chizek, Peterson, Nelson, Smith, Barrett, Goll, Morehead, Harris)..... 46LR

WILDLIFE
Whooping cranes: urge U.S. Department of Interior to study Platte River Refuge as habitat(Schmit, Haberman, Lynch, Beyer, Miller, Vickers, Rogers, Baack, Eret, Higgins, Pappas, Chronister, Hefner, Goodrich, Carsten, R. Johnson, Remmers, DeCamp, Nichol, Lamb, Lundy, Sieck, Chizek, Peterson, Nelson, Smith, Barrett, Goll, Morehead, Harris)..... 46LR

WINNEBAGO RESERVATION
Law enforcement: interim study(Hoagland)..... 120LR
Retrocede criminal jurisdiction(Pappas)..... 303LR
Retrocession: provide(Pappas)..... 57LR
Retrocession: urge Legislature to support(Pappas, Hartnett, Goodrich, DeCamp, Chambers, V. Johnson, Haberman, Marsh, Schmit, Scofield, Beutler, Higgins, Lundy)..... 258LR

WISHNOW, BERNARD
Express sympathy to family(48 Senators)..... 3LR

WOMEN, COMMISSION ON THE STATUS OF
Commemorate for outstanding work(Pappas)..... 296LR

WORKMEN'S COMPENSATION
Benefits: interim study on adequacy(Barrett, Vickers)..... 226LR

YOUTH YEAR, UNITED NATIONS INTERNATIONAL
Urge Nebraska to support(39 Senators)..... 56LR

ZONING
New Federalism: interim study on impact on cities and villages (Withem, Scofield, Baack)..... 167LR

4-H PROGRAM
County extension program volunteers: honor(Beyer, Hartnett, Withem)..... 50LR